

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Parents: Attorney Melanie Dunn  
Andrew Feinstein, Attorney at Law, LLC  
86 Denison Avenue  
Mystic, CT 06355

Appearing on behalf of the Board: Attorney Abby Wadler  
Town of Greenwich  
101 Field Point Road  
Greenwich, CT 06830

Appearing before: Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board violate "Child Find" by failing to find the Student eligible to receive special education and related services as defined in the Individuals with Disabilities Education Improvement Act (IDEIA)?
2. Was the program provided by the Board for the 2013-2014 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
3. Is the program provided by the Board for the 2014-2015 school year appropriate and does it provide the Student with FAPE in the LRE?
4. Does the unilateral placement at Winston Academy for the 2014-2015 school year provide the Student with a meaningful education?
5. Should the Board reimburse the Parents for their unilateral placement of the Student at Winston Academy for the 2014-2015 school year?
6. Did the Board commit procedural violations by not allowing the Parents to be meaningful participants in the PPT?
7. Should the Board reimburse the Parents for their psychiatric evaluation of the Student by Roumen Nikolov M.D.?
8. Should the Board reimburse the Parents for their neuropsychological reevaluation of the Student by Lauren Riordan M.D.?
9. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student is not identified as entitled to receive FAPE as defined in the IDEIA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting,

the Parents rejected the Board's finding that the Student was not eligible to receive special education and related services. The Parents requested that the Student be identified as eligible. The Board refused the Parents' request.

On February 26, 2015, the Board received notice of the Parents' request for due process. The parties agreed to forego a resolution meeting and mediate the matter. The mediation date was March 16, 2015. An impartial hearing officer was appointed on February 20, 2015 and a pre-hearing conference was held on March 3, 2015. Hearing dates of May 1 and 12, 2015 were chosen by the parties.

In an electronic transmission, the parties requested that the hearing dates be cancelled in order to give the parties additional time to resolve the matter without going to due process. In an electronic transmission, the Parents' attorney advised the hearing officer that the matter had been resolved and an agreement had been executed. The Parents' attorney stated that the matter was withdrawn with prejudice.

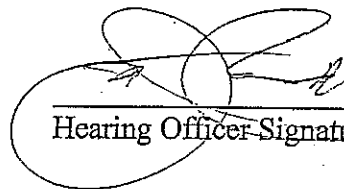
The mailing of the Final Decision and Order was extended in order to accommodate the parties' mediation. The date for the mailing of the Final Decision and Order is June 11, 2015.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE**

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



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Hearing Officer Signature

Justino Rosado  
Hearing Officer Name in Print