

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and New Britain Board of Education

Appearing on behalf of the Student:

Attorney Colin Milne
Office of Protection and Advocacy
for Persons with Disabilities
60B Weston Street
Hartford, CT 06102

Appearing on behalf of the Board:

Attorney Michael McKeon
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103

Appearing before:

Ann F. Bird, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the Board of Education's proposed Individualized Education Program for the Student for the 2013-2014 School Year appropriate?
2. If the response to Question No. 1 is negative, is the Options program appropriate for the Student?
3. If the Options Program is not appropriate, what remedies, if any, are appropriate?

PROCEDURAL HISTORY:

The Student requested an Impartial Special Education Hearing in this matter on July 11, 2013. This Hearing Officer was also appointed on July 11, 2013.

A telephonic pre-hearing conference was held on July 25, 2013. The deadline for submitting the final decision was established to be September 24, 2013, and hearings were scheduled for August 23, 2013 and September 6, 2013.

A hearing was convened on August 23, 2013. Unfortunately, a translator was not secured for the hearing on that date due to a miscommunication. It was necessary to adjourn the hearing in order to arrange for a translator. Additional hearing dates of September 12, 2013, September 30, 2013 and October 1, 2013 were scheduled. In addition, Counsel for the Board of Education requested a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in the case to October 24, 2013. The purpose of the request was to allow sufficient time to conduct the hearing and

issue a final decision. The request was granted, and the deadline to file the final decision was extended to October 24, 2013.

A hearing was again convened on September 6, 2013 with an appropriate translator present. At that time, counsel for the parties notified the Hearing Officer that they had reached a tentative settlement and requested that the hearing on that day and on future days be adjourned in order to allow them time to finalize the settlement. The Hearing Officer granted the parties' request.

On October 18, 2013, Counsel for the Student filed a written Request for Withdrawal of the matter with prejudice.

FINAL DECISION AND ORDER:

The Student's Request for Withdrawal is granted and this matter is hereby dismissed with prejudice.