STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Case No. 12-0045 Date of Decision: September 23, 2011

Student v. Greenwich Board of Education

Appearing on behalf of the Parents:

Attorney Jennifer Laviano
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board:

Attorney Abby Wadler
Town of Greenwich
Law Department
101 Field Point Road
Greenwich, CT 06830

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board failed to offer the Student FAPE for the 2009-10 and 2010-11 school years, including ESY and related services, because it failed to appropriately identify the Student's academic and social needs, and to provide a program that effectively addressed those needs.

2. Whether the Board denied the Student FAPE for the 2011-12 school year, including ESY and related services, because it failed to offer or provide a program that was designed to meet her individual academic and social needs, contained a sufficient level of direct instruction, structure and intensity to meet those needs, and that was reasonably calculated to enable her to obtain educational benefit.

3. Whether the Board violated its Child Find obligations in its actions with the Student.

4. Whether the Board denied the Student FAPE for the 2009-10, 2010-11 and 2011-12 school years by violating her procedural safeguards including failing to comprehensively re-evaluate the Student in all known and suspected areas of disability, failing to perform triennial evaluations, failing to consider the Parents' input in the development of the IEP, failing to consider the information provided

by the Parents to the PPT, failing to offer EYS services and applying inaccurate standard to the provision of those services, failing to conduct an assistive technology evaluation despite the recommendations of Dr. Koda and failing to maintain a continuum of appropriate alternative placements.

5. Whether the Parents' proposed placement of the Student at Franklin Academy is appropriate and shall be reimbursed.

6. Whether the Parents shall be reimbursed for all costs associated with the Student's residential placement at Franklin Academy for the portion of the 2010-11 school year that the Student attended Franklin.

7. Whether the Parents shall be reimbursed for all other expenses incurred as a result of the Board's failure to provide or offer a FAPE, including the neuropsychological evaluation conducted by Dr. Koda, tutoring, and related and ESY services and programs.

8. Whether the Student is entitled to compensatory education.

PROCEDURAL HISTORY/DISCUSSION:

This request for hearing was received by the Board on July 28, and a prehearing conference convened on August 8. The mailing date was extended to provide the parties with additional time to attempt to settle the case through mediation. A mediation session was convened on September 21.

On September 22, the Parents' attorney submitted notification that the parties participated in mediation and have agreed to seek an outside evaluation which will take some time. The Parents requested that the matter be withdrawn without prejudice. Therefore, this case is dismissed, without prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED,** without prejudice.