

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parent:

Attorney Andrew Feinstein
Attorney at Law, LLC
86 Denison Avenue
Mystic, Ct 06355

Appearing on behalf of the Board:

Attorney Michael P. McKeon
Sullivan, Schoen, Campana & Connon, LLC
646 Prospect Avenue
Hartford, Connecticut 06105-4286

Appearing before:

Justino Rosado Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the Student eligible to receive special education and related services as defined in the Individuals with Disabilities Education Improvement Act (IDEA)? If yes;
2. In order to receive a free and appropriate public education (FAPE) in the least restrictive environment (LRE), should the Student be placed at Winston Preparatory School in Norwalk CT for the 2012-2013 school year?

SUMMARY and PROCEDURAL HISTORY:

The Student has not been identified as entitled to receive FAPE as defined in 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 Parent disagreed with the PPT's finding that the Student was not eligible to receive special education and related services as defined in IDEA. The Parent requested that the Student be identified as eligible. The Board refused the Parent's request. On August 26, 2012, the Board received notice of the Parent's request for due process. The parties agreed to go a resolution meeting.

An impartial hearing officer was appointed on August 28, 2012 and a pre-hearing conference was held on September 6, 2012. A hearing date of October 10, 2012 was chosen by the parties. In an electronic transmission dated October 9, 2012, the hearing officer was advised that the Parent had retained counsel.

At the October 10, 2012 hearing date, a letter was read on the record that the Parent was withdrawing the matter without prejudice. The withdrawal was granted. The date for mailing of the final decision and order is November 9, 2012.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.