

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Appearing on behalf of the Parent: Attorney Colin Milne
Office of Protection and Advocacy for
Persons with Disabilities
60 B Weston Street
Hartford, CT 06102

Appearing on behalf of the Board: Attorney Michael McKeon
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06105

Appearing before: Robert L. Skelley, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the New Britain Board of Education ("Board") deny the Student a free and appropriate public education ("FAPE") in the 4/12/2013 Individual Education Program ("IEP") because it was created without parental input and does not provide the Student with the least restrictive environment ("LRE")?
2. Does the 4/12/2013 IEP deny the Student a FAPE because it fails to maintain the Student at the Options Educational Services ("Options") placement?
3. Does the 4/12/2013 IEP fail to provide the Student a FAPE because it does not include an extended school year ("ESY") for the 2013 -2014 summer period?

PROCEDURAL HISTORY:

This matter was filed on April 26, 2013. A pre-hearing conference was held on May 20, 2013, where the issues stated above were identified. A due process hearing date was set for July 9, 2013 to accommodate scheduling conflicts for counsel. A request to extend the final decision date from July 10, 2013 for thirty days was granted on July 2, 2013. At that point the final decision and order date was extended to August 9, 2013. The parties were given a series of dates for re-scheduling the hearing date from July 9, 2013, however the parties could not come to agreement on a date and time for the hearing to occur. On July 3, 2013, Counsel for the Parents withdrew the complaint, via an email to the hearing officer, without prejudice.

FINAL DECISION AND ORDER:

Counsel for the Parents, via writing, withdrew the complaint for due process without prejudice. Having no further issues to be resolved, this matter is DISMISSED without prejudice.