

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Appearing on behalf of the Parent:	Attorney Andrew D. O'Toole 100 Pearl Street, 14 <sup>th</sup> Floor Hartford, CT 06103
Appearing on behalf of the Board:	Attorney Susan C. Freedman Shipman & Goodwin, LLP One Constitution Plaza Hartford, CT 06103-1919
Appearing before:	Robert L. Skelley, Esq. Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

**Parent Issues:**

1. Did the West Hartford Board of Education ("Board") improperly decide that the Student's behaviors were not a manifestation of the Student's disability?
2. Did the Board fail to implement the Student's individualized education program ("IEP")?
3. Is the Board's interim alternative education setting appropriate for this Student?

**Board Issues:**

1. Did the Parents voluntarily decline to allow the Student to receive special education services prior to the incident in question?
2. If the answer to Board's issue number 1 is YES, does the Hearing Officer have jurisdiction to hear this complaint?

**PROCEDURAL HISTORY:**

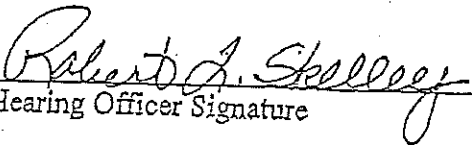
The Parents, through counsel, filed this complaint on December 13, 2013. This was filed as an expedited hearing request. A prehearing conference was held on December 18, 2013, from which the above issues were identified. The expedited hearing date was set for January 21, 2014. The final decision and order date was set for February 4, 2014. On December 23, 2013, the Parents, through counsel, withdrew their expedited complaint without prejudice. The hearing officer clarified that the request was for a complete withdrawal of the complaint and not a change to a non-expedited status, to which counsel confirmed that the withdrawal without prejudice was a complete withdrawal.

**FINAL DECISION AND ORDER:**

On December 23, 2013 the Parents withdrew, without prejudice, their request for an expedited due process hearing. With no further issues to be decided, 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

Robert L. Skelley, Esq.

Hearing Officer      Name in Print