

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Middletown Board of Education

Appearing on Behalf of the Parent: Attorney Andrew A. Feinstein  
Attorney at Law, LLC  
86 Denison Avenue  
Mystic, CT 06355

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

Appearing Before: Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Should the Board have identified the Student as eligible for special education and related services?
2. Did the Board adequately evaluate the Student before determining he was ineligible?
3. Should the Board have conducted a manifestation determination prior to seeking to expel the Student for behavior that occurred on March 27, 2008?
4. Did the Board provide the Student with a Free Appropriate Public Education ("FAPE") since his suspension from school on March 27, 2008?
5. If not, is the Parent entitled to compensatory education consisting of supplemental and counseling services as a remedy for the Board's denial of FAPE since March 27, 2008?

**PROCEDURAL HISTORY:**

The Parent's (Mother's) attorney requested this hearing by mailing a letter to the State Department of Education ("SDE") and a copy to the Board's Director of Pupil Services and Special Education on November 7, 2008. The Board and the SDE received a copy of the letter on November 10, 2008. This Hearing Officer was assigned to the case on November 12. On November 17, 2008, the Board's attorney filed an appearance. On November 21, 2008, a prehearing conference was held. The mailing date for the final decision was set at January 26, 2009. The Parties had agreed to mediation in December. Hearing dates were agreed on for January 16, 2009 and January 21, 2009. The Parent's attorney requested a 30-day extension of the mailing date for the final decision, which was granted. The mailing date for the final decision was extended to February 25, 2009. On December 16, 2008 the SDE advised the Hearing Officer that the Parties had not reached an agreement at the December 12, 2008 mediation and to proceed with the hearing. The hearing convened on January 16, 2009. The Parties requested time to discuss a possible settlement, which was granted. After several hours, the Parties reported on the record that the case was settled, but the agreement had not been reduced to writing. The Parent's attorney requested one week to allow the Parties' attorneys to draft and execute a written settlement agreement and for him to request a dismissal of the hearing request with prejudice. The request was granted and the January 21, 2009 hearing date was canceled. The Parent's attorney did not file a withdrawal by January 23, 2009 or request additional time to do so.

**FINAL DECISION AND ORDER:**

It is ordered that this case shall be dismissed.