

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent: Parent, *Pro se*
Appearing on behalf of the Board: Director of Special Education
Appearing before: Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Has the Planning and Placement Team (PPT) provided a complete Individualized Education Program (IEP) for Student for the 2007-2008 school year?
2. How has a 2007-2008 IEP/multiple IEPs been implemented?
3. Is there data from which grades were developed?
4. Have the interventions described in IEP(s) been implemented?
5. Is the learning environment provided by the Board safe for Student?
6. Has Student been discriminated against based on his disability? [A Section 504 claim ancillary to claims under state and federal special education law.]
7. As a “stay put” placement, should Student’s afternoon program be extended to noon to 6 p.m.? [The Board claims this change has been made.]

PROCEDURAL HISTORY:

This hearing was requested on April 7, 2008, and the Hearing Officer was appointed on the same day. A pre-hearing conference by conference telephone call was scheduled for April 23, 2008. At the scheduled time, the Parent appeared but the Director of Special Education did not appear. The Director contacted the Hearing Officer later in the day, and agreed that the issues presented by Parent had been discussed with the Director and/or the Planning and Placement Team (PPT). The date for mailing the final decision and order was set for June 21, 2008.

The hearing was scheduled for May 6 and 20, 2008. By e-mail dated April 29, 2008, Parent informed the Hearing Officer that the parties had scheduled a resolution meeting for May 6, 2008, and that mediation would be tried if resolution was not achieved in the meeting. Parent concluded "We will re-file if needed."

The Hearing Officer e-mailed the parties on May 4, 2008, asking for confirmation that the hearing request had been withdrawn, and Director responded on May 4. Parent confirmed withdrawal on May 5, 2008.

All motions and objections not previously ruled upon, if any, are hereby overruled.

CONCLUSIONS OF LAW AND DISCUSSION:

Section 10-76h, Connecticut General Statutes (C.G.S.), authorizes an impartial hearing officer to conduct a special education hearing and to render a final decision in accordance with Sections 4-176e through 4-180a, inclusive, and Section 4-181a. Federal regulations at 34 C.F.R. § 300.511 also provide for special education hearings.

FINAL DECISION AND ORDER:

The request for hearing having been withdrawn, this matter is DISMISSED without prejudice.