

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and West Haven Board of Education

Appearing on behalf of the Student:

Attorney Nhi Tran
New Haven Legal Assistance
Association, Inc.
426 State Street
New Haven, CT 06510

Appearing on behalf of the Board of Education:

Attorney Michelle Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the manifestation determination regarding the Student correct?
2. Did the Board of Education state that only those invited to the Planning and Placement Team meeting by the Board of Education may decide the manifestation determination question, and if so, is that a correct statement of the law?
3. If a violation is found under Issue No. 1 and/or Issue No. 2 above, what is the appropriate remedy (if any)?

PROCEDURAL HISTORY:

The Student requested an expedited special education due process hearing in the above-captioned matter on March 28, 2014. This Impartial Hearing Officer was assigned to the case on March 31, 2014. A telephonic pre-hearing conference was held on April 7, 2014. Attorney Nhi Tran appeared on behalf of the Student and Attorney Michelle Laubin appeared on behalf of the Board of Education. Hearings were scheduled for April 16, 2014 and April 17, 2014.

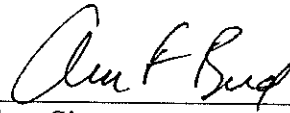
On April 10, 2014, the Student reported that the parties had settled the case and requested that the Impartial Hearing Officer dismiss the matter with prejudice.

FINAL DECISION AND ORDER:

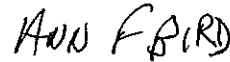
It is ordered that the Student's request for dismissal is granted and this matter is dismissed with prejudice.

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



Hearing Officer Name in Print