

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Rocky Hill Board of Education

Appearing on Behalf of the Student: Pro Se

Appearing on Behalf of the Board: Susan Freedman, Esq.  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103-1919

Appearing Before: Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1. Was the Program offered by the Board for the 2006-2007 school year, appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE) according to 20 U.S.C. §§ 1401 et seq?
2. Did the Board fail to provide the Student with FAPE by not having an IEP meeting on 5/31/2007 for the 2007-2008 school year?
3. Was the Program offered by the Board for the 2007-2008 school year, appropriate and did it provide the Student with FAPE in the LRE according to 20 U.S.C. §§ 1401 et seq?
4. Did the Board fail to provide the Student with written notice of their response or refusal to the Parent's request for records or notice of placement?
5. Should the Board reimburse the Parent for the independent evaluation by Dr. Weiner?
6. Should the Board provide the Student with compensatory education for the 2006-2007 school year?
7. Should the Board provide the Student with compensatory education for the 2007-2008 school year?

**FINAL DECISION AND ORDER**

**SUMMARY and PROCEDURAL HISTORY:**

The Student is a 18 years old young man who has been identified as emotionally disturbed and is entitled to receive a free and appropriate public education ("FAPE") as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a.

An impartial hearing officer was appointed on June 9, 2008 and a pre-hearing conference was held on June 19, 2008. It was noted at the pre-hearing conference that the Student was 18 years old and that notice from the Student that the parent retained educational decision making powers was needed. It was agreed at the pre-hearing conference that the Student would send the hearing officer a notarized affidavit giving educational decision making power to the Parent.

On or about June 24, 2008 the notarized affidavit was received. On or about July 3, 2008 a Motion to Withdraw the Due Process Hearing without prejudice was received from the Student's advocates. The Student requested the withdrawal in order to have sufficient time to obtain counsel. The Board did not file an objection to the withdrawal of the matter.

The date for the Final Decision and Order is July 24, 2008.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITHOUT PREJUDICE.**