

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Derby Board of Education

Appearing on behalf of the Parent:

Attorney Ni Tran  
New Haven Legal Assistance  
Association, Inc.  
426 State Street  
New Haven, CT 06510

Appearing on behalf of the Board:

Kyle A. McClain, Esq.  
Zangari Cohn Cuthbertson  
Duhl & Grello, P.C  
59 Elm Street, Suite 400  
New Haven, CT 06510

Appearing before:

Sylvia Ho, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the behavior a manifestation of the Student's disability?
2. Did the Board fail to find that the Student was a child with a disability under the IDEA?
3. If so, did the Board offer FAPE for the 2016-2017 school year?

**PROCEDURAL HISTORY/SUMMARY:**

The Parent filed the Expedited Due Process Complaint and Request for Hearing on January 11, 2017. The Hearing Officer was appointed on January 12, 2017 and conducted a Prehearing Conference on January 25, 2017. The hearing was scheduled for February 9, 2017. On February 7, 2017, the Parent's attorney reported to the Hearing Officer that the Parent was withdrawing the Hearing Request without prejudice.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED** without prejudice.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

Sylvia Ho

Hearing Officer

Name in Print