

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Norwalk Board of Education

Appearing on behalf of the Student:

Attorney Lawrence W. Berliner
Law Office of Lawrence Berliner LLC
1720 Post Road East, Suite 214E
Westport, CT 06880

Appearing on behalf of the Board:

Attorney Christine Sullivan
Berchem Moses, P.C.
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

The following issues have been identified for determination at the hearing:

1. Did the Board of Education offer the Student a Free Appropriate Public Education (FAPE) after the meeting of May 28, 2019, effective on June 11, 2019?
2. Did the Board of Education offer the Student an appropriate residential therapeutic placement?
3. If the Board of Education did not offer an appropriate residential therapeutic placement, what are the essential features of such a placement?
4. If the Board of Education did not offer an appropriate residential therapeutic placement, is the Student entitled to compensatory education?
5. What is the “stay put placement” for the Student?

PROCEDURAL HISTORY:

The Student initiated this special education due process case on November 5, 2019. This Impartial Hearing Officer was assigned to the case on November 6, 2019. A Prehearing Conference was convened on December 3, 2019. Attorney Lawrence Berliner appeared on behalf of the Student and Attorney Christine Sullivan appeared on behalf of the Board of Education. It was established that the deadline for filing the final decision in this case

was January 24, 2020. An evidentiary hearing was scheduled for January 29, 2020 and January 30, 2020.

On December 3, 2019 the Student requested a postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to February 21, 2020. The purpose of the requested postponement and extension was to accommodate the hearing schedule. The Board of Education did not oppose the requested postponement and it was granted.

On January 14, 2020 the Student requested a postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to March 20, 2020. The purpose of the requested postponement and extension was to accommodate the hearing schedule and it was granted. The hearing scheduled for January 29, 2020 and January 30, 2020 was subsequently postponed at the parties' request.

On March 16, 2020, the Student requested a postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to April 17, 2020. The Board of Education did not object to the requested postponement and it was granted.

Beginning in early March 2020, the Governor of the State of Connecticut issued a series of executive orders closing all public schools through the end of the 2019/2020 School Year due to the COVID-19 pandemic. In addition, the Division of Special Education of the Department of Education issued a Guidance letter dated April 6, 2020 regarding Due Process Activities under IDEA during the COVID-19 Pandemic permitting an extension by up to 90 days for all statutory and regulatory time requirements related to special education due process activities.

On April 13, 2020, the parties requested such an extension of the timeline for issuing the final decision in this matter for up to 90 days in light of the COVID-19 pandemic and the closing of public schools. Accordingly, the timeline was extended to July 16, 2020.

On June 11, 2020, the Hearing Officer and the parties participated in a further prehearing conference. At that time, the parties reported that they were in settlement discussions. A hearing date was scheduled for July 10, 2020.

On June 24, 2020, the Student requested that the matter be withdrawn or dismissed without prejudice.

FINAL DECISION AND ORDER:

The Student's request is granted and the matter is dismissed without prejudice.