

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Wallingford Board of Education

Appearing on Behalf of the Parents: Attorney Courtney P. Spencer  
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Appearing on Behalf of the Board: Attorney Frederick L. Dorsey  
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P.C.

150 Trumbull Street  
Hartford, CT 06103

Appearing before: Attorney Gail K. Mangs, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUE:**

Has the school district offered a free and appropriate public education to the Student in proposing that the Student be moved from the current placement and program at ACES to a placement and program within the school district?

**PROCEDURAL HISTORY:**

This hearing was requested on January 22, 2004. A prehearing conference was convened on January 29, 2004 at which time a hearing date was scheduled for March 8, 2004. The Parents moved to consolidate this hearing with the hearings of two other unrelated children within the same school district; this motion was denied. Hearing dates were then also set for April 13 and May 3, 2004. The hearing convened on March 8, 2004 at which time the parties requested an extension pending the report of an independent consultant. The April 13 and May 3, 2004 hearing dates were postponed and a hearing date was set for May 27, 2004; the date for the mailing of the final decision and order was extended to June 14, 2004. Beginning on May 10, 2004, the parties began exchanging letters with regard to whether the issues as they related to the 2003-2004 school year were moot and/or included the 2004-2005 school year. On May 25, 2004, the hearing officer and the parties' attorneys participated in a telephone conference to discuss these issues.

**FINDINGS OF FACT/CONCLUSIONS OF LAW:**

1. Since the time this hearing was requested, the 2003-2004 school year program and placement was the sole issue. Neither party raised any issue with regard to the 2004-2005 school year.
2. The 2003-2004 school year is nearly over. The Student has remained at ACES throughout the 2003-2004 school year.
3. During a telephone conference on May 25, 2004, the parties agreed that due to the facts stated in numbers two and three, above, the issue raised in this hearing is now moot.
4. In a letter dated May 25, 2004, the Parents agreed that the issues were moot and withdrew their hearing request.
5. Should the Parents request a hearing with regard to the 2004-2005 school year, this hearing officer would agree to accept appointment to the case.

**FINAL DECISION AND ORDER:**

This hearing is dismissed without prejudice because the issue has become moot.