

June 1, 2012

Case No. 12-0342

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Region 6 Board of Education

Appearing on behalf of Student: Attorney Jennifer Laviano
Jennifer Laviano, LLC
70 Route 37 South
Sherman, CT 06784

Appearing on behalf of Board: Attorney. Craig Meuser
Chinni & Meuser, LLC
30 Avon Meadow Lane
Avon, CT 06001-3745

Appearing Before: Attorney Robert Skelley, Hearing Officer

FINAL DECISION AND ORDER

Issues: (as originally provided in the request for expedited Due Process Hearing)

1. Was the finding made by the Region 6 Board of Education, at the March 19, 2012 Manifestation Determination Hearing, that the student's behaviors leading to a proposed expulsion hearing were not a result of the student's disability, an accurate finding?
2. Will the proposed expulsion of the Student result in the Student being denied a free and appropriate public education?

Procedural History:

This matter is before the Hearing Officer pursuant to a Request for Due Process hearing, filed by the Parent and received by counsel for the Region 6 Board of Education ("BOE") on March 19, 2012 and identified as Case no. 12-0342. A pre-hearing conference was held on March 30, 2012, which counsel for both parties attended. The issues for the due process hearing were not identified as the parties stated that they were seeking to utilize the mediation process to attempt to resolve the issues and the parent requested to amend the original complaint and remove it from the expedited hearing track. Counsel for the Student submitted an Amended Complaint on March 30, 2012, requesting that the complaint not be expedited and for the mediation process to be scheduled and concluded. Counsel for the parent requested that if mediation was unsuccessful, a second pre-hearing conference be held to clarify the remaining issues, and to adjust the timelines based upon the Amended Complaint; counsel for the BOE was in agreement with that request. The Hearing Officer was notified on May 20, 2012 that mediation had been successful and that a formal written agreement was in the process of being drafted and signed. On May 30, 2012 counsel for the Student indicated via email that mediation had been successful and the agreement had been signed. The Student then withdrew the request for Due Process, with prejudice.

Final Decision and Order:

Pursuant to the request by the Counsel for the Student to withdraw their request for a Due Process hearing with prejudice, this matter is dismissed *with prejudice*.