

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. New Milford Board of Education

Appearing on behalf of the Student:

Attorney Gerry McMahon  
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Danbury, CT 06811

Appearing on behalf of the Board:

Attorney Michael McKeon  
Pullman & Comley LLC  
90 State House Sq.  
Hartford CT 06103

Appearing Before:

Attorney Susan Dixon  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board deny Student a FAPE for the 2018-2019 School Year (7th Grade), including ESY, by failing to comprehensively evaluate the Student in all areas of suspected disability, and identify him as a student in need of special education and related services; thereby failing to offer an individualized education plan, program or placement that meets his needs, in violation of 20 U.S.C. § 1414 et. seq. and R.C.S.A. § 10-76d et. seq. ?
2. Did the Board deny Student a FAPE for the 2019-2020 School Year (8th Grade), including ESY, by failing to comprehensively evaluate the Student in all areas of suspected disability, and identify him as a student in need of special education and related services; thereby failing to offer an individualized education plan, program or placement that meets his needs, in violation of 20 U.S.C. § 1414 et. seq. and R.C.S.A. § 10-76d et. seq. ?
3. If #1 and/or #2 is/are found in the affirmative, the Student requests reimbursement of tuition and related expenses for Student's placement at the Region 12 School District during the 2018-2019, 2019-2020, and the 2020-2021 school years as Compensatory Education Services and Supports.

**PROCEDURAL BACKGROUND:**

The Student filed this Request for a Due Process Hearing on August 4, 2020. The Hearing Officer was assigned on August 6, 2020. A Prehearing Conference was scheduled and held on August 19, 2020. Hearing dates of October 14 and 20, 2020 were set and the date for mailing the final decision was determined to be November 5, 2020. The parties expressed their intention to engage in a resolution

conference and/or mediation, which brought about an agreement. Two requests were jointly made by counsel for extension of the hearing date in order that settlement documents could be exchanged. Counsel stipulated that there would be no adverse effect on the student or parents by such extensions. Extensions of the hearing dates and mailing dates were given up to November 25 and December 22, 2020, respectively. Counsel for the Student notified the Hearing Officer on November 18, 2020 that a settlement documents had been signed and received, and this case has been withdrawn by agreement “with prejudice.”

**FINAL DECISION AND ORDER:**

The case is DISMISSED with prejudice.