

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Enfield Board of Education

Appearing on behalf of the Guardian:

Catherine Cushman, Esq.  
Connecticut Legal Services  
P. O. Box 258  
Willimantic, CT 06226

Appearing on behalf of the Board:

Attorney Christine L. Chinni  
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30 Avon Meadow Lane  
Avon, CT 06001

Appearing before:

Justino Rosado, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the exiting of the Student from special education and related services as defined in the Individuals with Disabilities Education Improvement Act (IDEA) appropriate? If not;
2. Was the program provided by the Board for the 2014-2015 school year appropriate and did it provide the student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
3. Should the Board conduct an Independent Educational Evaluation (IEE) at public expense to address conflicting findings regarding the Student's academic, behavioral, social and emotional levels of achievement and performance?
4. Is the Student entitled to compensatory education for the denial of a free and appropriate public education?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student is not identified as entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Guardian stated that the Board improperly exited the Student from special education and related services and requested that he continue to be found eligible. The Board denied the Guardian's request and the Guardian requested a due process hearing. The Board received notice of the request for a due process hearing on April 7, 2015. An impartial hearing officer was appointed on April 8, 2015 and a pre-hearing conference was scheduled for April 14, 2015.

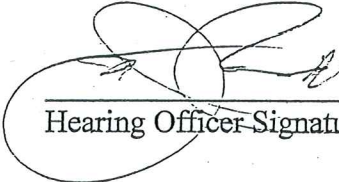
The parties agreed to mediation rather than a resolution meeting and also agreed to May 19 and 20, 2015 as hearing dates. In an electronic transmission, the Guardian's attorney advised the hearing officer that the Student no longer resided in the district and requested that the matter be withdrawn without prejudice; the Board did not object. The date for the mailing of the Final Decision and Order is June 19, 2015.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITHOUT 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).



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Hearing Officer Signature

Justino Rosado  
Hearing Officer Name in Print