

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Wallingford Board of Education

Appearing for the Parent: Courtney Staron Spencer, Esq.
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Appearing for the Board: Jennifer M. Rockwell, Esq.
Siegel, O'Connor, Zangari, O'Donnell & Beck, P.C.
150 Trumbull Street
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Appearing Before Hearing Officer: Scott Myers, M.A. (Clinical Psychology), J.D.

FINAL DECISION AND ORDER

STATEMENT OF ISSUES

1. Whether the Board's proposed placement of the Student at the Cook Hill School for the 2003/2004 school year would provide the Student with a FAPE in the LRE.

PROCEDURAL HISTORY

The Parents commenced this due process proceeding by request dated January 21, 2004. At the time of their request for hearing, the Student was placed at the ACES program, an out-of-district placement, along with two other students. The Board has proposed to transition all three students to the Cook Hill school, an in-district placement. Counsel for the Student in this case also represents the other two students and all three students commenced due process proceedings which are presently pending. The proceedings involving the other two students are designated as CT DOE 03-365 and 04-017 and are assigned to other Hearing Officers. A motion to consolidate all three proceedings before Hearing Officer Gelfman in CT DOE 03-365 was filed by the student in each of the proceedings and denied by joint order of the Hearing Officers in each proceeding issued on February 2, 2004. A Pre-Hearing Conference was convened in this matter on February 2, 2004 and a scheduling order entered on February 3, 2004. That scheduling order extended the date for issuance of the Final Decision and Order from March 8, 2004 to and including May 3, 2004 to accommodate the availability of Parent's counsel, and established hearing dates of April 1 and 8, 2004 and a schedule for submission of exhibits and witness lists. The Board submitted its exhibits in accordance with the scheduling order but the Parents did not. On February 12, 2004, the students in each of the proceedings identified above submitted a request that an independent educational consultant be retained. On March 15, 2004, the Parents advised that they were withdrawing their request for this hearing without prejudice.

FINAL DECISION AND ORDER

1. The schedule for this proceeding established in the February 3, 2004 scheduling order is cancelled.
2. This matter is dismissed without prejudice.