

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Middletown Board of Education v. Student and
Student v. Middletown Board of Education

Appearing on behalf of the Student: Attorney Anne I. Treimanis
10 Wall Street
Norwalk, CT 06859

Appearing on behalf of the District: Attorney Christine Chinni
Chinni & Meuser LLC
30 Avon Meadow Lane
Avon CT 06001

Appearing before: Attorney Ann F. Bird, Hearing Officer

FINAL DECISION AND ORDER

ISSUES

1. Are the evaluations conducted by the Board of Education appropriate?
2. If not, is the Board of Education required to pay for independent evaluations of the Student?
3. Is the Student eligible for special education or related services?
4. If so, what should the Student's program be?
5. If so, is the Student entitled to compensatory educational services?

PROCEDURAL HISTORY

The Board of Education submitted a Request for Impartial Special Education Hearing on December 5, 2011. The Hearing Officer was assigned to the case on December 6, 2011. Hearings were scheduled and commenced on January 13, 2012 and January 27, 2012. On each occasion, the parties requested postponement to allow time for the Student to retain counsel and because the Board of Education's witness was unavailable due to an emergency. A further hearing was scheduled for February 24, 2012. Subsequently, on February 14, 2011, the Student submitted his own Request for Impartial Special Education Hearing which was assigned Case No. 12-0291. The Student moved to consolidate the two matters on February 17, 2011. A telephonic prehearing conference was conducted on March 1, 2012. Counsel for each party participated in the prehearing conference and requested hearing dates that would allow time for mediation. Hearing dates of April 27, 2012 and May 3, 7, 11 and 15, 2012 were scheduled. In addition, on March 4, 2012 the Hearing Officer ordered that the two matters be consolidated under this case number.

On January 13, 2012, Counsel for the Board of Education requested a thirty-day extension of the timeline for conducting the hearing and mailing the final decision. On January 18, 2012, the

Hearing Officer granted the request for an extension of thirty days, to February 18, 2012. On January 27, 2012, Counsel for the Board of Education requested a second thirty-day extension of the timeline for conducting the hearing and mailing the final decision, which was granted on February 23, 2012 to March 17, 2012. On February 21, 2012, Counsel for the Student requested yet another thirty-day extension of the timelines to conduct the hearing and to file the final decision in this case, to April 16, 2012. That request was granted on February 23, 2012.

On March 28, 2012, Counsel for the Student notified the Hearing Officer that the Student's Request for Due Process Hearing was withdrawn without prejudice. On April 4, 2012, Counsel for the Board of Education notified the Hearing Officer that the Board of Education's Request for Due Process Hearing was also withdrawn without prejudice. As a result, the Hearing Officer canceled the hearings.

FINAL DECISION AND ORDER

It is ordered that this case shall be dismissed without prejudice.