

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Winchester Board of Education

Appearing on behalf of the Student:

Attorney Piper Paul
Piper Paul Law
1465 Post Road East, 1st Floor
Westport, CT 06880

Appearing on behalf of the Board:

Attorney Leander Dolphin
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

The following issues were preliminarily identified for determination at the hearing:

1. When did the statute of limitations begin to run on the Student's claims?
2. What period of time before the statute of limitations began to run is subject to review in this case? (ie: is the entire period from June 2009 through February 17, 2016 at issue?)
3. Did the Board deny the Student a Free Appropriate Public Education before February 17, 2016?
 - a. If so, did the Board treat the Student egregiously or in bad faith?
 - b. If the Board did treat the Student egregiously or in bad faith, is the Student entitled to compensatory education for failure to provide a Free Appropriate Public Education?
 - c. If the Board did treat the Student egregiously or in bad faith and the Student is entitled to compensatory education, what is an appropriate compensatory education remedy?
4. Did the Board violate the Student's rights under Section 504 of the Rehabilitation Act?
5. Did the Board violate the Student's rights under the Americans with Disabilities Act?

PROCEDURAL HISTORY:

The Student and his parents initiated this special education due process case by submitting their Request for Due Process on September 28, 2018. This Impartial Hearing Officer was assigned to the case on October 2, 2018. A Prehearing Conference was convened on October 16, 2018. Attorney Piper Paul appeared on behalf of the Student and his parents and Attorney Leander Dolphin appeared on behalf of the Winchester Board of Education (Board). An evidentiary hearing was scheduled for December 12, 2018.

The Board filed a Motion to Dismiss the Request for Due Process on October 15, 2018. The Motion to Dismiss was granted on December 6, 2018, with provision for the Student to file an amended request for due process. The evidentiary hearing scheduled for December 12, 2018 was cancelled.

The Student filed an Amended Request for Due Process on December 10, 2018. On January 2, 2019 the Student requested that the matter be dismissed with prejudice.

FINAL DECISION AND ORDER:

The Student's request for dismissal is granted. The case is hereby dismissed with prejudice.