

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Hamden Board of Education v. Student

Appearing on Behalf of the Student: Ms. Mary Ellen Riccio
Surrogate Parent
20G Harbour Village
Branford, CT 06405

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

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the psychological evaluation performed by the Board appropriate? If not:
2. Should the Board perform an independent psychological evaluation as requested by the Surrogate Parent?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student is 6 years and 3 months old and has been identified with Multiple Disabilities and is entitled to receive a free and appropriate public education (“FAPE”) as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At the April 27, 2010 PPT meeting, the Surrogate Parent rejected the psychological evaluation performed by the Board and requested an independent psychological evaluation. The Board refused the Surrogate Parent’s request and the Board filed for due process.

On or about April 30, 2010, the Surrogate Parent received notice of the Board’s request for due process. An impartial hearing officer was appointed on April 30, 2010 and a pre-hearing conference was held on May 6, 2010. Hearing dates of June 7, 2010 and July 15, 2010 were chosen by the parties. At the July 15, 2010 hearing date, the parties informed the hearing officer that the Surrogate Parent was withdrawing her request for an independent psychological evaluation and the Board withdrew their request for due process.

At the request of the parties, in order to accommodate the filing of a final order and decision after the hearing dates, the date for the filing of the Final Decision and Order was extended. The date for the Final Decision and Order is August 15, 2010.

FINAL ORDER AND DECISION:

THE MATTER IS DISMISSED WITH PREJUDICE.