

April 24, 2012

Final Decision and Order 12-0255

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Student:

Attorney Lawrence W. Berliner
Law Office of Lawrence Berliner LLC
1720 Post Road East, Suite 214E
Westport, CT 06880

Appearing on behalf of the Board:

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

Appearing before:

Attorney Sylvia Ho, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is Student eligible for special education services?
2. Did the Board of Education (BOE) violate Student's procedural rights by failing to timely evaluate and/or identify Student as a child eligible for special education services, and/or by failing to promptly convene a Planning and Placement Team Meeting at Student's Parents' request, and/or by failing to consider information provided by Student's Parents and/or by failing to develop an Individualized Education Program?
3. Did the BOE provide a free, appropriate public education (FAPE) to Student for the 2010-2011 school year?
4. Did the BOE provide a FAPE to Student for the 2011-2012 school year?
5. If the answer to either or both questions 4 and 5 are negative, should the BOE be required to reimburse the Parent for expenses related to the evaluation and/or education of the Student for either or both school years?
6. If the answer to either or both questions 4 and 5 are negative, should the BOE be required to financially support an appropriate out of district placement for Student?
7. Do the circumstances warrant the award of compensatory services as a just and equitable remedy?

SUMMARY:

The special education Due Process hearing was requested by Parents' Attorney and received by the BOE on January 20, 2012. The deadline for mailing the final decision is May 20, 2012 and was extended at the request of the Parents without objection from the BOE. The hearing was scheduled for April 24, 2012. On April 18, 2012, Parents' counsel submitted a notice of settlement and withdrawal for the Due Process hearing. Accordingly, the case is DISMISSED without prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED** without prejudice.