

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Middletown Board of Education

Appearing on behalf of the Surrogate Parent:

Attorney Brian C. Fournier
The Fournier Law Firm, LLC.
1948 Chapel Street
New Haven, CT 06515

Appearing on behalf of the Board:

Attorney Rebecca R. Santiago
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before:

Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

Is the Student eligible to receive special education and related services as defined in the Individuals with Disabilities Education Improvement Act (IDEA)?

SUMMARY AND PROCEDURAL HISTORY:

The Student has not been identified as entitled to receive a free and appropriate public education (FAPE) as defined in IDEA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Surrogate Parent rejected the educational evaluation performed by the Board. The Surrogate Parent requested that the Student be reinstated as eligible to receive special education and related services as defined in IDEA. The Board refused the Surrogate Parent's request and filed for a due process hearing.

The Board received notice of the Surrogate Parent's request for due process on March 12, 2014 and a resolution meeting was held on March 20, 2014. An impartial hearing officer was appointed on March 12, 2014 and a pre-hearing conference was held on March 20, 2014. The hearing date chosen by the parties was May 8, 2014.

On April 24, 2014, the parties informed the hearing officer that they were able to resolve the matter but need additional time to perform tests of the Student. The Surrogate Parent's attorney withdrew the matter without prejudice. The mailing date for the Final Decision and Order is May 26, 2014.

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).



Hearing Officer Signature

Justino Rosado
Hearing Officer Name in Print