

July 14, 2011

Final Decision and Order 11-0501

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Plymouth Board of Education v. Student

Appearing on Behalf of the Parents:

Attorney Howard Klebanoff  
Klebanoff & Alfano, P.C.  
433 South Main Street, Suite 102  
West Hartford, CT 06110

Appearing on Behalf of the Board:

Pro Se

Appearing Before:

Attorney Justino Rosado  
Hearing Officer

**ISSUES:**

1. Was the psychological evaluation performed by the Board in 2011 appropriate? If not;
2. Are the Parents entitled to an independent evaluation at public expense?

**FINAL DECISION AND ORDER**

**SUMMARY and PROCEDURAL HISTORY:**

The Student has not been identified as a student entitled to receive a free and appropriate public education ("FAPE") as defined in the Individuals with Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parents requested a psychological evaluation. The Parents were not in agreement with the evaluation performed by the Board and requested an Independent Education Evaluation of the Student. The Board denied their request and filed for due process as required by 34 C.F.R. § 300.502.

An impartial hearing officer was appointed on June 15, 2011. A pre-hearing conference was held on June 30, 2011. In an electronic transmission dated June 30, 2011, the Board advised the hearing officer that the parties were working to resolve the matter and requested that the matter be withdrawn without prejudice. The date for mailing the Final Order and Decision is July 30, 2011.

**FINAL DECISION AND ORDER:**

**THE MATTER IS WITHDRAWN WITHOUT PREJUDICE.**