

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. New Haven Board of Education

Appearing on behalf of the Student: Attorney Matthew Rubano  
142 Boston Post Road  
Madison, CT 06443

Appearing on behalf of the Board of Education: Attorney Marsha Belman Moses  
Berchem Moses & Devlin PC  
75 Broad Street  
Milford, CT 06460

Appearing before: Attorney Janis C. Jerman  
Hearing Officer

**FINAL DECISION AND ORDER**

This special education hearing was requested via Request for Impartial Special Education Hearing dated April 1, 2008. The request seeks review of a manifestation determination in the context of pending school discipline. The deadline for mailing the final decision and order is June 4, 2008.

The matter was scheduled for a telephonic pre-hearing conference on April 18, 2008. At that time, Student was represented by her Parent who indicated that the school was likely to drop the request for expulsion, making this matter moot. Parent also indicated that he had retained counsel. A pre-hearing conference was scheduled for Friday, April 25, 2008 with notice to counsel for both parties.

At the April 25 telephonic pre-hearing conference, Attorney Rubano appeared on behalf of Student and Attorney Michelle Laubin appeared on behalf of the Board of Education. Both attorneys agreed that as of April 24, 2008, the Board of Education notified Student in writing that it was not pursuing expulsion for the incident that was the basis of the manifestation determination that is the subject of this case. Attorney Rubano agreed that, in the absence of any pending discipline, there were no other facts or basis for review of the manifestation determination. On those facts, Attorney Rubano agreed to withdraw the case or to have the hearing officer dismiss the case with prejudice for lack of jurisdiction.

**FINAL DECISION AND ORDER**

In light of the above facts, the above-captioned case is hereby dismissed with prejudice.