

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

East Windsor Board of Education and Student

Appearing on behalf of the Student: Parent, *Pro Se*

Appearing on behalf of the Board: Attorney Christine Chinni
Chinni & Meuser, LLC
One Darling Drive
Avon, CT. 06001

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. Is the Board of Education's evaluation of the Student appropriate?
2. Is the Student entitled to an independent evaluation of the Student in the area of psychoeducation?
3. Should the Student be ordered to submit to the Board of Education's evaluation of the Student by Dr. Wargo?

PROCEDURAL HISTORY:

The East Windsor Board of Education initiated this special education due process case on February 19, 2020. This Impartial Hearing Officer was assigned to the case on February 20, 2020. A Prehearing Conference was convened on March 10, 2020. The Student's parent appeared on behalf of the Student and Attorney Christine Chinni 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 April 3, 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 March 12, 2020 the Student requested postponement of the hearing and postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to May 1, 2020. The purpose of the requested postponement and extension was to accommodate the public health concerns identified by the Governor in declaring a state of emergency due to the COVID-19 Pandemic. The Board of Education did not take a position on the requested postponement and it was granted.

On April 28, 2020, the Board of Education expressed its consent to a 90 day extension of the deadline for filing the final decision in this case in light of the Pandemic. On April 29, 2020 the Student requested that the case be dismissed on the basis that the Student's parent was medically indisposed at the present time. The request to dismiss the case was denied and the deadline for issuing the final decision and order in the case was extended to July 30, 2020.

On June 11, 2020, the hearing in the case was rescheduled for July 21, 2020, to take place remotely via the Zoom video conference platform.

A hearing in this matter was convened via the Zoom video conference platform on July 21, 2020. Attorney Chinni appeared for the East Windsor Board of Education and the Student's parent appeared for the parent. At that time, the Board of Education requested that the matter be dismissed without prejudice due to the difficulty of conducting this hearing remotely. The Student's parent consented to dismissal of the case without prejudice.

FINAL DECISION AND ORDER:

The Board of Education's request is granted and the matter is dismissed without prejudice.