

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student¹ v. Guilford Board of Education

Appearing on behalf of Student:

Attorney Courtney Spencer
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Middletown, CT 06457

Appearing on behalf of the Board of Education:

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Shipman & Goodwin LLP
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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 Student's Attorney via letter dated September 22, 2020.² The following issues are identified:³

1. Did the Board of Education offer Student a free appropriate education from September 22, 2018 through the end of the 2018-19 school year?
2. Did the Board of Education offer Student a free appropriate education during the 2019 extended school year?
3. Did the Board of Education offer Student a free appropriate education during the 2019-20 school year?
4. Did the Board of Education offer Student a free appropriate education during the 2020 extended school year?

¹ 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.

² All dates are 2020 unless otherwise indicated.

³ The request for hearing requests that the following issues, *inter alia*, be identified for hearing: "Did the Board offer an appropriate program for the 2017-18, 2018-19, 2019-20 school years including the 2018 and 2019 extended school years?" It includes a footnote limiting the time period for the 2017-18 school year as being after September 22, 2018. The two-year statute of limitations extends to that date, which falls in the 2018-19 school year, not the 2017-18 school year. Therefore, the 2017-18 school year is not included as an issue. Based on the totality of the hearing request letter and the statute of limitations, the 2019 and 2020 extended school years, but not the 2018 extended year, are included in the statement of issues.

5. If the answer to any of the Issues One through Four above is in the negative, is Student entitled to an independent educational evaluation in the areas of occupational therapy, assistive technology, ecological assessment, functional behavior analysis, and/or speech and language at the Board of Education's expense?
6. Are Student's Parents entitled to reimbursement from the Board of Education for Student's independent psychological evaluation, literacy evaluation, and/or private tutoring?
7. If the answer to any one of the Issues One through Four above is in the negative, what shall be the remedy?
8. Is Student entitled to compensatory education?

The 30-day resolution period ends on October 22 and the 45-day deadline to mail the final decision and order is December 6.

A telephonic pre-hearing conference was scheduled for October 5. The parties indicated that they were in the process of completing a settlement agreement. The pre-hearing conference was postponed until October 19 to give the parties time to finalize their settlement agreement.

On October 16, Student's Attorney indicated that a settlement agreement was finalized and requested that the matter be dismissed with prejudice.

FINAL DECISION AND ORDER

The above-captioned case is dismissed with prejudice.