

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Middletown Board of Education

Appearing on Behalf of the Parent: Pro Se

Appearing on Behalf of the Board: Attorney Christine Chinni
Chinni & Meuser, LLC
30 Avon Meadow Lane
Avon, CT 06001

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the Student improperly exited as a student requiring services from the Rehabilitation Act of 1973 Section 504?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has not been identified as entitled to receive a free and appropriate public education (“FAPE”) as defined in IDEA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. The Parent objected to the Student being exited from his Section 504 program and asked that he be reinstated. The Board refused the Parent’s request. An impartial hearing officer was appointed on October 7, 2010 and a pre-hearing conference was held on October 26, 2010 but communication with the Parent was abruptly terminated. Another pre-hearing conference was attempted, on or about November 16, 2010. The conference was not able to be completed as communication with the Parent was again lost. The hearing officer attempted to recall the Parent but was informed that the Parent was no longer present. Before the conference ended, hearing dates of December 10 and 15, 2010 were set by the parties. (Hearing Officer’s Exhibit # 4). On or about November 22, 2010, a resolution meeting was held by the parties. In an email from the Parent, the hearing officer was informed that the matter had been resolved.

The date for mailing of the Final Decision and Order is December 24, 2010.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.

COMMENT. A Motion to Dismiss should have been filed by the Board on this matter as it was a strict a Rehabilitation Act of 1973 Section 504 action and not a matter under the jurisdiction of an Individual with Disabilities Education Improvement Act hearing officer. If the matter would have continued to hearing, the hearing officer would have had to dismiss it. This would only have frustrated the Parent and caused the Parent more pain.