

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Hartford Board of Education

Appearing on behalf of the Student: Attorney Colin Milne  
State of Connecticut  
Office of Protection and Advocacy  
60B Weston Street  
Hartford, CT 06120

Appearing on behalf of the Board: Attorney Michael McKeon  
Pullman & Comley, LLC  
90 State House Square  
Hartford, CT 06103-3702

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District err when it determined that Student's conduct was not a manifestation of his disability?
2. Did the District err when it decided to expel student, which constituted a change in placement?
3. Did the District commit substantive and procedural violations of the Individuals with Disabilities Education Act that operated to deny Student a Free Appropriate Public Education for the 2016-2017 school year?
4. Is the Student entitled to compensatory education?

**PROCEDURAL HISTORY AND SUMMARY:**

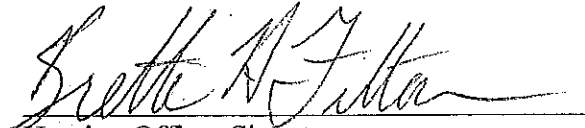
On October 19, 2016, the Board received Parent's request for an expedited special education due process hearing. The undersigned Hearing Officer was appointed by the Connecticut State Department of Education on October 20, 2016. Pursuant to the expedited deadlines set forth under R.S.C.A. §10-76-10 and 34 CFR §532(c), November 17, 2016 was identified as the deadline for completion of the hearing and December 2, 2016 was determined to be the deadline for the mailing of the final decision and order. Hearing dates of October 31, 2016 and November 1, 2016 were assigned by the Hearing Officer. A prehearing conference was scheduled for October 21, 2016. The prehearing conference was postponed at the request of the attorneys, who indicated that the case had been settled and would be withdrawn on October 25, 2016. On October 25, 2016, Parent's attorney withdrew the request for an expedited special education due process hearing without prejudice.

**FINAL DECISION AND ORDER:**

In light of the above facts, the case is dismissed.

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

Brette H. Fitton  
Hearing Officer      Name in Print