

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Parents: Attorney Piper Paul
Law Offices of Piper Paul, LLC
P.O. Box 126
Westport, CT 06881

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. Is the program offered by the Board for the 2013-2014 school year appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Should the Board pay for the cost of the Student's placement including transportation and related services at Carmel Academy (PALS Program), in Greenwich, CT in order to receive FAPE?
3. Did the Board commit a procedural violation by not allowing the Parents to be meaningful participant at the Student's planning and placement team (PPT) meeting?
4. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Autism and is entitled to receive FAPE as defined in the Individuals With Disabilities Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

At a PPT meeting, the Parents rejected the program offered by the Board for the 2013-2014 school year. The Parents requested a program in the community for the 2013-2014 school year. The Board refused the Parents' request.

On August 5, 2013, 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 October 18, 2013.

An impartial hearing officer was appointed on August 5, 2013 and a pre-hearing conference was held on August 9, 2013. The hearing dates of October 1 and 2, 2013 were chosen by the parties.

In an electronic transmission the parties requested a postponement of the hearing date in order to accommodate the mediation. A hearing date of November 1, 2013 was chosen.

At the November 1, 2013 hearing, the parties came to an agreement but needed additional time to draft the agreement. A date of November 15, 2013 was agreed to give the parties time to memorialize the agreement. In an electronic transmission the parties stated that the agreement had been reached but not memorialized. Since the parties were not able to finalize the agreement a hearing date of December 17, 2013 was set for the parties either to ratify the agreement or present evidence on the matter. At the December 17, 2013 hearing the Parents' attorney withdrew the matter with prejudice.

The date for mailing the Final Decision and Order was extended in order to accommodate the mediation and hearing date. The mailing date for the Final Decision and Order is January 16, 2014.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.