

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Parent: Elizabeth Moyse, Esq.  
Jennifer Laviano, Esq.  
The Law Offices of Jennifer Laviano, LLC  
76 Route 37 South  
Sherman, CT 06784

Appearing on behalf of the District: Abby Wadler, Esq.  
Assistant Town Attorney  
Greenwich Town Hall—Law Department  
101 Field Point Road  
Greenwich, CT 06830

Appearing before: Patrick L. Kennedy, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District fail to offer an appropriate program for the Student for the 2017-18 school year, including ESY, for the portion of the year within the two-year period preceding the hearing request?
2. Did the District commit procedural violations amounting to a deprivation of FAPE for the 2017-18 school year, including ESY, for the portion of the year within the two-year period preceding the hearing request?
3. Did the District fail to offer an appropriate program for the Student for the 2018-19 school year, including ESY?
4. Did the District commit procedural violations amounting to a deprivation of FAPE for the 2017-18 school year, including ESY?
5. Did the District fail to offer an appropriate program for the Student for the 2019-20 school year?
6. Did the District commit procedural violations amounting to a deprivation of FAPE for the 2019-20 school year?

7. Did the District fail to offer an appropriate program for the Student for the 2020-21 school year?
8. Did the District commit procedural violations amounting to a deprivation of FAPE for the 2020-21 school year?
9. If there has been a deprivation of FAPE, is The Southport School an appropriate placement for the Student?
10. If there has been a deprivation of FAPE and The Southport School is an appropriate placement, should the District be ordered to reimburse the Parents for the costs of placement at TSS or place the Student there for future years?
11. If there has been a deprivation of FAPE, should the Parents be reimbursed for tutoring expenses previously incurred?
12. If there has been a deprivation of FAPE, should other relief be ordered?
13. Did the District violate the rights of the Student pursuant to §504 of the Rehabilitation Act?
14. Did the District violate the rights of the Student pursuant to the Americans with Disabilities Act (ADA)?

**SUMMARY AND PROCEDURAL HISTORY:**

Case 20-0323 was commenced by the Parents by request received by the District on January 29, 2020. A prehearing conference was held on February 5, 2020. At the prehearing conference, hearing dates were set for March 23, 2020; April 1, 2020 and April 2, 2020 and the decision date was determined to be April 13, 2020. The hearings were not held and an amendment filed by the Parents eventually reset the decision date to November 30, 2020.

Issues 13 and 14 were dismissed for lack of subject-matter jurisdiction prior to the resolution of the case.

On October 23, 2020, the undersigned hearing officer was advised by the attorney for the Parents that the matter was being withdrawn.

**FINAL DECISION AND ORDER:**

The matter is dismissed.