

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Ellington Board of Education v. Student

Appearing on Behalf of the Parents: Pro Se

Appearing on Behalf of the Board: Attorney Matthew E. Venhorst  
Shipman & Goodwin LLP  
One Constitution Plaza  
Hartford, CT 06103-1919

Appearing Before: Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1. Were the evaluations performed by the Board sufficient to conclude that the Student was not eligible to receive special education and related services as defined in the Individuals with Disabilities Educational Improvement Act (IDEIA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a? If not;
2. Is the Student entitled to an independent neuropsychological evaluation at the Board's expense?

**SUMMARY and PROCEDURAL HISTORY:**

The Student is an 11 year old and 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 (IDEIA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At the December 14, 2009 IEP meeting, the Parents rejected the District's denial of the Student's eligibility for special education and related services and requested an independent evaluation at the Board's expense. The Board refused the Parents' request and the Board filed for due process.

An impartial hearing officer was appointed on January 28, 2010 and a pre-hearing conference was held on February 5, 2010. A hearing date of March 23, 2010 was chosen by the parties. Mediation was held on February 24, 2010. The parties were able to resolve the matter and the request for due process was withdrawn. The date for the Final Order and Decision is March 24, 2010.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**