

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Parents: Gerry McMahon
Law Offices of Gerry McMahon, LLC
98 Mill Plain Road, Ste. 3B
Danbury, CT 06811

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

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board violate “child find” by not identifying the Student as requiring special education and related services as defined in the Individuals with Disabilities Education Improvement Act (IDEA)?
2. Was the program offered by the Board from November 12, 2015 to the end of the 2015-2016 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
3. Is the program offered by the Board for the 2016-2017 school appropriate and does it provide the Student with FAPE in the LRE? If not;
4. Does the unilateral placement of the Student at Windward School for the 2016-2017 school year provide a meaningful education?
5. Should the Board be responsible for the cost of the placement at Windward School for the 2016-2017 school year?
6. Should the Board reimburse the Parents for the cost of the August 2015 Psychological Evaluation performed by Dr. Beitel?
7. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student is classified with Multiple Disabilities and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2016-2017 school year and requested reimbursement for their placement at Windward School for the 2016-2017 school year. The Board refused the Parents’ request. On October 7, 2016, the Board received notice of the Parents’ request for due process. An impartial hearing officer was appointed on October 11, 2016 and a pre-hearing

conference was held on October 13, 2016. A hearing date of December 13, 2016 was chosen by the parties. The parties agreed to forego a resolution meeting and mediate the matter.

At the December 13, 2016 hearing date, the parties were able to resolve the matter and requested additional time to finalize the agreement. In an electronic transmission the Parents' attorney informed the hearing offer that the agreement had been ratified and withdrew the matter with prejudice. The mailing of the Final Decision and Order was extended to December 23, 2016 to accommodate the parties' mediation.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.

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

Justino Rosado
Hearing Officer Name in Print