

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Middletown Board of Education

Appearing on Behalf of the Surrogate Parent: Attorney Traci Valery
Valery Law Office, LLC
944 N. Colony Road # 312
Wallingford, CT 06492

Appearing on Behalf of the Board: Attorney Christine L. Chinni
Chinni & Meuser LLC
30 Avon Meadow Lane
Avon, CT 06001

Appearing Before: Attorney Justino Rosado
Hearing Officer

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student 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. At a planning and placement team (PPT) meeting, the Surrogate Parent rejected the program offered by the Board for the 2012-2013 school year. The Surrogate Parent requested a clinical day program for the Student. The Board refused the Surrogate Parent's request.

An impartial hearing officer was appointed on June 27, 2012 and a pre-hearing conference was attempted on July 9, 2012. The Surrogate Parent's attorney was on trial and had previous engagements which prevented a timely pre-hearing conference.

In an electronic transmission, the Surrogate Parent's attorney advised the hearing officer she would re-file the request for due process. Additional information was requested of the Board in order to obtain more information about the Student but it was not provided.

The date for mailing the Final Decision and Order is September 9, 2012.

FINAL DECISION AND ORDER:

The matter is dismissed without prejudice.