

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Student: Attorney Gerry McMahon  
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Appearing on behalf of the Board: Attorney Abby Wadler  
Assistant Town Attorney  
Greenwich Town Hall-Law Department  
101 Field Point Road  
Greenwich, CT 06830

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District deny Student a free appropriate public education (“FAPE”) for the 2017-2018 school year by failing to offer an appropriate individualized education program (“IEP”)?
2. Did the District deny Parents meaningful participation in the planning and placement team (“PPT”) process by stating that placement decisions, if not in the proposed school based program, were solely the purview of the Director of Special Education and the Board?
3. Did the District fail to include an administrator with decision making authority in the PPT meeting, thereby depriving Parents of the right to participate in the planning and placement process?
4. If the District violated Student’s right to a FAPE under the Individuals with Disabilities Education Act (“IDEA”) does Eagle Hill provide Student with an appropriate program and should Student be placed there for the 2017-2018 school year and/or should Parents be reimbursed for the cost of tuition and expenses for Student’s enrollment?

**PROCEDURAL HISTORY AND SUMMARY:** On June 30, 2017, the Board received a special education due process hearing request filed by Attorney for the Parents. The Connecticut State Department of Education appointed the undersigned Hearing Officer on July 6, 2017. During the prehearing conference held on July 18, 2017, September 27, 2017 was set as the initial hearing date and the deadline for mailing the final decision and order was established as Wednesday, September 13, 2017. The parties also jointly requested an extension of the mailing deadline in order to accommodate the agreed upon hearing date schedule. After a consideration of all of the relevant factors that request was granted and October 13, 2017 was established as the new deadline for mailing the final decision and order. On August 10, 2017, Parents requested a postponement of the September 27, 2017 hearing date, stating that the parties had had difficulty obtaining a mediation date and wished to use the September 27, 2017 hearing date for mediation. When there was no response to a request for alternative agreed upon hearing dates, Parents’ request for a postponement was denied on August 22, 2017.

On August 22, 2017, Parents renewed their request to postpone the September 27, 2017 in order to use that date for mediation and tendered October 17, 2017 as a replacement hearing date. Parents also

requested an extension of the current deadline for mailing the final decision and order in order to accommodate the revised hearing date schedule. The Board, which had joined in the original request to postpone the hearing date, also joined in Parents' renewed request for postponement and for extension of the mailing deadline. After a consideration of all of the relevant factors, Parents' requests for postponement of the hearing date from September 27, 2017 to October 17, 2017 and for an extension of the mailing deadline were granted. The new mailing deadline was established as November 9, 2017. On October 17, 2017, the hearing was opened and Attorney for the Parents withdrew the Parents' hearing request without prejudice.

**FINAL DECISION AND ORDER:** In light of the above facts, the case is dismissed.