

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Sprague Board of Education

Appearing on Behalf of the Parent: Attorney Robert Zarnetske  
Law Offices of Robert Zarnetske, LLC  
110 Broadway  
Norwich, CT 06360

Appearing on Behalf of the Board: Pro Se

Appearing Before: Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1. Are the actions of the Student that caused him to be suspended by the District a manifestation of his disability?

**FINAL DECISION AND ORDER**

**SUMMARY and PROCEDURAL HISTORY:**

The Student is a 14 years and 7 month young man who is 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 suspended the Student from school. The Parent objected to this finding and requested that the Board identify the Student’s actions as a manifestation of his disability. The Board denied the Parent’s request and the Parent filed for due process.

On or about May 4, 2009 the Board received notice of the Parent’s request for due process. An impartial hearing officer was appointed on May 4, 2009 and a pre-hearing conference was held on May 12, 2009.

At the pre-hearing conference the Board informed the hearing officer that the Parent had agreed to withdraw the matter without prejudice as the parties were working to resolve the issue. In a letter from the Parent’s attorney the hearing officer was informed that the Parent was 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 June 28, 2009.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITHOUT PREJUDICE.**