

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Thomaston Board of Education

Appearing on behalf of the Surrogate Parent: Pro Se

Appearing on behalf of the Board: Attorney Craig Meuser
Chinni & Meuser, LLC
One Darling Drive
Avon, CT 06001

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the Student's behavior a manifestation of his disability? If not;
2. Is maintaining the Student's current placement substantially likely to result in injury to the Student or to others?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Emotional Disturbance and is entitled to receive a free and appropriate public education (FAPE) as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. This was an expedited hearing. At a planning and placement team (PPT) meeting, the Surrogate Parent rejected the finding that the Student's behavior was not a manifestation of his disability. The Surrogate Parent requested that the Student be returned to the placement from which he was removed. The Board refused the Parent's request.

On January 28, 2015, the Board received notice of the Surrogate Parent's request for due process. The parties agreed to a resolution session. The date of the resolution session was February 11, 2015. An impartial hearing officer was appointed on January 28, 2015, the hearing officer recused herself. This hearing officer was appointed on January 28, 2015. A pre-hearing conference was held on February 2, 2015. Hearing dates of February 26 and 27, 2015 were chosen by the parties.

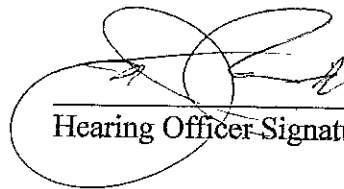
In an electronic transmission, the Surrogate Parent advised the hearing officer that the Student was relocating to another state and he was withdrawing the due process request. The Board did not object. The date for mailing the Final Decision and Order is March 13, 2015.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT 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