

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Clinton Board of Education

Appearing on behalf of the Student:

Attorney Gerry McMahon
The Law Offices of Gerry McMahon, LLC
100 Mill Plain Road, 3d Floor
Danbury, CT. 06811

Appearing on behalf of the Board:

Attorney Julia Wilde
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

The following issues were identified for determination at the hearing:

1. Did the Clinton Board of Education offer the Student a Free Appropriate Public Education between November 19, 2019 and February 20, 2020?
2. If so, is the Student entitled to compensatory education?
3. If so, is the Student entitled to a program analysis by an independent educational consultant?

PROCEDURAL HISTORY:

The Student filed this Request for Due Process on April 10, 2020. This Impartial Hearing Officer was assigned to the case on April 14, 2020. The initial deadline for issuing the final decision was June 24, 2020.

Beginning in early March 2020, the Governor of the State of Connecticut issued a series of executive orders closing all public schools through at least May 20, 2020 due to the COVID-19 pandemic. In addition, the Division of Special Education of the Department of Education has 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 May 4, 2020, before a prehearing conference was conducted, the Student and the Board of Education jointly requested that the deadline for issuing the final decision be extended for 90 days in accordance with the Guidance letter dated April 6, 2020. That request was granted and the deadline was extended to September 22, 2020.

A Prehearing Conference was convened on June 11, 2020. Attorney Gerry McMahon appeared on behalf of the Student and Attorney Julia Wilde appeared on behalf of the Board of Education. During the conference, the parties agreed that the matter should be consolidated with another case between the same parties then pending before Impartial Hearing Officer Powell, Case No. 19-0221. It was agreed that the parties would submit a motion to consolidate both matters before Hearing Officer Powell.

Shortly thereafter, the parties engaged in settlement discussions and requested additional time to pursue those discussions.

On September 14, 2020, the Student reported that the case had been settled 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.