

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

New Haven Board of Education v. Student

Appearing on Behalf of the Parents: Shelley A. White, Esq.  
New Haven Legal Assistance Association, Inc.  
426 State Street  
New Haven, CT 06510

Appearing on Behalf of the Board: Marsha Belman Moses, Esq.  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Were the evaluations performed by the Board appropriate? If not;
2. Is the student entitled to an independent math evaluation at the Board's expense?

**PROCEDURAL HISTORY:**

The student is a 17 years and 3 months young man who has not been identified as a student with a disability as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a and is not entitled to receive a free appropriate public education ("FAPE").

On or about January 25, 2006, the Parents through their representative requested an independent math evaluation of the student. This request was denied by the Board. In accordance with 34 C.F.R. § 300.502(b)(2)(i), the Board requested a due process hearing. On or about January 25, 2006, the Parent received notice of the due process request and on or about January 31, 2006 a hearing officer was appointed to hear the matter.

A pre-hearing conference was held on February 21, 2006 and a hearing date of March 20, 2006 was chosen by the parties.

In a letter sent to the hearing officer, the Board informed the hearing officer that the matter was being withdrawn because the Parent was no longer requesting an independent evaluation.

The matter is, therefore, withdrawn with prejudice.

The Final Decision and Order date was extended to accommodate the hearing date.

The date for the Final Decision and Order is April 24, 2006.

**FINAL DECISION AND ORDER:**

The due process hearing is DISMISSED WITH PREJUDICE.