

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. New Britain Board of Education

Appearing on behalf of the Guardian: *pro se*

Appearing on behalf of the Board: Christopher Tracey, Esq.  
Shipman & Goodwin, LLP  
300 Atlantic Avenue, 3<sup>rd</sup> Floor  
Stamford, CT 06901

Appearing before: Sylvia Ho, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board provide appropriate programs for the two years prior to the filing of the Due Process Complaint?
2. If not, should the Student be placed at a private placement for the remainder of his eligibility for special education and related services?
3. If not, do the circumstances warrant an award of compensatory education for two additional years?
4. Was the educational evaluation conducted by Dr. Heitzman sufficiently comprehensive and appropriate?
5. If not, is the Student entitled to an Independent Educational Evaluation, including neuropsychological testing by an expert approved by the guardian, at public expense?
6. Did Milestones violate the IDEA?

**PROCEDURAL HISTORY/SUMMARY:**

The Guardian filed the Due Process Complaint and Request for Hearing on August 6, 2019. The Hearing Officer was appointed on August 12, 2019 and conducted a Prehearing Conference on August 29, 2019. The Guardian's request for extension of the mailing date to mediate the dispute was granted. The hearing was scheduled for November 14, 2019. Prior to the hearing, Guardian's counsel withdrew her appearance due to inability to communicate with the Guardian. The hearing was commenced on November 14, 2019 with new counsel for the Guardian. The issues were discussed by the parties and additional issues were identified by the Hearing Officer. The Hearing Officer granted leave for new counsel for the Guardian to file a revised Complaint amending the issues for hearing. The hearing was continued to December 12, 2019. The revised Complaint was filed on behalf

of the Guardian on November 21, 2019. The timelines were reset as a result of the filing of the revised Complaint to a new mailing date of February 3, 2020. The parties appeared at the hearing on December 12, 2019. The Guardian appeared without counsel and notified the Hearing Officer that he had terminated his relationship with his new counsel and wished to withdraw the matter without prejudice because he wished to search for new counsel. The Hearing Officer offered the Guardian time to reconsider and encouraged further settlement discussions. After some time, the Guardian advised the Hearing Officer that he wished to withdraw the matter without prejudice.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED**.