

July 13, 2011

Final Decision and Order 11-0525 and 11-0518

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Student/Family: Attorney Anne Treimanis
Law Office of Anne I. Treimanis, LLC
10 Wall Street
Norwalk, CT 06850

Appearing on behalf of the Board: Attorney Marsha Belman Moses
Berchem, Moses, & Devlin, P.C.
75 Broad Street
Milford, CT 06850

Appearing before: Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Whether the Student's conduct which resulted in the pending disciplinary action was caused by or had a direct and substantial relationship to the Student's disability, or whether the conduct in question was the direct result of the Board's failure to implement the IEP.

PROCEDURAL HISTORY/DISCUSSION:

These two requests for hearing, one filed on behalf of the Student by the Aunt and one filed on behalf of the Student by the Grandfather, were received by the Board on June 16 and June 20, 2011. A prehearing conference was convened by the undersigned hearing officer on June 2, 2011 and the two cases were consolidated.

On July 8, 2011 the Family's attorney submitted a "Motion to Withdraw Part of the Above Referenced Exediated [*sic*] Request for Due Process Cases." In the body of the motion, the Family's attorney requests that the Request for Due Process in connection with the manifestation hearing be withdrawn without prejudice, but that the additional issues in the case "remain untouched." As the sole issue in this consolidated matter is the manifestation determination, this matter is hereby dismissed. This decision does not relate to the new request for hearing which has been submitted to the due process unit also dated July 8, 2011 and has not yet been assigned to a hearing officer.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**, without prejudice.