

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Parent: Attorney Meredith C. Braxton
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Greenwich, Ct 06830

Appearing on behalf of the Board: Attorney Andreana Bellach
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Stamford, CT 06901

Appearing before: Justino Rosado, Esq., Hearing Officer

CORRECTED FINAL DECISION AND ORDER

NOTE: This decision was originally issued on September 16, 2013 and is being reissued with corrections requested by the parties.

ISSUES:

1. Was the program provided by the Board from November, 2011 to the end of the 2011-2012 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the program offered by the Board for the 2012-2013 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Is the program offered by the Board for the 2013-2014 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
4. Does the Student require a program that provides:
 - a. 10 hours per week of pull out services on a 1:1 basis by the special education teacher;
 - b. A 1:1 or 1:2 teacher's aide for the time he is not in pull out services;
 - c. 30 minutes/week of pull-out physical therapy;
 - d. 1:1 or small group occupational therapy 30 minutes 3x/week
 - e. 30 minutes/week of pull-out speech therapy
 - f. 30 minutes/week of pull-out social skills instruction; and
 - g. 2.5 hours/week of small group social skills training?
5. Did the Board commit a procedural violation that impeded the Student from receiving FAPE by not allowing the Parents' meaningful participation in the development of the IEP?
6. Is the Student entitled to Compensatory Education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified as Autistic 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 a specialized program for the 2013-2014 school year. The Board refused the Parents' request.

On May 17, 2013, the Board received notice of the Parents' request for due process. The parties agreed to a resolution meeting and also mediated the matter.

An impartial hearing officer was appointed on May 20, 2013 and a pre-hearing conference was held on May 28, 2013. Hearing dates of July 3 and 12, 2013 were chosen by the parties.

The July 3, 2013 hearing date was cancelled to allow the parties time to mediate the matter. At the July 12 hearing, the parties informed the hearing officer that they were able to resolve most of their issues and requested additional time to try and resolve the outstanding issue. An additional hearing date of September 12, 2013 was chosen. At the September 12, 2013 hearing, the parties advised the hearing officer that they were able to resolve the matter but needed to memorialize the agreement. The Parents' attorney withdrew the matter with prejudice.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is September 27, 2013.

FINAL DECISION AND ORDER:

THE MATTER IS WITHDRAWN WITH PREJUDICE.