

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Wallingford Board of Education

Appearing on behalf of the Student: Attorney Howard Klebanoff
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433 South Main Street
Suite 102
West Hartford, CT 06110

Appearing on behalf of the Board: Attorney Frederick L. Dorsey
Siegel, O'Connor, Zangari,
O'Donnell & Beck, P.C.
150 Trumbull Street
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Appearing before: Attorney Christine B. Spak
Hearing Officer

FINAL DECISION AND ORDER

The prehearing conference in this matter was conducted on September 9, 2004. The original date for mailing of the final decision was October 15, 2004. Dates were agreed to by the parties and by agreement the forty-five days were extended. At the first day of hearing on November 8, 2004, after some negotiation, the Student's counsel requested a continuance so that evaluations could be completed. The Board agreed to the evaluations but expressed concern about the delay this would cause to the due process hearing. The hearing officer granted the continuance with the condition that the matter would be dismissed without prejudice if the matter did not go forward on January 4, 2005, which was the date the parties mutually agreed was realistic to complete the evaluations and proceed. On December 6, 2004 by agreement of the parties the Hearing officer observed both the current placement and the proposed placement. By letter dated December 27, 2004 the Student's counsel advised that the parties would need further time to pursue possible resolution of this matter through the PPT process and requested a continuance of the January 4, 2005 hearing, or a dismissal without prejudice if the continuance was not granted. By letter dated December 29, 2004 the Board agreed to the continuance but continued to express concern about the "considerable delay" that had already occurred in this case. The continuance was denied.

FINAL DECISION AND ORDER:

The hearing is dismissed without prejudice.