

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Parent: Attorney David Shaw
Law Office of David C. Shaw, LLC
34 Jerome Avenue, suite 210
Bloomfield, CT 06002

Appearing on behalf of the Board: Attorney Andreana Bellach
Shipman & Goodwin
300 Atlantic Street
Stamford, CT 06901

Appearing before: Hearing Officer Elisabeth Borrino

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board failed to provide FAPE;
2. Whether the Board failed to implement the Mediation Agreement signed by the parties on July 17, 2009;
3. Whether the Board violated the Parents' procedural rights by not documenting whether it would follow the recommendations of the independent consultant and by not implementing those recommendations;
4. Whether the Board should provide compensatory education to the Student due to its failure to provide FAPE during the school year.

SUMMARY:

The Parent filed this Request for Due Process on February 5, 2010. Prehearing Conferences were held on February 22, 2010 and April 28, 2010. Hearing Dates were scheduled on April 1, 2010, April 9, 2010, May 3, 2010, May 7, 2010, May 17, 2010, May 19, 2010, June 16, 2010, and June 17, 2010. Both counsel requested that the Hearing Dates of April 1, 2010, April 9, 2010, and May 3, 2010 be cancelled based upon the parties nearing settlement. Counsel for the Parents requested that the May 17, 2010 and May 19, 2010 Hearing Dates be cancelled based upon his unavailability due to a Federal Court trial.

On March 25, 2010, pursuant to request of the parties, the deadline for mailing the Final Decision and Order was extended based upon that the parties were reportedly near settlement of the matter.

On April 21, 2010, pursuant to the Motion of Counsel for the Parents, the deadline for mailing the Final Decision and Order was extended based upon Counsel's unavailability for the May 17, 2010 and May 19, 2010 Hearing Dates.

On May 11, 2010, the Hearing Officer issued Notice of Intention to Dismiss this matter based upon Counsel for the Parents and Counsel for the Board's failure to communicate with the Hearing Officer; and that the matter would be dismissed on May 14, 2010.

On May 12, 2010, Counsel for the Board filed a Motion for Reconsideration.

On May 12, 2010, the Hearing Officer issued an Order regarding that Motion.

On May 13, 2010, Counsel for the Parent complied with the Order.

On May 14, 2010, the Hearing Officer granted the Motion for Reconsideration, in part, and ordered that the matter would be dismissed on May 21, 2010, instead of May 14, 2010.

On May 20, 2010, Counsel for the Parents withdrew the Request for Hearing with prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.