

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Wallingford Board of Education

Appearing on behalf of the Student: Parent Appeared Pro Se

Appearing on behalf of the Board: Attorney Frederick L. Dorsey
Siegel, O'Connor, Schiff
& Zangari, P.C.
171 Orange Street
New Haven, Connecticut 06504

Appearing before: Attorney Christine B. Spak, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Has the student been denied a free and appropriate public education in the least restrictive environment?
2. Should the student be returned to the Board's Middle School setting?

SUMMARY:

The parent had requested due process asking, among other things, that the student be included in the Board's middle school special education setting to the maximum extent possible. The Board then requested that the hearing be expedited because of concerns about returning the student to the middle school setting. The parties participated in a lengthy prehearing conference during which they informed the hearing officer that they had had a lengthy (five hour) PPT the day before during which they had worked out a plan that they hoped would be successful for the student. There was discussion at the prehearing about some short term changes to the plan the father had to agree to for it to continue, and this he did. The Board requested that the hearing officer explain to the parent that if he did not pursue his request for due process at this time he would be free to request due process again, subject to the two year statute of limitations, in the event that the plan was not working to his satisfaction. This was done and both parties indicated that they would not be pursuing due process at this time but requested that the hearing

officer issue a dismissal, without prejudice, of both the parent's and the board's requests for due process.

FINAL DECISION AND ORDER:

Both the parent's and the board's requests for due process are **dismissed**, without prejudice.