

August 18, 2020

Final Decision and Order 20-0481

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Groton Board of Education

Appearing on behalf of the Student:

Attorney Courtney Spencer
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100 Riverview Center, Suite 120
Middletown, CT 06457

Appearing on behalf of the Board:

Attorney Michele Laubin
Berchem Moses, P.C.
75 Broad Street
Milford, CT 06460

Appearing Before:

Attorney Susan Dixon
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

Whether the Board failed to offer Student a Free and Appropriate Public Education (“FAPE”) for the 2020-2021 School Year, by failing to offer an individualized education plan, program or placement that meets Student's needs, in violation of 20 U.S.C. § 1414 et. seq. and R.C.S.A. § 10-76d et. seq.

If not, is placement at the Bierman School an appropriate placement for Student and if so, whether the Board should be required to place Student at the Bierman School for the upcoming 2020-2021 School Year?

PROCEDURAL BACKGROUND:

The Parents filed this Request for a Due Process Hearing on June 16, 2020. The Hearing Officer was assigned on June 17, 2020. A Prehearing Conference was scheduled and held on June 22 and June 24, 2020. At the conference, hearing dates were assigned and the issues were reviewed. A hearing was scheduled for August 20, 2020 with a mailing date for the final decision scheduled on September 14, 2020. These dates were within the extended parameters allowed by the Covid-19 State Orders regarding administrative hearing scheduling. Thereafter, on August 12, 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 without prejudice dated August 13, 2020 was received, therefore the matter is dismissed without prejudice.

FINAL DECISION AND ORDER:

The case is DISMISSED without prejudice.

