

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Plainville Board of Education

Appearing on behalf of the Parent: Father, pro se

Appearing on behalf of the Board: Attorney Mark J. Sommaruga
Sullivan, Schoen, Campane & Connon, LLC
646 Prospect Avenue
Hartford, CT 06105-4286

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Should the Student be in the Spectrum Program at High Roads?
2. Is the Student's primary disability of emotional disturbance appropriate?
3. Is the Student making academic progress at High Roads?
4. Is the Student in the program identified in the November 2008 and March 2009 Individualized Education Programs?

PROCEDURAL HISTORY:

The Parent (Father) requested this hearing by faxing a request for an impartial hearing to the State Department of Education ("SDE") on April 9, 2009. The Board received a copy of the complaint on April 15, 2009. This Hearing Officer was assigned to the case on that date. On April 21, 2009, the Board's attorney filed an appearance. On April 28, 2009, a prehearing conference was held with both Parent and the Board's attorney. The parties reported that a resolution meeting was scheduled on April 29, 2009. After a lengthy discussion, four issues were identified for the hearing. The mailing date for the final decision was set at June 30, 2009. Hearing dates were agreed on for May 18, 2009 and May 20, 2009. On May 11, 2009, the Board's attorney filed a witness list and exhibits along with a letter stating that he believed the case had been resolved. On May 13, 2009, the Board's attorney

filed a Motion to Dismiss. On May 14, 2009, the Hearing Officer received a letter from the Father dated May 2, 2009 stating that the complaint had not been resolved and requesting a postponement of the hearing until July. On May 14, 2009, the Hearing Officer denied the postponement request and advised the parties that argument and evidence on the Motion to Dismiss would be heard on May 18, 2009. On May 15, 2009, the Parent wrote to the Hearing Officer that since the postponement was denied, he wished to withdraw the hearing request "at this time."

On May 18, 2009, the hearing convened with the Board's Director of Special Education and Pupil Services present. The Parent and the Board's attorney did not appear. The Director reported that the Parent had telephoned to say that he would not be attending the hearing. The Hearing Officer requested that the Board's attorney be contacted. After a telephone conversation with the Board's attorney on the record, he withdrew the Motion to Dismiss and stated that the Board had no objection to the Parent's withdrawal without prejudice.

FINAL DECISION AND ORDER

It is ordered that this case shall be dismissed without prejudice.