

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on Behalf of the Parents: Attorney Meredith C. Braxton  
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Greenwich, CT 06830

Appearing on Behalf of the Board: Attorney Abby R. Wadler  
Assistant Town Attorney  
Town of Greenwich  
101 Field Point Road  
Greenwich, CT 06830

Appearing Before: Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1. Is the Student eligible for special education and related services as defined in the Individuals with Disabilities Education Improvement Act (IDEIA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a? If yes;
2. Should the Board pay for the unilateral placement of the Student at the Wilderness Program for the 2008-2009 school year?
3. Does the unilateral placement of the Student at a residential therapeutic program for the 2009-2010 school year provide the Student with a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) according to 20 U.S.C. §§ 1401 et seq?
4. Should the Board reimburse the Parents for their unilateral placement of the Student for the 2009-2010 school year?
5. Is the Student entitled to Compensatory education for the denial of FAPE for the 2007-2008 and 2008-2009 school years?

**SUMMARY and PROCEDURAL HISTORY:**

The Student is 17 years and 4 months old and has not been identified as a student who is entitled to receive a FAPE as defined in IDEIA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parents rejected the program offered by the Board for the 2008-2009 school year. The Parents requested placement at the Wilderness Program. The Board refused the Parent's request.

On or about December 7, 2009, the Board received notice of the Parents' request for due process. The parties waived a resolution meeting and agreed to mediate the matter. The parties were not able to reach an agreement at mediation. An impartial hearing officer was appointed on December 10, 2009 and a pre-hearing

conference was scheduled for December 15, 2009. Hearing dates of March 2 and 3, 2010 were chosen by the parties.

In a letter from the Student's attorney, the Parents requested that the matter be withdrawn without prejudice. The parties had agreed to evaluations to try and resolve the matter. At the request of the parties, in order to accommodate the mailing of a final order and decision after the hearing dates, the mailing date of the Final Decision and Order was extended. The mailing date for the Final Decision and Order is March 15, 2010.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITHOUT PREJUDICE.**