STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

New Milford Board of Education and Student

Appearing on behalf of the Student: Attorney Philip Cohn
                                             Goldman Gruder & Woods LLC
                                             200 Connecticut Avenue
                                             Norwalk, CT 06854-1964

Appearing on behalf of the Board: Attorney Michael P. McKeon
                                             Pullman & Comley LLC
                                             90 State House Square
                                             Hartford, CT 06103

Appearing before: Attorney Ann F. Bird
                                             Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

The following issues have been identified for determination at the hearing:

1.   Did the Board of Education provide the Student a Free Appropriate Public
       Education for the 2018-2019, 2019-2020 and/or 2020-2021 School Years,
       including the 2019, 2020 and 2021 Extended School Years?

2.   If the Board of Education did not provide the Student a Free Appropriate Public
       Education for the 2018-2019, 2019-2020 and/or 2020-2021 School Years,
       including the 2019, 2020 and 2021 Extended School Years, is the Innercept
       placement appropriate?

3.   If the Board of Education did not provide the Student a Free Appropriate Public
       Education for the 2018-2019, 2019-2020 and/or 2020-2021 School Years,
       including the 2019, 2020 and 2021 Extended School Years, and the Innercept
       placement is appropriate should the Student be placed at Innercept and/or
       reimbursed for the expense of a unilateral placement at Innercept, including the
       extended school year and including travel expenses for the Student and parents?

4.   If the Board of Education did not provide the Student a Free Appropriate Public
       Education for the 2018-2019, 2019-2020 and/or 2020-2021 School Years,
       including the 2019, 2020 and 2021 Extended School Years, and the Innercept
       placement is appropriate, should the Board be required to reimburse the Student
       for the cost of an educational consultant to advocate for the Student and find an
       appropriate program for the Student, the cost for therapies not covered by

insurance and/or the cost of travel for the Student and her parents to and from the unilateral placement?

5.   If the Board of Education did not provide the Student a Free Appropriate Public Education for the 2018-2019, 2019-2020 and/or 2020-2021 School Years, including the 2019, 2020 and 2021 Extended School Years, should the Board be required to provide compensatory education for the Student in the form of continued payment for outplacement and related services at Innercept?

6.   Did the Board of Education violate Section 504 of the Rehabilitation Act?

7.   Is the Board of Education's evaluation of the Student appropriate?

PROCEDURAL HISTORY:

The Student initiated special education due process case number 21-0160 on December 7, 2020. A Prehearing Conference was convened on December 18, 2020. Attorney Phillip Cohn appeared on behalf of the Student and Attorney Michael McKeon appeared on behalf of the Board of Education.

It was established that the initial deadline for filing the final decision in this case was February 19, 2020. An evidentiary hearing was scheduled for the following dates: January 29, 2021, February 1, 2021, February 4, 2021, February 5, 2021, February 8, 2021, February 12, 2021 and February 22, 2021.

It was agreed during the Prehearing Conference that the Board of Education's own planned request for due process would be consolidated with case number 21-0160 by consent when filed. The Board of Education filed due process case number 21-0271 on February 26, 2021.

In accordance with the agreement of the parties, case number 21-0271 was consolidated for hearing with case number 21-0160 on March 2, 2021. The deadline for completing the consolidated hearing and issuing the final decision in these consolidated cases was reset to May 12, 2021.

The parties reported that they were working on a settlement of the case and requested that the scheduled hearing be cancelled. A new hearing was scheduled for March 26, 2021.

On March 10, 2021, the parties reported that the conflicts were resolved and requested that the cases be dismissed.

FINAL DECISION AND ORDER:

The parties' request is granted and both cases are dismissed with prejudice.