

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

Meredith C. Braxton, Esq.
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Greenwich, CT 06830

Appearing on behalf of the Board:

Julie C. Fay, Esq.
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Appearing before:

Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board propose an Individualized Education Program (IEP) and special education placement for 2009-2010 that would have provided a free appropriate public education (FAPE) for the Student?
2. Did the Board propose an IEP and special education placement that would have provided FAPE for the Student?
3. If not, was Eagle Hill Greenwich an appropriate special education placement for the Student in the school years 2009-2010 and 2010-2011?
4. Are the Parents entitled to reimbursement for their documented costs of Student's placement at Eagle Hill Greenwich for 2009-2010 and 2010-2011?
5. Is Eagle Hill Greenwich an appropriate special education placement in the least restrictive environment for Student for 2011-2012?

PROCEDURAL HISTORY:

This hearing was requested by Parents on May 13, 2011. The Hearing Officer was appointed on May 13, 2011. The date for mailing the decision is July 27, 2011.

A pre-hearing conference was held on May 23, 2011. At that time, the Parties reported that mediation was scheduled for June 21, 2011. Although agreement was reached in mediation, the agreement was not signed by all Parties until July 11, 2011.

The hearing was scheduled for July 13, 14 and 18, 2011, and was cancelled upon receipt of Parents' withdrawal of their request on July 11, 2011.

All motions and objections not previously ruled upon, if any, are hereby overruled.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, the following decision uses "Student", "School", "Parent" and titles of school staff members and other witnesses in place of names and other personally identifiable information. For the same reasons, neither the names of the Student and Family nor the School District are provided.

SUMMARY

Parents asked for reimbursement of their unilateral placement of the Student in a private school, arguing that the Board had not adequately addressed Student's special education needs.

Parents requested an order that their expert be allowed to observe the program in which the Board proposed placement for the Student. The Board opposed such observation, because the Student was not currently enrolled in that program. The Hearing Officer denied Parents' Motion on June 3, 2011.

FINAL DECISION AND ORDER:

This dispute having been settled and the Parents having withdrawn their request for hearing with prejudice, this matter is DISMISSED with prejudice.