

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Bolton Board of Education v. Student<sup>1</sup>

Appearing on behalf of Student: Student's Parents, *Pro Se*

Appearing on behalf of the Board of Education: Attorney Linda Yoder  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103-1919

Appearing before: Janis C. Jerman  
Hearing Officer

**FINAL DECISION AND ORDER**

A special education hearing in the above-captioned matter was requested by Board of Education (BOE) Attorney via letter. It was received by the Due Process Unit on January 28, 2020.<sup>2</sup> The original 45-day deadline to mail the final decision and order was March 13.

A telephonic pre-hearing conference was held on February 12. Student's Mother and Student's Father appeared on behalf of Student and Attorney Yoder appeared on behalf of BOE.

The following issues were identified:

1. Was the Board of Education's evaluation of Student appropriate?
2. If the answer to Issue One above is in the negative, is Student entitled to an Independent Educational Evaluation at BOE's expense?

Via email dated February 14, BOE's Attorney requested a 30-day extension of the deadline to mail the final decision and order to permit the parties to engage in mediation. After fully considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended to April 12.

The parties were scheduled for mediation on March 30 and indicated availability for hearing on April 6. Prior to the hearing being scheduled, BOE's school facilities, along with all schools in the state, closed to on-site learning by order of the Governor during the Coronavirus Pandemic. The Governor's order also limited the size of gatherings and requested that people

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<sup>1</sup> In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student," "Parents," and titles of certain school staff members and witnesses in place of names and other personally-identifiable information.

<sup>2</sup> All dates are 2020 unless otherwise indicated.

stay home for all but essential trips. As a result of these closings and social distancing protocols, the Due Process Unit has delayed the scheduled mediation.

Via email dated March 20, BOE's Attorney requested an extension of the deadline to mail the final decision and order to allow the parties to participate in mediation and schedule a hearing date. After considering the parties positions, the request was granted and the deadline to mail the final decision and order was extended until May 12. Hearing was scheduled for May 7. The parties were encouraged to engage in resolution discussions, to request reasonable extensions as necessary, and/or to withdraw the case and refile later if not impacted by the statute of limitations.

On May 5, the Governor announced that all school facilities shall remain closed through the end of the academic school year and social distancing orders remain in place until at least May 20.

On May 5, BOE's Attorney indicated that the parties have agreed to withdraw the hearing request without prejudice.

### **FINAL DECISION AND ORDER**

The above-captioned case is dismissed without prejudice.