

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Greenwich Board of Education

Appearing on behalf of the Parent: Attorney Meredith Braxton  
280 Railroad Avenue, Suite 205  
Greenwich, CT 06830

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

Appearing before: Attorney Elisabeth Borrino, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Whether the Board committed a procedural violation by predetermining the Student's eligibility without the Parent's participation;
2. Whether the Board's decision to reverse the determination of the Student's eligibility for ESY when it was too late for the Parents to seek effective review of the decision violated their procedural rights;
3. Whether the procedural violations constitute a denial of FAPE;
4. Whether the Board violated section 504 of the Rehabilitation Act by restricting access to ESY services to students with "severe" disabilities;
5. Whether the Student is entitled to ESY services with resource room support;
6. Whether the Board should pay for and/or reimburse the Parents for private tutoring.

**SUMMARY:**

On June 17, 2010, the Board received the Request for Due Process filed by the Parent. A Prehearing Conference was held on June 27, 2010 and hearing dates were scheduled. On July 30, 2010, Counsel for the Parent represented that a settlement was reached and withdrew the request for hearing with prejudice.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED with prejudice.**