

December 12, 2011

Final Decision and Order 12-0140

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Middletown Board of Education v. Student

Appearing on behalf of the Parents: Attorney Courtney Spencer  
Law Offices of Courtney Spencer LLC  
701 Hebron Avenue  
Glastonbury CT 06033

Appearing on behalf of the District: Attorney Christine Chinni  
Chinni & Meuser LLC  
30 Avon Meadow Lane  
Avon CT 06001

Appearing before: Attorney Ann F. Bird, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES**

Was the Board of Education's evaluation of the student appropriate, and if not, is the Parent entitled to an independent evaluation at the Board of Education's expense?

**PROCEDURAL HISTORY**

The Board of Education submitted a Request for Impartial Special Education Hearing, which was received by the Parent on October 8, 2011. The Hearing Officer was assigned to the case on October 14, 2011. A telephonic prehearing conference was conducted on October 25, 2011. Counsel for each party participated in the prehearing conference and requested a hearing date in December 2011 in order to allow them time to discuss settlement. A hearing date of December 8, 2011 was scheduled.

On October 27, 2011, counsel for the Board of Education requested a thirty-day extension of the timeline for conducting the hearing and mailing the final decision. On November 11, 2011, the Hearing Officer granted the request for an extension of 30 days. On December 2, 2011, Counsel for the Student submitted a Witness List as well as Proposed Exhibits to the Hearing Officer.

On December 7, 2011, Counsel for the Board of Education notified the Hearing Officer that the Board of Education's Request for Due Process Hearing was withdrawn without prejudice. As a result, the Hearing Officer canceled the hearing.

**FINAL DECISION AND ORDER**

It is ordered that this case shall be dismissed without prejudice.