

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Monroe Board of Education v. Student

Appearing on behalf of the Board: Attorney Marsha Belman Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing on behalf of the Parents: *Pro se*

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Whether the Board's evaluation and functional behavioral assessment (FBA) are appropriate.

PROCEDURAL HISTORY/DISCUSSION:

The Board filed this due process request pursuant to 34 C.F.R. §300.502(b) to defend the appropriateness of its educational evaluation and FBA. [Exhibit H.O.-1]

The Parents received this request for hearing on January 9, 2010, and a prehearing conference was convened on January 26, 2010. This matter convened on two hearing dates, March 2, 2010 and March 26, 2010.

At the first hearing date, the Mother, the Board school psychologist and the Board director of pupil personnel services testified. In her testimony, the Mother stated that she had no disagreement regarding the educational evaluation of the Student. As there was no disagreement as to the educational evaluation, the Board's attorney moved for summary judgment as to the appropriateness of the educational evaluation. The motion was granted. The Board's attorney also moved for summary judgment on the issue of the appropriateness of the FBA, which motion was denied as the Parent continued to dispute the appropriateness of the FBA.

Prior to the second hearing date, the Mother submitted notification that the Parents were withdrawing their request for an independent educational evaluation at public expense for the December 2009 functional behavioral assessment. [Exhibit H.O.-2] On the second hearing date, the sole issue of the appropriateness of the FBA remained. The Mother stated on the record that she was knowingly, voluntarily and willingly withdrawing the Parents' request for an independent educational evaluation, including an FBA, with prejudice.

Based on this statement, and at the request of the Board, the case was dismissed as no further issues remained to be decided.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.