

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Wilton 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 Andreana R. Bellach
Shipman & Goodwin LLC
300 Atlantic Street, 3rd Floor
Stamford, CT 06901

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 for the 2019-2020 School Year, including 2020 ESY?
2. If not, is Winston Preparatory School providing an appropriate program for the Student?
3. If so, should the Student be placed at Winston Preparatory School and/or should the Student be reimbursed for the expense of Winston Preparatory School for the 2019-2020 School Year, including 2020 ESY?
4. Should the Student be reimbursed for the expense of the evaluation conducted by Dr. Koda?
5. If the Board of Education did not offer the Student a Free Appropriate Public Education for the 2019-2020 School Year, including 2020 ESY, is the Student entitled to compensatory education, and if so, what would be the nature and extent of such compensatory education?

PROCEDURAL HISTORY:

The Student initiated this special education due process case on January 21, 2020. This Impartial Hearing Officer was assigned to the case on January 23, 2020. A Prehearing Conference was convened on February 12, 2020. Attorney Lawrence Berliner appeared on behalf of the Student and Attorney Andreana Bellach appeared on behalf of the Board of Education. It was established that the deadline for filing the final decision in this case was April 3, 2020. An evidentiary hearing was scheduled for March 11, 2020.

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 various dates, the Student and/or the Board of Education reported that they were working on a settlement agreement, and requested extensions of the deadline for filing the final decision in this case in light of the pandemic. In each case, the other party consented to the requests and they were granted, resulting in a most recent deadline for issuing the final decision of October 9, 2020.

On October 5, 2020, the Student reported that the settlement agreement had been completed and requested that the matter be withdrawn or dismissed with prejudice.

FINAL DECISION AND ORDER:

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