

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

CTHSS Board of Education v. Student

Appearing on behalf of the Student: Attorney Colin Milne
State of Connecticut - Office of Protection and Advocacy
for Persons with Disabilities
60 B Weston Street
Hartford, CT 06120

Appearing on behalf of the Board: Attorney Craig Meuser
Chinni & Meuser, LLC
One Darling Drive
Avon, CT 06001

Appearing before: Attorney Brette H. Fitton, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the District's psychiatric evaluation conducted in 2014 appropriate, thereby relieving the Board of the obligation to pay for the Independent Educational Evaluation requested by Parent on December 22, 2014?
2. Is the Student's current placement appropriate or is a diagnostic placement in a therapeutic setting the appropriate placement?

PROCEDURAL HISTORY AND SUMMARY:

On January 6, 2015, Parent received a request for a Special Education Due Process Hearing and the undersigned Hearing Officer was appointed. During a prehearing conference held on January 26, 2015, hearing dates of February 6, 2015, February 23, 2015, February 24, 2015 and March 2, 2015 were set and the deadline for the mailing of the Final Decision and Order was established as February 20, 2015. On January 30, 2015, Attorney for the Board sent an email to the Hearing Officer indicating that the parties had entered into an agreement which resolved Issue 1 and were working towards an agreement which might render Issue 2 moot. In light of the progress made, Attorney for the Board requested a postponement of the February 6, 2015 hearing date for settlement purposes. A request for an extension of the deadline for the mailing of the Final Decision and Order was made by the Attorney for the Board on January 30, 2015. Attorney for the Parent consented to both requests by Attorney for the Board. After a consideration of all of the relevant factors, the requests for the postponement of the February 6, 2015 date and the extension of the deadline for the mailing of the Final Decision and Order were granted. The new deadline for the mailing of the Final Decision and Order was established as March 20, 2015. On February 13, 2015, Attorney for the Student requested a postponement of the hearing date of February 23, 2015 in order for the parties to hold a PPT meeting and review an Independent

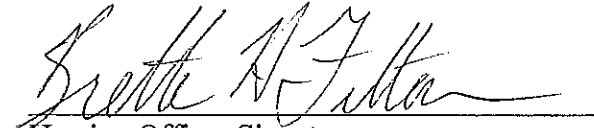
Educational Evaluation on that date. Attorney for the Board joined in this request. After a consideration of all of the relevant factors this request was granted. On February 24, 2015, Counsel and Parent appeared for the first day of hearing and represented that they had executed an agreement that provided that the Student was withdrawing from the CTHSS school system and returning to the sending school district of New Britain. Counsel agreed that the executed agreement rendered Issue 2 moot.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).


Hearing Officer Signature

Brette H. Fitton
Hearing Officer Name in Print