

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Easton Board of Education

Appearing on behalf of the Parents: Parents appeared pro se

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

Appearing before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the educational evaluation provided by the Board appropriate? If not,
2. Should the Board be required to pay for an independent psychological, speech and language and occupational therapy evaluations of the student?

SUMMARY:

The student is an eight and ½ years-old young man who has been diagnosed as learning disabled and eligible for special education and related services as defined on 20 U.S.C. Section 1401 et. seq. The Board requested a due process hearing because the parents requested reimbursements for independent psychological, occupational therapy and speech and language evaluations. The Board felt that these evaluations were not necessary and would not pay for them and that the evaluations performed by the Board were appropriate.

The student's mother on April 5, 2001, sent a letter to the Board and the Hearing Officer withdrawing her request for reimbursement of the evaluations. The Board would not withdraw their request for a due process hearing, since the first issue was still viable.

To the extent the summary of facts and finding of facts actually represent conclusions of law, they should be so considered and visa versa. *Bonnie Ann F. v Callallen Independent School Board*, 835 F.Supp. 340 (S.D. Tex. 1993).

FINDINGS OF FACTS:

1. The student is an eight and ½ years-old young man who has been diagnosed as learning disabled and eligible for special education and related services as defined on 20 U.S.C. Section 1401 et seq.
2. The parent was not present for the hearing. The mother had sent a letter stating she would not be present and that she withdrew her request for reimbursement of payment for an independent evaluation of the student. (Hearing Officer Exhibit # 2)
3. The student attended summer school for the summer of 1999. The student's teachers felt that 3 hours for language arts during the summer was sufficient for the student to maintain academic schools. (Board's Exhibit #29)
4. The student was reading below grade level and had difficulty maintaining focus and attention in his tasks. The parents signed permission for the Board to have the student psychological, educational and occupational therapy evaluations. The mother has never expressed disagreement with the evaluations that were scheduled. (Testimony Special Education teacher and Exhibit B-29)
5. The student is very active and needs a structured setting. His working memory is impaired and has difficulty maintaining information. (Testimony Special Education teacher)
6. The student is making current progress in his academics. In September 2000, the student was at the 6th instructional level in reading. The student is currently at the 14th instructional level. (Testimony Special Education teacher)
7. The student had a psychological evaluation performed. One of the tests performed was the WISC-III. The student's results of the WISC-III were a Full Scale Score of I.Q. 86, which fell in the low average range. In the verbal subtest he received a verbal I.Q. score of 95, which is average. In the Performance section he produced a Performance I.Q. of 79. The difference between the verbal and performance score was 16 and this is statistically significant. (Exhibit B-36)
8. The recommendation of the Occupational Therapy Evaluation performed by the Board was that the student should continue to receive Occupational Therapy. The evaluator was of the opinion that the present goal for written communication is appropriately presented. (Exhibit B-43)
9. On December 2, 2000, a speech and language evaluation was performed of the student. The results of the evaluation showed that the student's expressive and receptive language abilities were largely measured within the average range. (Exhibit B-44)

10. The reports of the evaluations were reviewed with the mother in December 2000. The mother expressed no concerns with the reports of the evaluations. The evaluations were again reviewed at the PPT of January 11, 2001. There were changes made to the student's IEP because of the recommendations and results of the evaluations. (Testimony Special Education teacher and Exhibit B-49)

11. At the January 11, 2001, PPT an extended school year programming for the student was discussed. The team agreed to provide the student with 3 tutoring sessions per week of 1 hour and 45 minutes each session for 5 weeks. The sessions were to assist the student in language arts, mathematics and handwriting. The team expressed that the student was making progress and the parent recognized that growth had taken place but was concerned at its rate.

CONCLUSIONS OF LAW:

1. The student is an eight and ½ years-old young man who has been diagnosed as learning disabled and eligible for special education and related services as defined on 20 U.S.C. Section 1401 et seq. and Connecticut General Statutes Section 10-76(a)(13).
2. The evaluations performed by the Board were appropriate and were of assistance to the PPT. The student's IEP was changed as a result of the evaluations and the student showed current progress in his academics. (Findings of Fact # 6 and 11)
3. The parent withdrew her request for reimbursement for an independent evaluation. The parent did not present any evidence that could support her request for reimbursement.

FINAL DECISION AND ORDER:

1. The evaluations performed by the Board are appropriate.
2. The issue of reimbursement to the parent for independent evaluations is **Dismissed** with prejudice.