

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. North Haven Board of Education

Appearing on behalf of the Parents: Paul Garlinghouse, Esq.  
171 Orange Street, Suite 301  
New Haven, CT 06510

Appearing on behalf of the Board: Leander Dolphin, Esq.  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103

Appearing before: Justino Rosado, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

Does the Student require homebound tutorial, in the home, to receive a free and appropriate public education (FAPE)?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student is entitled to receive a free and appropriate public education in the least restrictive environment 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 Parent disagreed with the recommendations offered by the District and requested the addition of homebound tutorials in the Student's IEP. The Board refused the Parent's request.

An impartial hearing officer was appointed on March 6, 2017, and a pre-hearing conference was held on March 15 and June 21, 2017. The parties attended a resolution session. Hearing dates of July 17 and 18, 2017 were chosen by the parties. The District filed a sufficiency challenge. The Parent's attorney cured the sufficiency challenge and amended the complaint. In an electronic transmission, the Parent's attorney advised the hearing officer the matter was resolved and requested that the hearing dates be cancelled. The hearing dates were cancelled and additional time was given to allow the parties to memorialize the agreement. However, the withdrawal of the matter was not done in a timely manner and a hearing date of August 29, 2017 was set by the hearing officer. At the August 29, 2017 hearing date the Parent's attorney withdrew the matter with prejudice. There was no objection by the District. The mailing date of the Final Decision and Order was extended on the record to accommodate the writing of the decision and to accommodate the hearing date. The mailing date of the Final Decision and Order was extended to accommodate the hearing date and the writing of a decision. The mailing date for the Final Decision and Order is September 27, 2017.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**