

December 23, 2015

Final Decision and Order 16-0178

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

East Lyme Board of Education v. Student

Appearing on behalf of the Parent:

Pro Se

Appearing on behalf of the Board:

Attorney Frederick L. Dorsey
Kainen, Escalera and McHale, P.C.
21 Oak Street
Hartford, CT 06106

Appearing before:

Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

Should the Board be allowed to perform a neuropsychological evaluation of the Student without parental consent?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Autism and is entitled to receive a free and appropriate public education (FAPE) as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

At a planning and placement team (PPT) meeting, the Parent refused to sign a consent form allowing the Board to conduct a neuropsychological evaluation of the Student. The Board filed for due process. An impartial hearing officer was appointed on October 8, 2015 and a pre-hearing conference was held on October 14, 2015. A hearing date of December 4, 2015 was chosen by the parties. The parties agreed to a resolution session which occurred on November 3, 2015. In an electronic transmission, the Board advised the hearing officer that the matter had been resolved and withdrew the due process request.

The date for the mailing the Final Decision and Order was extended to December 24, 2015 to accommodate the hearing dates.

FINAL DECISION AND ORDER:

THE MATTER 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

Justino Rosado
Hearing Officer Name in Print