

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Britain and Middletown Boards of Education

Appearing on behalf of the Student:

David Cooney, Esq.
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Hartford, CT 06126

Appearing on behalf of the Boards:

Leander Dolphin, Esq.
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One Constitution Plaza
Hartford, CT 06103-1919

Appearing before:

Sylvia Ho, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board offer Student an appropriate program for 2013-2014 school year?
2. Did the Board violate student's rights to procedural due process in failing to promptly identify Student as being eligible for special education services?
3. Did the Board violate student's rights to procedural due process by failing to promptly conduct a manifestation determination after the decision to discipline the Student with a ten-day suspension?
4. Do the circumstances warrant an award of compensatory education?

PROCEDURAL HISTORY/SUMMARY:

The Student filed the Due Process Complaint against the Middletown and New Britain Boards of Education on June 17, 2013. The Hearing Officer conducted a Prehearing Conference on June 28, 2013 and scheduled a hearing for August 6, 2013. The Middletown Board of Education filed a Motion to Dismiss on June 28, 2103. The Student filed an Objection to Middletown Board of Education's Motion to Dismiss on July 11, 2013. The Hearing Officer deferred ruling on the Motion to Dismiss until the first day of hearing. On July 30, 2013, the parties filed a Joint Request for Extension of the Mailing Date and Postponement of the Hearing Date so that they could engage in an upcoming voluntary mediation. The joint request was granted. The hearing of August 6, 2013 was cancelled and rescheduled for August 23, 2013 and the mailing date of the Final Decision was extended from August 9, 2013 to September 6, 2013. On August 9, 2013, the Student's attorney notified the Hearing Officer that the parties successfully resolved their dispute in mediation and that the Student was withdrawing the Due Process Complaint and Hearing Request with prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED** with prejudice.