

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student vs. Greenwich Board of Education

Appearing on behalf of the Parent: Attorney Meredith Braxton
Meredith Braxton, Esq. LLC
280 Railroad Ave, Suite 205
Greenwich, CT 06830

Appearing on behalf of the Board: Attorney Abby Wadler
Assistant Town Attorney
101 Field Point Road
Greenwich, CT 06830

Appearing before: Robert L. Skelley, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Greenwich Board of Education (“Board”) violate its child-find obligations by failing to evaluate and/or find the Student eligible for special education and related services?
2. Did the Board predetermine the outcome of the June 13, 2013 PPT? If so, did this deny the Parents meaningful participation in the PPT and subsequently deny the Student a free and appropriate public education (“FAPE”)?
3. Did the Board commit a procedural violation sufficient to deny the Student a FAPE by failing to obtain evaluative information it may have needed prior to the June 13, 2013 PPT?
4. Did the Board commit a procedural violation by failing to consider the information it possessed about the Student, including all private evaluations and input from the Windward School when it proposed a diagnostic placement at the June 13, 2013 PPT? If so, did this result in a denial of FAPE?
5. Did the Board possess all the information it needed to propose an individualized education program (“IEP”) at the June 13, 2013 PPT? If not, was this a denial of FAPE?
6. Did the diagnostic placement proposed fail to offer the Student a FAPE for the 2013-2014 academic years, inclusive of an extended school year (“ESY”)?
7. Did the Board fail to offer the Student a FAPE for the 2014-2015 academic years?
8. Is Eagle Hill School an appropriate placement for the Student?
9. Are the Parents entitled to reimbursement for the unilateral placement of the Student at Eagle Hill School for the 2013-2014 and 2014-2015 academic years, inclusive of ESY and outside related services?

PROCEDURAL HISTORY:

The request for a due process hearing was filed by the Parent on March 11, 2015. A prehearing conference was held on March 27, 2015, from which the issues for hearing were identified. The original date for the due process hearing was set for May 6, 2015. On April 27, 2015, Counsel for the Parents notified the Hearing Officer that the Parties had reached agreement and needed only to formalize the agreement. The May 6, 2015 hearing date was cancelled. On May 11, 2015 Counsel for the Parents withdrew the complaint with prejudice with respect to the 2012-2013 and 2013-2014 school years and without prejudice with respect to the 2014-2015 school year.

FINAL DECISION AND ORDER:

Parents have withdrawn their complaint on May 11, 2015, with prejudice with respect to the 2012-2013 and 2013-2014 school years and without prejudice with respect to the 2014-2015 school year. With no further issues to be decided, this matter is DISMISSED, with prejudice with respect to the 2012-2013 and 2013-2014 school years; and without prejudice with respect to the 2014-2015 school year.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).


Hearing Officer Signature

Robert L. Skelley, Esq.

Hearing Officer Name in Print