

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student and Cheshire Board of Education

Appearing on behalf of the Student:

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

Appearing on behalf of the Board:

Attorney Christine Sullivan  
Berchem Moses, P.C.  
75 Broad Street  
Milford, CT 06460

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 offer the Student a Free Appropriate Public Education for the 2017-2018, 2018-2019 and/or 2019-2020 School Years, including the 2018 and 2019 Extended School Years?
2. If not, does the Student require a residential placement?
3. If the Student requires a residential placement and the Board of Education did not offer the Student a Free Appropriate Public Education for the 2017-2018, 2018-2019 and/or 2019-2020 School Years, including the 2018 and 2019 Extended School Years, is the Grove School residential program appropriate for the Student?
4. If the Student requires a residential placement and the Board of Education did not offer the Student a Free Appropriate Public Education for the 2017-2018, 2018-2019 and/or 2019-2020 School Years, including the 2018 and 2019 Extended School Years, should the Student be placed residentially at Grove School for the 2019-2020 School Year?
5. If the Board of Education did not offer the Student a Free Appropriate Public Education for the 2017-2018, 2018-2019 and/or 2019-2020 School Years, including the 2018 and 2019 Extended School Years, is the Student entitled to compensatory education?

**PROCEDURAL HISTORY:**

The Student filed a Request for Due Process in this case on July 17, 2019. The matter was assigned to this hearing officer on July 22, 2019.

On July 30, 2019, the Student reported that the parties had reached a settlement and were in the process of documenting their agreement. As a result, the hearing officer did not schedule a prehearing conference. Instead, the hearing officer monitored the progress of the settlement. The deadline for issuing the final decision was established to be September 30, 2019.

On September 25, 2019 the Board of Education requested a postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to October 2, 2019 to finalize the settlement agreement. The Student consented to the request and it was granted.

On September 26, 2019, the Student requested that the matter be dismissed with prejudice.

**FINAL DECISION AND ORDER:**

The Student's request is granted and the matter is dismissed with prejudice.