

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Madison Board of Education

Appearing on behalf of the Parent: Attorney Courtney P. Spencer  
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Middletown, CT 06457

Appearing on behalf of the Board: Attorney Michelle Laubin  
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75 Broad Street  
Milford, CT 06460

Appearing before: Robert L. Skelley, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Should the Madison Board of Education ("Board") be allowed to conduct, at Board expense, a psychiatric evaluation of the Student, absent parental consent?
2. Is the program offered by the Board for the 2012-2013 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
3. Does the program offered by New Haven RTC, at Spanish Fork, Utah provide the Student with a FAPE in the LRE?
4. Should the Board reimburse the Parent for the cost of evaluation conducted at Brattleboro, Vermont?
5. Should the Board reimburse the Parent for the cost of therapy and psychiatric treatment?
6. Is the Student entitled to compensatory education for the denial of FAPE?

**PROCEDURAL HISTORY:**

The Board filed a due process complaint on March 22, 2013, identifying issue No. 1 as the issue being brought by the Board. A pre-hearing conference was held on April 1, 2013 where that issue was identified by the Parties for hearing. On April 2, 2013 Counsel for the Parents filed a Motion to Dismiss for lack of jurisdiction as well as filing their own request for a due process hearing. The Parent request for a Due Process hearing was subsequently assigned to Hearing Officer Rosado as Case No. 13-0391. On April 9, 2013 the Parents filed a Motion to consolidate the two hearing requests, with no objection from the Board. After discussion with Hearing Officer Rosado, it was agreed to consolidate the two matters and to utilize Case No. 13-0371 henceforth. On April 9,

2013 the Parties requested to move the hearing date to allow for additional time to resolve the matter, which was granted, with the hearing date moved from May 14, 2013 to June 5, 2013. On April 15, 2013 the Board filed an Objection to the Motion to Dismiss, to which the Parents filed a response on April 23, 2013. On April 24, 2013 the Motion to Dismiss was granted, citing that the Board had failed to provide the Parents with proper notice regarding the effect of the Parents not responding to the request to conduct an evaluation. On June 3, 2013 the Parties again requested a postponement of the hearing date as settlement was believed to be imminent. The new hearing date was set as June 24, 2013. On June 19, 2013, the Parties, citing that a settlement had been reached but not yet formalized, requested an extension. The hearing was subsequently postponed to July 18, 2013. On July 12, 2013, Counsel for the Parents, via a written request, withdrew their request for a Due Process hearing, with prejudice.

**FINAL DECISION AND ORDER:**

On July 12, 2013 the Parents, through Counsel, withdrew the request for a Due Process Hearing, with prejudice. Having no further issues regarding this consolidated matter, it is dismissed with prejudice.