

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

Piper Paul, Esq.  
Law Office of Piper A. Paul, LLC  
P.O. Box 126  
Westport, CT 06881

Appearing on behalf of the Board:

Marsha Belman Moses, Esq.  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 06460

Appearing before:

Mary H.B. Gelfman, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**Board's Issues:**

1. Is the psychiatric evaluation of the Student performed by the Board appropriate?
2. If not, are the Parents entitled to an independent psychiatric evaluation at public expense?

**Parents' Issues:**

1. Did the Board violate Child Find requirements by failing to timely and appropriately evaluate the Student during the 2009-2010 school year and also in the fall of 2010?
2. Should the Student have been identified as in need of special education during the 2009-2010 school year?
3. Are the Board's proposed Individualized Education Program (IEP) and placement for 2011-2012 appropriate to the Student's special education needs?
4. Does the Student require a residential placement to benefit from her special education program?
5. Did the Board properly deny the Parents' request for a neuropsychological evaluation of Student at the June 8, 2011 Planning and Placement Team (PPT) meeting?
6. If not, should the Board be required to reimburse the Parents for the documented cost of the neuropsychological evaluation currently in progress?

**PROCEDURAL HISTORY:**

This hearing was requested by the Board on July 26, 2011. The Hearing Officer was appointed on July 29, 2011. The date for mailing the decision was September 9, 2011.

The Parents requested an opportunity to file additional issues, to which the Hearing Officer and the Board agreed. The Parents' issues were received on August 9, 2011. The Hearing Officer re-set the decision date to October 22, 2011. The hearing was scheduled for October 12 and 17, 2011. A pre-hearing conference was held on August 8, 2011. Subsequently, a different attorney represented Parents. A second pre-hearing conference was held on November 10, 2011.

The Parties requested mediation, and the decision date was extended to accommodate settlement negotiations, to November 21, 2011. The mediation held on October 12, 2011, was unsuccessful. However, negotiations continued and the Parties asked for postponement of the hearing. New hearing dates were set for November 22, 28 and 30 and December 7, 2011. The decision date was extended from November 21 to December 21, 2011, to accommodate the additional hearing dates.

The hearing session scheduled for November 22, 2011, was postponed by mutual agreement. On November 27, the Parties notified the Hearing Officer that an agreement had been reached and requested that the hearing scheduled for November 28 be cancelled. The Hearing Officer granted that request and on November 28, 2011, both Parties withdrew their requests for hearing with prejudice.

All motions and objections not previously ruled upon, if any, are hereby overruled.

**SUMMARY:**

The Parents had requested an independent psychiatric evaluation, which the Board denied. The Board then filed for a hearing as required by 34 C.F.R. §300.502 (b) (2) (i). During the initial pre-hearing conference, Parents asked if they might also file their issues. The Hearing Officer agreed to accept additional issues. After a change of representation for the Parents, mediation and continuing negotiations, the matter was settled and the requests for hearing were withdrawn.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, the following decision uses "Student", "School", "Parent" and titles of school staff members and other witnesses in place of names and other personally identifiable information.

**FINAL DECISION AND ORDER:**

The disputes having been settled and the Parties' requests for hearing withdrawn, this case is **DISMISSED** with prejudice.