

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Fairfield Board of Education v. Student

Appearing on behalf of the Parents:

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Appearing on behalf of the Board of Education:

Attorney Marsha Moses
Berchem, Moses & Devlin, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Gail K. Mangs, Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Is the Board entitled to a comprehensive evaluation of the student?

PROCEDURAL HISTORY:

This hearing was requested on October 30, 2001. The prehearing conference was convened on November 5, 2001. At the request of the parties, a thirty day postponement was granted for the purpose of engaging in settlement discussions. On December 12, 2001, the hearing convened at which time an interim order calling for a comprehensive evaluation of the student was entered by the hearing officer. Another hearing date was set for March 1, 2002 and the date for the mailing of final decision and order was extended to March 8, 2002. The hearing reconvened on March 1, 2002.

FINDINGS OF FACT:

1. The student, whose date of birth is February 14, 1995, has a diagnosis of Angelman's Syndrome and a seizure disorder. Her verbal communication skills are severely limited. (Exhibit P-4)

2. The Board, unsure as to whether the current IEP was sufficiently meeting the multiple needs of the student due to her complex disability, and because the parents and the Board were unable to reach agreement on the components of an appropriate program, requested a comprehensive evaluation. The parent refused to consent to such an evaluation. (Exhibits B-57, B-60)

FINAL DECISION AND ORDER:

1. The Board is entitled to a comprehensive evaluation of the student. The parent will make the student available for a comprehensive evaluation by the Columbia Presbyterian Medical Center in New York on the dates provided by the hospital. These dates can not be changed by the parent. The evaluation will be in the following areas: psychoeducation, speech and language, occupational therapy, physical therapy, and assistive technology. The evaluators will choose the evaluative instruments to be used and will recommend any other evaluations they deem necessary.
2. If the parent does not make the student available for the evaluation, or the evaluation is not completed within a reasonable period of time, the Board may request a new due process hearing.