

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Parent: Attorney David C. Shaw  
Law Offices of David C. Shaw, LLC  
34 Jerome Avenue, Suite 210  
Bloomfield, CT 06002

Appearing on behalf of the Board: Attorney Andreana R. Bellach  
Shipman & Goodwin, LLP  
300 Atlantic Avenue  
Stamford, CT 06901-3522

Appearing before: Attorney Mary H.B. Gelfman, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Were the Individualized Education Program (IEP) and placement provided by the Board for the 2007-2008 school year appropriate to the Student's special education needs in the least restrictive environment, including supplementary aids and services as necessary to support participation in regular classes (20 U.S.C. § 1412(a) (5) (A)).
2. Were the Individualized Education Program (IEP) and placement provided by the Board for the 2008-2009 school year appropriate to the Student's special education needs in the least restrictive environment, including supplementary aids and services as necessary to support participation in regular classes (20 U.S.C. § 1412(a) (5) (A)).
3. Was direct instruction in reading and math included in the 2007-2008 IEP, and if so, was it provided to the Student?
4. Was the removal of direct instruction in reading and math from the 2008-2009 IEP discussed by the Planning and Placement Team (PPT) and did a PPT consensus support that IEP decision?
5. Was an IEP in place for the Student at the beginning of the 2007-2008 school year?
6. Did the PPT discuss and agree upon an appropriate extended year program (ESY) for the summer of 2008?
7. Did the PPT discuss and address the Student's assistive technology needs at the PPT meeting, as requested by the Parents?

8. Shall an independent educational consultant be retained by the Board to provide any or all of the following services:

- a) Participation in IEP development at Planning and Placement Team (PPT) meetings.
- b) Observation of the Student's classes, attendance at all planning meetings, training staff as needed, consultation with family and school staff as needed, and reviewing documents and data concerning the Student as needed.
- c) Prepare monthly reports for the PPT with an analysis of the Student's progress, and recommend changes in the IEP when necessary.

9. Shall the Board be required to document in PPT minutes how, when and by whom each component of the IEP will be implemented?

10. Shall the Board be ordered to reimburse the documented cost of an independent evaluation by Kathleen Whitbread PhD?

11. Is the Student entitled to two years of compensatory education, to be documented and verified by the independent educational consultant?

12. Does the Student require development and implementation of a program of instruction in the areas of reading and math, based on peer-reviewed research and implemented by a private agency acceptable to the Parents?

13. Is the Board responsible for reimbursing the Parents for agreed upon tutoring arranged by the Parents?

### **PROCEDURAL HISTORY:**

This hearing was requested by the Parents on April 2, 2009, and the Hearing Officer was appointed on April 6, 2009. A pre-hearing conference was held by telephone conference call on April 27, 2009, and the hearing was scheduled for May 29, 2009 and June 8, 2009. When the hearing convened on May 29, 2009, the parties requested time to try to negotiate a settlement. To that end, the hearing session scheduled for June 8, 2009 was postponed and the hearing was rescheduled to July 22, 2009, July 28, 2009 and July 29, 2009. To accommodate these dates, the date for mailing the final decision and order was extended from June 16, 2009 to August 15, 2009.

The Parents notified the Hearing Officer on July 20, 2009, that an agreement had been reached and that the request for hearing had been withdrawn.

All motions and objections not previously ruled upon, if any, are hereby overruled.

### **SUMMARY:**

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, this decision uses "Student", "School", "Parent" and titles of school staff members and other witnesses in place of names and other personally identifiable information.

**CONCLUSIONS OF LAW:**

Section 10-76h, Connecticut General Statutes (C.G.S.), and related regulations at Section 10-76h, Regulations of Connecticut State Agencies, authorize an impartial hearing officer to conduct a special education hearing and to render a final decision in accordance with Sections 4-176e through 4-180a, inclusive, and Sections 4-181a of the C.G.S. Section 20 U.S.C. § 1415(f) and related regulations at 34 C.F.R. § 300.511 through § 300.520 also authorize special education hearings.

**FINAL DECISION AND ORDER:**

The request for hearing having been withdrawn, this matter is DISMISSED.