

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on Behalf of the Parent: Pro Se

Appearing on Behalf of the Board: Andeana Bellach, Esq.
Shipman & Goodwin, LLP
300 Atlantic Street
Greenwich, CT 06901

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the Student a student eligible for special education and related services under the classification of Other Health Impaired as defined in 20 U.S.C. §§ 1401 et seq? If yes;
2. Is the program offered by the Board for the 2008-2009 school year appropriate and did it provide the Student with FAPE in the least restrictive environment?
3. Does the Program at Greenwich Catholic School in Greenwich, CT provide the Student with FAPE in the LRE?
4. Should the Board reimburse the Parent for their unilateral placement of the Student at Greenwich Catholic School for the 2008-2009 school year?

SUMMARY and PROCEDURAL HISTORY:

The Student is a 8 years and 3 month young child who has not been identified as a Student entitled to receive a free and appropriate public education ("FAPE") as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. On or about August 27, 2008, the Parent informed the Board that she was not in agreement with the placement of the Student at the Board's school. The Parent unilaterally placed the Student at Greenwich Catholic School in Greenwich, CT and requested the Board pay for the placement. The Board refused the Parent's request.

On or about September 12, 2008, the Board received notice of the Parent request for due process.

An impartial hearing officer was appointed on September 10, 2008 and a pre-hearing conference was held on September 22, 2008. Hearing dates of October 27, November 3 & 5, 2008 was chosen by the parties.

The Board filed a deficiency Motion and a timely objection was received from the Parent. The objection cured the defects of the original filing and the objection was denied. The parties attended a resolution meeting but did not resolve the matter.

The Board renewed their sufficiency challenge with a Motion to Dismiss. The Board requested oral arguments on the first day of hearing.

The Parent requested a postponement of the first day of hearing because of a personal matter. The Board agreed to the cancellation of the hearing date.

On or about October 28, 2008, the Parent sent a letter to the hearing officer requesting a withdrawal of the due process request without prejudice. The Board did not object to the Parent request.

The date for the mailing of the Final Decision and Order is December 4, 2008..

FINAL DECISION AND ORDER:

THE MATTER IS WITHDRAWN WITHOUT PREJUDICE.