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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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USCOA2           No.    204  
Jesus Fuentes, as a Parent of a  
Disabled Child,

Appellant,

v.

Board of Education of the City of  
New York, Barry Mastellone,  
Administrator of the HHVI of the  
Board of Education of the City of  
New York, and Denise Washington,  
Chief Administrator of the  
Impartial Hearing Office of the  
Board of Education of the City of  
New York,

Respondents.

\* \* \* \* \*

Certification of question by the United States Court of Appeals  
for the Second Circuit, pursuant to section 500.27 of this  
Court's Rules of Practice, accepted and the issues presented are  
to be considered after briefing and argument. Chief Judge Kaye  
and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones  
concur.

Decided September 16, 2008