

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Pomfret Board of Education

Appearing on behalf of the Student: Attorney Heather Kaufmann
Kaufmann & Shaikh, LLP
P.O. Box 568
Columbia, CT 06237

Appearing on behalf of the Board: Attorney Gwen Zittoun
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Did the District err when it determined that the action of the Student which resulted in disciplinary action by the District was not a manifestation of Student's disability?

PROCEDURAL HISTORY AND SUMMARY:

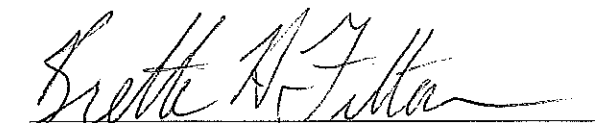
On June 17, 2016, the Board received a request for an expedited special education due process hearing filed by Student's Conservator. On June 21, 2016, the Connecticut State Department of Education appointed the Hearing Officer to preside over the expedited matter. During the prehearing conference held on June 24, 2016, July 6, 2016 was set as the date for the expedited hearing and the deadline for mailing the Final Decision and Order was established as July 20, 2016, ten school days after the hearing date. Also on June 24, 2016, the Board filed a Motion to Dismiss. This motion was discussed during the prehearing conference and the conservator was given the opportunity to file a written objection to the motion and the Parties were informed that they should be prepared to present argument on the Board's motion at the outset of the hearing and it would be ruled upon at that time. On June 29, 2016, the Student's conservator withdrew her request for an expedited special education due process hearing without prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed.

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

Brette H. Fitton
Hearing Officer Name in Print