

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Haven Board of Education

Appearing on behalf of the Parent: Attorney Nhi Tran
New Haven Legal Assistance
426 State Street
New Haven, Ct 06510

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

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board have a basis of knowledge that would have given the Student protection under the Individuals with Disabilities Education Improvement Act (IDEA), CFR §300.534, prior to the behavior that precipitated the disciplinary action? If yes;
2. Did the Board violate the Student's procedural rights by the expulsion?

SUMMARY AND PROCEDURAL HISTORY:

The Student has not been identified as eligible to receive a free and appropriate public education (FAPE) as defined in the IDEA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

The Student had a pending expulsion hearing and the Parent requested an expedited due process hearing. The Parent asserts that the Board failed to act on the knowledge it had that the Student has a suspected disability, and that his disciplinary history and teacher concerns should have resulted with the Board evaluating the Student for special education eligibility. The Parent requests a stay of the expulsion hearing. The Board refused the Parent's request to stay the expulsion hearing.

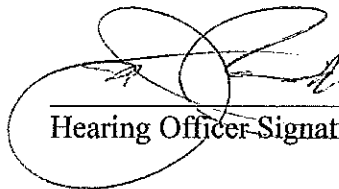
On March 19, 2014, the Board received notice of the Parent's request for an expedited due process. On March 26, 2014, the parties held a resolution meeting. An impartial hearing officer was appointed on March 14, 2014 and a pre-hearing conference was held on March 19, 2014. Hearing dates of April 9 and 10, 2014 were chosen by the parties. In an electronic transmission dated April 7, 2014, Parent's attorney informed the hearing officer that the matter had been resolved. The Parent's attorney withdrew the matter with prejudice. The date for mailing the Final Decision and Order is May 2, 2014.

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