

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Parents: Atty. Nora A. Belanger, Law Office of Nora A. Belanger, L.L.C., 10 Wall Street, Norwalk, CT 06850

Appearing on behalf of the Greenwich Board of Education: Atty. Abby R. Wadler, Asst. Town Attorney, Town of Greenwich, 101 Field Point Road, Greenwich, CT 06830; and Atty. Andreana R. Bellach, Shipman & Goodwin LLP, 300 Atlantic Street, Stamford, CT 06901-3522

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board provide a free appropriate public education (FAPE) to the Student for the 2006-2007 school year and 2007 extended school year (ESY)?
2. Did the Board provide a FAPE to the Student for the 2007-2008 school year or propose a FAPE for the 2008 ESY?
3. Did the Board propose a FAPE to the Student for the 2008-2009 school year?
4. If not, should the Board be required to reimburse the Parents for the costs of private tutoring and related services for the past two years?
5. Should the Board be required to reimburse the Parents for the costs of independent evaluations/consultations?
6. Should the Board be required to provide the Student with an outplacement at Achieve Fluency Summer Camp including transportation for the 2008 ESY?
7. Should the Board be required to provide outplacement at Villa Maria for the 2008-2009 school year and for the ESY 2009 including transportation?

8. Are the Parents entitled to compensatory education for the Student in the form of two additional years at Villa Maria for denial of FAPE for the 2006-2007 and 2007-2008 school years?

PROCEDURAL HISTORY:

The Parents' attorney mailed and faxed a letter to the State Department of Education ("SDE") on June 2, 2008 requesting a due process hearing. The Board received a copy of the letter on June 2. This Hearing Officer was assigned to the case on June 5. On June 6, Atty. Wadler notified the Hearing Officer that she would be representing the Board. A pre-hearing conference was held on June 12, 2008. The parties requested hearing dates in late July so that they could schedule a mediation in the beginning of July. Hearing dates were agreed on for July 28 and August 5. The mailing date for the final decision was set at August 18, 2008.

On July 2, the SDE advised the Hearing Officer that the mediation was scheduled on July 9. On July 15, the Parents' attorney requested that the first hearing date be used for mediation because the parties had to reschedule the July 9 date. The request was granted, the July 28 hearing date was postponed to August 5 and the mailing date for the final decision was extended to August 29. On July 30, the SDE advised the Hearing Officer that the parties had reached an agreement at the July 28 mediation and that Parents' attorney would withdraw the hearing request. On July 30, Atty. Bellach filed an appearance in lieu of Atty. Wadler and the Parents' attorney filed a withdrawal of the due process request with prejudice. On August 2, the Hearing Officer advised the parties that the August 5 hearing was canceled and that the case would be dismissed.

FINAL DECISION AND ORDER

It is ordered that this case shall be dismissed with prejudice.