

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Regional School District 8- Board of Education

Appearing on Behalf of the Parents: Attorney Marisa A. Masculo
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Appearing on Behalf of the Board: Attorney Linda L. Yoder
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Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the Student a student eligible for special education and related services as defined in 20 U.S.C. §§ 1401 et seq?
2. Should the Board conduct an independent evaluation of the Student?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student is a 14 years and 7 month young woman who is not identified as entitled to receive a free and appropriate public education (“FAPE”) as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting the Board found the Student not eligible to receive special education and related services as defined in 20 U.S.C. §§ 1401 et seq. The Parents objected to this finding and requested that the Board identify the Student as requiring special education. The Board denied the Parents’ request and the Parents filed for due process.

On or about January 28, 2009 the Board received notice of the Parents’ request for due process. The resolution meeting was held by the parties.

An impartial hearing officer was appointed on January 28, 2009 and a pre-hearing conference was held on February 11, 2008.

In a letter from the Parents’ attorney the hearing officer was informed that the Parents were requesting a withdrawal of the matter without prejudice. The withdrawal without prejudice is granted.

The date for the mailing of the Final Decision and Order is May 22, 2009.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.