

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

New Haven Board of Education v. Student

Appearing on Behalf of the Parents:

Pro Se

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

**ISSUES:**

1. Is the Board entitled to an order allowing the Board to proceed with a medical evaluation of the Student by a physician designated by the Board in order to provide the Student with a free and appropriate public education (FAPE)?
2. Is the Board entitled to an order allowing the Board to proceed with a psychiatric evaluation of the Student by a psychiatrist designated by the Board in order to provide the Student with FAPE?
3. Was the academic achievement evaluation conducted by the Board appropriate to assess the Student's reading skills?

**FINAL DECISION AND ORDER**

**SUMMARY and PROCEDURAL HISTORY:**

The Student has been identified as Other Health Impaired and is entitled to receive 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 Parent refused to allow the Board to perform evaluations of the Student.

An impartial hearing officer was appointed on July 14, 2011 and a pre-hearing conference was held on July 26, 2011. A hearing date of September 23, 2011 was chosen by the parties. In an electronic transmission, the Board's attorney advised the hearing officer that the parties were able to create an IEP for the Student at a PPT meeting and that the evaluations requested by the Board were no longer required. The Board requested that the matter be withdrawn without prejudice. The withdrawal without prejudice was granted.

The date for mailing the Final Decision and Order was extended at the request of the Board in order to accommodate the hearing date. The Date for mailing the Final Decision and Order is September 27, 2011.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITHOUT PREJUDICE.**