

October 26, 2017

Final Decision and Order Consolidated Case No. 17-0395
and Case No. 17-0451

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Suffield Board of Education
Suffield Board of Education v. Student

Appearing on behalf of the Parents: Attorney Richard J. Padykula
Padykula Law, LLC
360 Bloomfield Avenue, Suite 301
Windsor, CT 06095

Appearing on behalf of the Board: Attorney Marsha Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

CONSOLIDATED ISSUES:

1. Was the psychiatric evaluation performed by the District appropriate? If not;
2. Is the Student entitled to an independent psychiatric evaluation, IEE, at public expense?
3. Did the District violate the procedural safeguard requiring that the District respond to a request for an independent evaluation (IEE) without unnecessary delay? If so;
4. Should the District be required to pay for an IEE without now bring the opportunity to defend the assessment?

SUMMARY AND PROCEDURAL HISTORY:

The Student has not been identified as entitled to receive a free and appropriate public education (FAPE) as defined in the Individuals with Disabilities Improvement Education 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 Parents did not agree with the evaluations performed by the District. The Parents requested to an independent psychiatric evaluation. The District refused the Parents' request. The Board filed for due process.

On April 16, 2017, the Parents filed for due process (Case No. 17-0451) and requested the consolidation of the matters. The Parents allege that the District committed a procedural violation and requested that the District be required to pay for an IEE without having the opportunity to defend the assessment. The District did not agree. This matter was assigned to

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another hearing officer. The hearing officers consulted on the matter and agreed to allow the consolidation. The matter was consolidated on May 5, 2017. The consolidation altered the timelines of the due process request. The parties agreed to mediate the matters. The mediation date was August 3, 2017.

An impartial hearing officer was appointed on March 22, 2017 and a pre-hearing conference was held on March 29, 2017. On May 18, 2017, another prehearing conference was held on the consolidated matters.

In an electronic transmission, the Parents' attorney informed the hearing officer that the parties resolve all the issue sand they were withdrawing their request for an IEE with prejudice and requested withdrawal of the consolidated matter with prejudice. The Board upon receipt of the Parents withdrawal of an IEE withdrew their request for due process with prejudice.

The date for the mailing of the Final Decision and Order was extended to accommodate mediation. The date for mailing the Final Decision and Order is October 26, 2017.

FINAL DECISION AND ORDER:

THE CONSOLIDATED MATTER IS DISMISSED WITH PREJUDICE.