

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Hartford Board of Education

Appearing on behalf of the Parent: Attorney Megan Freed
Freed Marcroft LLC
419 Main Street
Hartford, CT 06103

Appearing on behalf of the Hartford Board: Attorney Frederick L. Dorsey
Kainen, Escalera and McHale, P.C.
21 Oak Street
Hartford, CT 06106

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the Student's behavior a manifestation of his disability? If so;
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 as Hearing Impaired and is entitled to receive 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 legal guardians objected to the proposed expulsion of the Student. The guardians requested that the Student be maintained in his current placement. The Board refused the guardians' request. On November 23, 2014, the Board received notice of the guardians' request for due process. The parties agreed to waive a resolution session and go to mediation.

An impartial hearing officer was appointed on November 24, 2014 and a pre-hearing conference was held on December 1, 2014. The parties chose December 22 and 23, 2014 as hearing dates. On November 24, 2014, the parties agreed to postpone the expulsion hearing and agreed to a temporary change in placement during the postponement of the expulsion hearing. On December 5, 2014, the Board filed a Motion to Implead the Magnet School the Student attended.

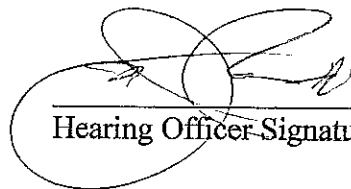
In an electronic transmission dated December 18, 2104, the guardians' attorney requested that the matter be withdrawn as the parties had ratified a stipulated agreement. The withdrawal was granted. The date for mailing the Final Decision and Order is January 20, 2015.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED.

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