

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Greenwich Board of Education

Appearing on behalf of the Student:

Attorney Elizabeth Moyse
Law Office of Jennifer Laviano LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board:

Attorney Abby R. Wadler
Greenwich Town Hall-Law Department
101 Field Point Road
Greenwich, CT 06883

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

The following issues have been identified for determination at the hearing:

1. Did the Board of Education offer the Student a Free Appropriate Public Education from March 26, 2017 through the present?
 - a. If not, does the Student require a residential therapeutic placement?
 - b. If not, does the Student require a day therapeutic placement?
 - c. If not, what placement, including potentially a return to New Lebanon School with appropriate supports and services, does the Student require?
 - d. If not, is compensatory education an appropriate remedy, and if so, of what type and amount?
2. Has the Board violated the Student's procedural rights under IDEA such that the Student's parents have been denied an opportunity to participate in the process and/or the Student has been denied educational benefit?
 - a. If so, what remedy is appropriate?
3. Is the Board's evaluation of the Student appropriate?
 - a. If not, is the Student entitled to an Independent Educational Evaluation in the areas of neuropsychology and/or sensory sensitivity at public expense?
4. A. Does the Hearing Officer have jurisdiction over the Student's claims under Section 504 of the Rehabilitation Act and/or the Americans with Disabilities Act?

B. If so, did the Board violate the Student's rights under Section 504 of the Rehabilitation Act and/or the Americans with Disabilities Act from March 26, 2016 to the present?

C. If so, what remedy is appropriate?

PROCEDURAL HISTORY:

The Student initiated this special education due process case on March 26, 2019. This Impartial Hearing Officer was assigned to the case on March 29, 2019. A Prehearing Conference was convened on April 15, 2019. Attorney Elizabeth Moyses appeared on behalf of the Student and Attorney Abbey Wadler appeared on behalf of the Board of Education. It was established that the deadline for filing the final decision in this case is June 7, 2019. An evidentiary hearing was scheduled for May 20, 2019 and May 24, 2019.

On May 9, 2019, the Student reported that the parties agreed to participate in mediation. Unfortunately, the earliest date that the parties were able to arrange for mediation is June 10, 2019. Accordingly, the Student requested that the hearings scheduled for May 20, 2019 and May 24, 2019 be cancelled and that the deadline for issuing the final decision in the case be extended to July 5, 2019 for the purpose of engaging in mediation. The Student's requests were granted and the deadline was extended to July 5, 2019.

On May July 5, 2019, the Student reported that the matter was settled and requested that it be dismissed.

FINAL DECISION AND ORDER:

The Student's request is granted and the matter is dismissed.