

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on Behalf of the Parents: Attorney Jennifer D. Laviano
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Sherman, CT 06784

Appearing on Behalf of the Board: Attorney Andreana Bellach
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300 Atlantic Street
Greenwich, CT 06901

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the Student eligible to receive 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 cost of the Parents' unilateral placement of the Student at The Grove School for the 2010-2011 school?
3. Was the program provided by the Board from August 30, 2008 through the 2008-2009 school year appropriate and did it provide the Student with a free and appropriate education (FAPE) in the least restrictive environment (LRE)?
4. Was the program provided by the Board for the 2009-2010 school year appropriate and did it provide the Student with FAPE in the LRE?
5. Is the program provided by the Board for the 2010-2011 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
6. Should the Parents be reimbursed for the cost of their unilateral placement of the Student at The Grove School for the 2009-2010 school year?
7. Should the Board provide Compensatory Education for the denial of FAPE from August 30, 2008 through the 2008-2009 school year?
8. Should the Board provide Compensatory Education for the denial of FAPE for the 2009-2010 school year?

FINAL ORDER AND DECISION

SUMMARY and PROCEDURAL HISTORY:

The Student is 16 years and 9 months old and has not been identified as entitled to receive a free and appropriate public education ("FAPE") as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parents requested that the Student be identified as a student requiring special education and related services as defined in IDEIA and placed at The Grove School. The Board refused the Parents' request.

On or about August 30, 2010, the Board received notice of the Parents' request for due process. The parties requested mediation in place of a resolution session. Mediation was held on November 4, 2010. An impartial hearing officer was appointed on September 2, 2010 and a pre-hearing conference was held on September 21, 2010. A hearing date of November 4, 2010 was chosen by the parties. In a letter from the Parents' attorney, the parties requested that the mailing date be extended 30 days to accommodate the mediation session. The parties informed the hearing officer that the matter was resolved and the hearing was withdrawn with prejudice.

At the request of the parties, in order to accommodate the mailing of a final decision and order after the hearing date, the date for the mailing of the Final Decision and Order was extended. The date for the Final Decision and Order is December 14, 2010.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.