

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Trumbull Board of Education

Appearing on behalf of the Parents: *Pro se*

Appearing on behalf of the Board: Attorney Michelle Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Student's primary disability is appropriate;
2. If not, whether the Student's primary disability shall be autism;
3. Whether the Board offered the Student a free appropriate public education [FAPE] for the 2009-10 school year;
4. Whether the Board offered the Student FAPE for the 2010-11 school year;
5. Whether the Student is entitled to compensatory education;
6. Whether the Parents' placement of the Student at CCCD is appropriate;
7. Whether the Parents shall be reimbursed for the CCCD tuition, as well as the transportation costs.

PROCEDURAL HISTORY/DISCUSSION:

This request for hearing was received by the Board on February 3, 2011. A prehearing conference convened on February 15. On February 22, the Parents submitted a Motion to Consolidate this case with another pending case, Case No. 11-0262, which had been filed by the Board. Prior to action on this Motion to Consolidate, the Board withdrew its Request for Hearing in Case No. 11-0262. Based on this, the Motion to Consolidate was denied as Moot.

On Friday, March 3, 2011, the Board submitted a request that the undersigned hearing officer take jurisdiction over the Board's issues which were pending in Case No. 11-0262. On March 4, the Parents submitted notice that they were withdrawing their case without prejudice. The Motion to take jurisdiction over the Board's issues was denied, as the Board's case had been dismissed without prejudice. If the Board elects to proceed on their issues, a request for due process should be submitted to the Due Process Unit. As the Parents have submitted a Notice that they withdraw their request for hearing without prejudice, this matter is hereby dismissed, without prejudice.

FINAL DECISION AND ORDER:

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