

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Student: Attorney Jennifer Laviano  
The Law Officers of Jennifer Laviano, LLC  
76 Route 37 South  
Sherman, CT 0678

Appearing on behalf of the Board: Attorney Abby Wadler  
Assistant Town Attorney  
Greenwich Town Hall - Law Department  
Greenwich, CT 06830

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District fail to provide Student a free appropriate public education (“FAPE”) during that portion of the 2015-2016 school year beginning on November 13, 2015 through the end of the academic year?
2. Did the District fail to provide Student a FAPE during the 2016-2017 school year?
3. If the District failed to provide Student with a FAPE during the 2016-2017 school year, does Franklin Academy where the Student was unilaterally placed in August of 2017 offer an appropriate program; and are Parents entitled to reimbursement for all costs associated with Student’s unilateral placement at Franklin Academy for the extended school year (“ESY”) in the summer of 2017 and for the 2017-2018 school year?
4. Did the District violate Student’s procedural safeguards under the Individuals with Disabilities Education Act (“IDEA”) by stating in the planning and placement team (“PPT”) minutes on Student’s individualized education program (“IEP”) from a June 18, 2007 PPT meeting that Student “...no longer has any individual entitlement to services under IDEA, including those described in the IEP which were turned down,” and, if so, did such violations operate to deny Student’s right to a FAPE?
5. Are Parents entitled to reimbursement for private tutoring of Student from December 12, 2016 to August 2017?
6. Are Parents entitled to reimbursement for private programming, private evaluations, and private consultative services provided to Student at Parents’ expense from June 2005 to November 13, 2017, based on a violation of the District’s Childfind obligations under the IDEA?

**PROCEDURAL HISTORY AND SUMMARY:** On November 13, 2017, the Greenwich Board of Education received a request for a special education due process hearing filed by the

January 26, 2018

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Parents. A prehearing conference was held on December 1, 2017 and the deadline for mailing the final decision and order was established as January 26, 2018 and January 30, 2018 was set as the initial hearing date. During the prehearing conference, Attorney for the Parents requested an extension of the deadline for mailing the final decision and order in order to allow the parties engage in mediation. This request was granted and resulted in a revised deadline of February 23, 2018. The Board filed a motion to dismiss claims predating the two-year statute of limitations on January 16, 2018. The Hearing Officer was to hear oral argument on the motion to dismiss and rule on the motion on January 30, 2018, when the hearing opened. On January 25, 2017, Attorney for the Parents withdrew the request for a special education due process hearing without prejudice and the January 30, 2018 hearing date was cancelled. As result the motion to dismiss was rendered moot and not decided.

**FINAL DECISION AND ORDER:** In light of the above facts, the case is dismissed without prejudice.