

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Colchester Board of Education

Appearing on behalf of the Student:

Attorney Courtney Spencer
Law Office of Courtney Spencer, LLC
100 Riverview Ctr. Suite 120
Middletown, CT 06457

Appearing on behalf of the Board:

Attorney Anne Littlefield
Shipman & Goodwin LLP
1 Constitution Plaza
Hartford, CT 06103

Appearing Before:

Attorney Susan Dixon
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Should the student be found eligible for special education under the Emotional Disturbance classification?
2. Did the Board offer an appropriate program for the 2019-20 school years?
3. If not:
 - a. Should the Parents be reimbursed for the Viewpoint program?
 - b. Is residential placement at the Discovery School of Virginia the appropriate program for the Student for the 2019-20 school year and should the Board be ordered to place the Student residentially at the Discovery School of Virginia for the 2019-20 school year?
4. Is the Student entitled to compensatory education?

PROCEDURAL BACKGROUND:

The Parent filed this Request for a Due Process Hearing on May 5, 2020. The Hearing Officer was assigned on May 6, 2020. A Prehearing Conference was scheduled and held on May 13, 2020. At the conference, hearing dates were assigned and the issues were reviewed. A hearing was scheduled for August 11, 2020 with a mailing date for the final decision scheduled on August 31, 2020. A Request for Extension was subsequently granted and the hearing dates were rescheduled to September 24, 29, and October 7, 2020. The final decision due date extended to November 20, 2020. Thereafter, the parties requested adjournment of all hearing dates except October 7, 2020, in anticipation of the execution of

settlement documents. All dates were within the extended parameters allowed by the Covid-19 State Orders regarding administrative hearing scheduling. Thereafter, on October 5, 2020 it was reported that the matter was settled and counsel for the student intended to immediately withdraw the request for due process. Written notice of withdrawal with prejudice dated October 5, 2020 was received; therefore the matter is dismissed with prejudice.

FINAL DECISION AND ORDER:

The case is DISMISSED with prejudice.