

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. New Britain Board of Education

Appearing on behalf of the Surrogate Parent:

Pro Se

Appearing on behalf of the Board:

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

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. At a planning and placement team (PPT) meeting, the Surrogate Parent rejected the finding that the Student's behavior was not a manifestation of his disability. The Surrogate Parent requested that the Student be returned to the placement from which he was removed. The Board refused the Parent's request.

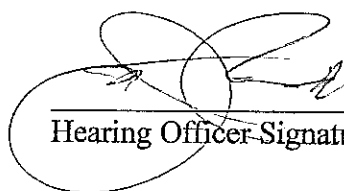
On December 23, 2014, the Board received notice of the Surrogate Parent's request for due process. The parties agreed to a resolution session. The date of the resolution session was December 29, 2014. An impartial hearing officer was appointed on December 22, 2014 and a pre-hearing conference was held on December 24, 2014. This was an expedited hearing. A hearing date of January 20, 2015 was chosen by the parties. On December 30, 2014, in an electronic transmission, the Surrogate Parent advised the hearing officer that the parties were able to resolve the matter and it was being withdrawn with prejudice. The Board agreed with the Parent's attorney's request. The withdrawal was granted. The date for mailing the Final Decision and Order is February 20, 2015.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH 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