

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Parents and the Student: Attorney Howard Klebanoff
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 102
West Hartford, CT 06110

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

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board offer a free appropriate public education (“FAPE”) to the Student for the 2007-2008 school year and the 2008 extended school year (“ESY”)?
2. Did the Board offer a FAPE to the Student for the 2008-2009 school year and the 2009 ESY?
3. Did the Board offer a FAPE to the Student for the 2009-2010 school year and the 2010 ESY?
4. If not, should the Board be required to reimburse the Parents for the costs of residential placement at Maplebrook for any or all of these school years?
5. Is the Student entitled to compensatory education for the Board’s failure to offer a FAPE for any or all of these school years?

PROCEDURAL HISTORY:

The Parents’ attorney mailed a letter to the State Department of Education (“SDE”) dated July 16, 2009 requesting a due process hearing. The Board received a copy of the letter on July 20, 2009. This Hearing Officer was assigned to the case on July 22, 2009. On July 31, 2009, Atty. Wadler filed an appearance for the Board. On August 3, 2009, she filed a sufficiency challenge to the complaint. A

prehearing conference was held on August 5, 2009. After discussion of the issues, the Board's attorney agreed to withdraw the sufficiency challenge. A hearing date was agreed on for September 17, 2009. The mailing date for the final decision was set at October 5, 2009. Following the prehearing conference, the Parents' attorney sent a letter advising the Hearing Officer that he was not able to proceed with the hearing on September 17, 2009 and proposed several alternate dates. By agreement of the parties, the hearing was rescheduled to October 1, 2009 and the mailing date for the final decision was extended to October 26, 2009. On September 29, 2009, the Parents' attorney advised the Hearing Officer that his client (Mother) was not able to proceed with the hearing on October 1, 2009 and because it was likely that a two-month postponement would be needed, he requested that the hearing be withdrawn or dismissed without prejudice. The Board's attorney had no objection to the request. The Hearing Officer canceled the hearing and advised the parties that the case would be dismissed without prejudice.

FINAL DECISION AND ORDER

It is ordered that this case shall be dismissed without prejudice.