

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. CTHSS Board of Education

Appearing on behalf of the Parent: Lawrence W. Berliner, Esq.
Law Offices of Lawrence W. Berliner, LLC
1720 Post Road East, Ste. 214 E
Westport, CT 06880

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:

Was the Student's conduct, according to 34 C.F.R. §300.534, not a manifestation of his disability as decided by the Board at the May 5, 2016 meeting?

SUMMARY AND PROCEDURAL HISTORY:

At the time of the manifestation determination, the Student was not identified as 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.

At a planning and placement team (PPT) meeting, the Parents disagreed with the determination that the Student's conduct was not a manifestation of his disability and stated that the Student's conduct was a manifestation of his disability according to 34 C.F.R. §300.534; the Board disagreed with the Parents. The Parents filed for an expedited due process hearing; notice was received by the Board on June 20, 2016.

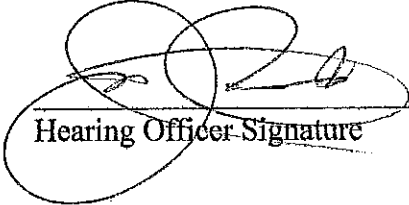
An impartial hearing officer was appointed on June 20, 2016 and a pre-hearing conference was held on June 27, 2016. Hearing dates of July 13 and 14, 2016 were chosen by the parties. In an electronic transmission dated June 29, 2016, the Parents' attorney informed the hearing officer that the matter had been resolved and withdrew the matter with prejudice. The date for the mailing the Final Decision and Order is August 4, 2016.

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