

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Wallingford Board of Education

Appearing on Behalf of Parents: Jennifer Laviano, Esq.
Law Office of Jennifer Laviano, LLC

Appearing on Behalf of the Board: Frederick L. Dorsey, Esq.
Siegel, OConnor, ODonnell & Beck, P.C.

Appearing Before: Ruben E. Acosta, Esq. Hearing Officer

ISSUES:

Was the Student receiving a free and appropriate education public education (“FAPE”) as required by the Individuals With Disabilities Education Act, 20 U.S.C. § 1402 et seq. and Connecticut General Statutes § 10-76a for the years 2006-2007 and 2007-2008?

SUMMARY AND PROCEDURAL HISTORY:

On April 21, 2008 the undersigned hearing officer was assigned to conduct a hearing on this matter pursuant to a request for a due process hearing. Following an unsuccessful resolution meeting, counsel were consulted and a pre-hearing conference was held on May 22, 2008. At the conference both parties expressed interest in engaging in settlement discussions. Ultimately the parties made a request for mediation by the Department of Education, Special Education Bureau and a session was scheduled for July 28th. Due to a misunderstanding the session could not be held on that date. The same was re-scheduled and ultimately held on September 5, 2008.

On September 22nd the Special Education Bureau informed the hearing officer that the mediation attempts pertaining to this matter had been unsuccessful. At that point the instruction was to “proceed with the hearing”. In view of the latter the hearing officer set up an initial hearing for October 24th. Before the same was due to convene, the request for a due process hearing was withdrawn by the Student’s Counsel.

FINAL DECISION AND ORDER

The above matter is withdrawn without prejudice pursuant to counsel’s October 20, 2008 request.

