

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and South Windsor Board of Education

Appearing on behalf of the Student:

Attorney Courtney Spencer
Law Office of Courtney Spencer LLC
100 Riverview Center, Suite 120
Middletown, Ct 06457

Appearing on behalf of the Board:

Attorney Rebecca Santiago
Shipman & Goodwin
One Constitution Plaza
Hartford, Ct 06103-1919

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 an appropriate program for the 2017-2018 (from 1/31/18), 2018-2019 or 2019-2020 School Years, including ESY 2018 and 2019?
2. If not, should the Board of Education be ordered to do the following:
 - a. Engage the Center for Children with Special needs (“CCSN”) to conduct a Psycho-Educational evaluation;
 - b. Engage CCSN to create a transition plan to integrate the student back into a district based program;
 - c. Provide homebound tutoring while the transition plan is being created and implemented for 10 hours of tutoring per week;
 - d. Engage CCSN to provide a Program Review, Functional Behavior Analysis and Behavior Improvement Plan for an in district program;
 - e. Engage CCSN to provide the direct services of a Board Certified Behavior Analyst for up to 8 hours per week;
 - f. Engage CCSN to consult for the programming and implementation of its recommendations for 8 hours per week;
 - g. Engage CCSN to consult and train all staff members working with the Student for up to 30 hours per year;
 - h. Provide a behavioral technician trained and overseen by CCSN as the Student’s one to one aide;
 - i. Provide one to one direct instruction in the areas of reading, writing and

- mathematics with programming overseen by CCSN;
- j. Engage CCSN to oversee and consult in the area of social skills programming; and/or
 - k. Engage CCSN to oversee and consult regarding inclusion programming.
3. If the Board of Education did not offer an appropriate program for the 2017-2018 (from 1/31/18), 2018-2019 or 2019-2020 School Years, including ESY 2018 and 2019, is the Student entitled to compensatory education, and if so what should be the nature and extent of such compensatory education?

PROCEDURAL HISTORY:

The Student initiated this special education due process case on February 3, 2020. This Impartial Hearing Officer was assigned to the case on February 4, 2020. A Prehearing Conference was convened on March 12, 2020. Attorney Kathleen Reiser appeared on behalf of the Student and Attorney Rebecca Santiago appeared on behalf of the Board of Education. It was established that the deadline for filing the final decision was April 17, 2020. An evidentiary hearing was scheduled for May 21, 2020.

On April 14, 2020, the Student requested a postponement and extension of the timelines to conduct the hearing and to file the final decision. The request 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 17, 2020, the Board of Education requested a 90 day extension of the deadline in accordance with the Guidance letter. The request was granted and the deadline was extended to August 13, 2020.

On June 1, 2020, Board of Education filed its own Request for Due Process. That Request for Due Process was assigned to Hearing Officer Patrick Kennedy as Case No. 20-0462. At the request of both the Student and the Board of Education, Hearing Officer Kennedy consolidated that matter with this special education due process request on June 5, 2020.

On June 2, 2020, the Student filed a proposed amended Request for Due Process. On June 11, 2020, the parties and the Hearing Officer participated in a prehearing conference. At that time, the Student's amended Request for Due Process was allowed and the deadline for issuing the final decision and order was reset to August 14, 2020. An evidentiary hearing was scheduled for August 4, 2020, August 19, 2020 and August 28, 2020.

Subsequently, the parties jointly requested that the evidentiary hearing be postponed to allow for mediation and as a result, the hearing was postponed to September 30, 2020.

On August 10, 2020 and again on September 9, 2020 the Student requested 30 day postponements and extensions of the deadline for issuing the final decision and these were granted.

On September 23, 2020, the Student reported that the matter had been resolved and requested that it be withdrawn or dismissed with prejudice.

FINAL DECISION AND ORDER:

The Student's request is granted and the matter is dismissed with prejudice.