

December 4, 2012

Final Decision and Order 13-0202

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Windham Board of Education

Appearing on behalf of the Student:

Parent

Appearing on behalf of the Board:

Mr. Jeff Forman  
Director of Pupil Services  
Windham Board of Education  
322 Prospect Street  
Willimantic, CT 06226

Appearing before:

Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the Board's evaluation of Student inappropriate? If the Board's evaluation of the student was inappropriate, is the Student entitled to an Independent Educational Evaluation at public expense?
2. Did the Board commit procedural violations of the the Individuals with Disabilities Education Improvement Act (hereinafter "IDEA")? If the Board committed procedural violations of IDEA, did such violations deny the Student a Free Appropriate Public Education?

**PROCEDURAL HISTORY:**

On November 7, 2012, the Windham Board of Education received a Request for a Special Education Due Process Hearing. The undersigned hearing officer was appointed on November 9, 2012. The deadline for the mailing of the final decision and order was January 21, 2013. In an effort to resolve the issues, the parties engaged in two resolution meetings, which were held on November 16, and November 27, 2012. On November 29, 2012, before the prehearing conference was held, parent indicated she was withdrawing the hearing request.

**FINAL DECISION AND ORDER:**

In light of the above facts, the case is dismissed without prejudice.