

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. New Britain Board of Education and Hartford Board of Education

Appearing on behalf of the Parents:

Attorney Colin M. Milne  
Office of Protection and Advocacy For  
Persons with Disabilities  
60B Weston Street  
Hartford, CT 06120

Appearing on behalf of the New Britain Board:

Attorney Alyce L. Alfano  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103

Appearing on behalf of the Hartford Board:

Attorney Christine L. Chinni  
Chinni & Meuser LLC  
One Darling Lane  
Avon, CT 06001

Appearing before:

Justino Rosado, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the Student's behavior a manifestation of his disability? If not;
2. Is maintaining the Student's current placement substantially likely to result in injury to the Student or to others? If so;
3. Should the Student be returned to the placement from which he was removed?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Specific Learning Disabilities and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. This was an expedited hearing. At a planning and placement team (PPT) meeting, the Parents rejected the finding that the Student's behavior was not a manifestation of his disability. The Parents requested that the Student be returned to the placement from which he was removed. The Board refused the Parents' request.

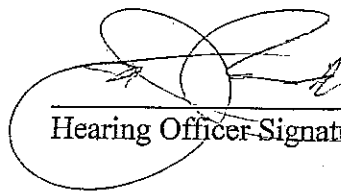
On January 8, 2015, the Board received notice of the Parents' request for due process. The matter had been previously assigned to a different hearing officer. On January 13, 2015, a recusal was filed by the hearing officer; this impartial hearing officer was appointed on January 13, 2015 and a pre-hearing conference was held on January 15, 2015. In an electronic transmission, the Parents' attorney advised the hearing officer that the matter was being withdrawn without prejudice. The Boards did not object to the Parents' attorney's request. The withdrawal was granted. The date for the mailing of the Final Decision and Order is March 23, 2015.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITHOUT PREJUDICE.**

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).

A handwritten signature in black ink, appearing to read 'Justino Rosado', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke.

Hearing Officer Signature

Justino Rosado  
Hearing Officer Name in Print