

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Parents: Mother, pro se

Appearing on behalf of the Greenwich Board of Education: Atty. Andreana R. Bellach,
Shipman & Goodwin, LLP, 300 Atlantic Street, Stamford, CT 06901-3522

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES

1. Should the Board have identified the Student as eligible for special education services under the category of Other Health Impaired at the September 4, 2008 Planning and Placement Team meeting?
2. Is the Board responsible for placing the Student in a private day placement because the school environment was not safe given the Student's severe allergies?

PROCEDURAL HISTORY

The Parent (Mother) mailed a request for hearing to the State Department of Education ("SDE"), which was received on September 10, 2008. This Hearing Officer was assigned to the case on that date. The Board received a copy of the hearing request on September 12, 2008. The Board's attorney filed an appearance on September 16. On September 22, 2008, the Board's attorney filed a Sufficiency Motion/Motion to Dismiss and a Motion to Consolidate this hearing with another case involving the Student's sister. A prehearing conference was held on September 24, 2008, with the Mother and the Board's attorney. The Hearing Officer advised the Mother that the Board's sufficiency challenge would be granted, that a written ruling would be issued and that she would have to amend the hearing request. Two hearing dates were agreed on for November 12 and 17, 2008. The mailing date for the final decision was set at November 26, 2008, pending adjustment following the filing of an amended complaint.

On September 27, 2008, Hearing Officer issued a ruling denying without prejudice the Board's Motion to Dismiss and Motion to Consolidate and granting the Board's Sufficiency Challenge to the complaint because it did not provide "a description of the nature of the problem of the Student relating to such proposed initiation or change,

including facts relating to such problem.” The Parent was given 30 days to file an amended notice of hearing or the case would be dismissed. On September 30, 2008, the Mother faxed a letter of rebuttal to the Board’s Motions. On October 3, 2008, the Hearing Officer wrote to the Parties restating the September 27, 2008, ruling and advising the Parent of the need to file an amended hearing request by October 27, 2008. On October 21, 2008, the Mother requested a postponement of the hearing due to the sudden death of her mother. The Hearing Officer wrote to the parties on October 21, 2008, and advised the Parent that she needed to request a specific amount of time for the postponement and sent the Board’s attorney a copy of the Mother’s letter. On October 30, 2008, the Hearing Officer received a letter from the Mother stating that she wished to withdraw the hearing request at this time.

FINAL DECISION AND ORDER

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