

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Parent: Attorney 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. Does the Student require one-to-one personal instruction for 5 hours per week in language arts; one-to-one personal instruction for 5 hours per week in math and 1.5 hours per week in on-to-one speech therapy in order to receive a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Should the Board conduct a functional behavioral assessment (FBA) of the Student and create a behavioral intervention plan (BIP)?
3. Should the Student's occupational and physical therapy be conducted by a licensed occupational therapist and a licensed physical therapist?
4. Does the Student require a dedicated one-on-one para-professional during the school day?

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 2013-2014 school year. The Parents requested one-to-one personal instruction and that occupational and physical therapy be conducted by a licensed occupational therapist and a licensed physical therapist. The Board refused the Parents' request.

On July 18, 2014, 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 September 1, 2014.

An impartial hearing officer was appointed on July 18, 2014 and a pre-hearing conference was held on July 23, 2014. A hearing date of September 10, 2014 was chosen by the parties.

In an electronic transmission dated September 2, 2014, the parties advised the hearing officer that they were able to resolve the matter in mediation, but need additional time to finalize the agreement. They requested that the hearing date be cancelled.

On October 1, 2014, the Parents' attorney advised the hearing officer that the agreement had been executed and the matter was withdrawn with prejudice.

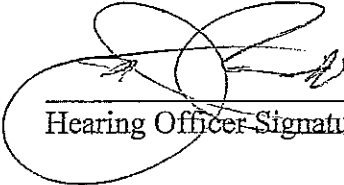
The date for mailing the Final Decision and Order is October 29, 2014.

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).



Hearing Officer Signature

Justino Rosado
Hearing Officer Name in Print