

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Appearing on behalf of the Parents:

Attorney John Flanders  
57 Washington Road  
Cromwell, CT 06416

Appearing on behalf of the Board of Education:

Attorney Michael McKeon  
Sullivan Schoen & Connon, LLC  
646 Prospect ST  
Hartford, CT 06105-4286

Appearing before: Attorney Deborah R. Kearns, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES**

- I. Whether the Student requires a one-to-one aide in order to receive a free and appropriate public education?

**PROCEDURAL HISTORY**

The Parent through counsel requested a due process hearing on November 13, 2008. The parent requested an expedited hearing. Parent's counsel again requested the matter be scheduled for expedited hearing by motion dated November 19, 2008. Counsel for the Board of Education filed a Motion in Opposition to the Motion for Expedited Hearing on November 20, 2008. Parent's counsel replied to the Motion in Opposition on November 21, 2008, claiming request for due process was subject to the provisions of 34 C.F.R. §300.352. Counsel for the Board of Education argued, any removal from school was the action of the private school in which the parents unilaterally placed the child. The Board of Education claimed the provisions of 34 C.F.R. § 300.530 do not apply to the present circumstances. Parent's counsel requested consideration of additional factors by reply received December 1, 2008. The ruling on the Motion for Expedited Hearing issued December 4, 2008, found the matter was subject to the timelines provided in 34 C.F.R. § 300.515. The Motion for Expedited Hearing was denied. At a prehearing conference on November 20, 2008 the parties agreed the first day of hearing would be January 6, 2009, if they were unable to resolve the matter in mediation. The parties proceeded to mediate the matter on December 16, 2008. On December 26, 2008 the parent withdrew the matter. The matter is hereby dismissed. The matter was resolved within 45 days from the date of the request for due process.

FINAL DECISION AND ORDER

1. The case is dismissed without prejudice.