

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Madison Board of Education

Appearing on behalf of the Parent:

William Bilcheck, Esq.
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PO Box 281
Madison, CT 06443

Appearing on behalf of the Board:

Michelle Laubin, Esq.
Bercham, Moses and Devlin, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Sylvia Ho
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Was the behavior that was the basis of the Student's discipline a manifestation of the Student's disability as defined by 34 C.F.R. §300.530(e)(1)?

PROCEDURAL HISTORY/ SUMMARY:

Parents filed a request for an expedited due process hearing on November 16, 2012. The Request was received on November 19, 2012. The Mailing Date of the Final Decision is January 2, 2013. A hearing date was noticed for November 29 and then rescheduled for December 5, 2012 on request of the Parents' attorney. On November 30, 2012, Parent's attorney notified the Hearing Officer that the Board and Parents had begun a dialogue to settle their differences. Therefore, Parents requested that the due process hearing be withdrawn, without prejudice, with the hopes that a settlement can be reached. The Parents requested that they be allowed to reopen the issues in the due process hearing in the event the parties did not reach agreement. The Board indicated that it had no objection to the Parents' request to withdraw without prejudice.

FINAL DECISION AND ORDER:

The matter is hereby **DISMISSED** without prejudice.