

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Parent: Attorney Tracey Spencer Walsh
379 West Broadway
New York, NY 10062

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. 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)? If not;
2. Was the unilateral placement of the Student at Villa Maria from the beginning of the 2013-2014 school year until March 17, 2014 appropriate and did it provide the Student with a meaningful education?
3. Was the unilateral placement of the Student at Sandhill Child Development Center (SCDC) in Los Luna, New Mexico, from March 17, 2014 to the end of the 2013-2014 school year appropriate and did it provide the Student with a meaningful education?
4. Should the Board reimburse the Parents for their unilateral placement of the Student at Villa Maria from the beginning of the 2013-2014 school year until March 17, 2014?
5. Should the Board reimburse the Parents for their unilateral placement of the Student at SCDC from March 17, 2014 to the end of the 2013-2014 school year?
6. Was the program provided by the Board for the 2014-2015 appropriate and did it provide the Student with FAPE in the LRE? If not;
7. Was the unilateral placement of the Student at Sandhill Child Development Center (SCDC) for the 2014-2015 school year appropriate and did it provide the Student with a meaningful education?
8. Should the Board reimburse the Parents for their unilateral placement of the Student at SCDC for the 2014-2015 school year including extended school year (ESY)?
9. Should the Board reimburse the Parents for their transportation, car rental and lodging for their visit to the Student at SCDC?
10. Did the Board commit a procedural violation by not allowing the Parents to be meaningful participants in the development of the 2013-2014 IEP?
11. Did the Board commit a procedural violation by predetermining the Student's 2013-2014 IEP?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified as Other Health Impaired and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 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 program offered by the Board for the 2014-2015 school year. The Parents requested placement at Sandhill Child Development Center. The Board refused the Parents' request.

On April 30, 2015, the Board received notice of the Parents' request for due process. The parties agreed to a resolution session. The resolution session date was pending. An impartial hearing officer was appointed on May 5, 2015 and a pre-hearing conference was held on May 11, 2015. A hearing date of June 26, 2015 was chosen by the parties.

In an electronic transmission dated June 8, 2015, the parties advised the hearing officer that they were able to resolve the matter in the resolution session, but needed additional time to finalize the agreement. They requested that the June 26, 2015 hearing date be cancelled. Their request was granted. A July 15, 2015 hearing date was scheduled.

On July 14, 2015, the Parents' attorney advised the hearing officer that they were in the process of ratifying the agreement and withdrew the matter without prejudice. The July 15, 2015 hearing date was cancelled.

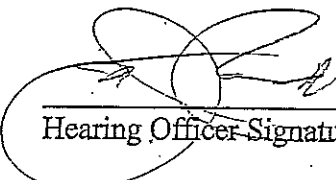
The date for mailing the Final Decision and Order is August 13, 2015.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT 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).



Hearing Officer Signature

Justino Rosado
Hearing Officer Name in Print