

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Plainville Board of Education v. Student

Appearing on behalf of the Board: Attorney Nicole Bernabo
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

Appearing on behalf of the Parent: Attorney Piper Paul
Law Office of Nora A. Belanger, L.L.C.
10 Wall Street
Norwalk, CT 06850

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether Dr. Gladstone shall be permitted to consult with the Board regarding recommendations concerning the Student's program, which consultation may include evaluations, observations, review of records and consultation with school, Board staff and the Parent.
2. Whether the following assessments should be administered to the Student to establish baseline for IEP goals and objectives and to monitor the Student's educational progress: Woodcock Johnson writing subtest; TOWL; Woodcock Johnson Reading Achievement Test and the BASC?
3. To the extent that such assessments as identified in issue 2 were already administered by the Chamberlain staff, whether the Board is entitled to review and consider this information prior to making recommendations?
4. Whether the Board staff and Dr. Gladstone are permitted to observe the Student in various settings at Chamberlain as determined by the Board to be necessary for making educational recommendations?
5. Whether the Board's chosen psychiatrist and school psychologist Diane Valentine are permitted to speak to or to consult on a continual basis with, the Student's treating psychiatrist at Chamberlain (currently Dr. Neder) regarding educational programming decisions as necessary.
6. Whether the Board's chosen psychiatrist is entitled to review the Student's educational records in preparation for consulting with the Board.

SUMMARY:

The Board submitted this request for hearing on May 1, 2009 and a prehearing conference convened on May 14, 2009. At the prehearing conference, the parties agreed to convene the hearing on May 19, 2009, with submission of exhibits and witness lists on or before May 18, 2009.

The hearing convened on May 19, 2009. The Board's witnesses at the hearing included the Mother, the Board speech/language pathologist and the Board school psychologist. At the conclusion of the hearing date, the Parent agreed by stipulation on the record to the Board's six issues, with clarification of the extent of agreement placed on the record after consultation with counsel.

The Agreement has been memorialized on the record and prior to the dismissal of the case the Parent signed the appropriate consents to the release of information, evaluations and verbal communication with the psychiatrist.

While the transcript shall provide the parties with the record of their agreements, the following agreements were made as to each of the pending issues:

Issue number 1: The Parent agrees that Dr. Gladstone shall be permitted to consult with the Board regarding recommendations concerning the Student's program, which consultation may include evaluations, observations, review of records and consultation with school, Board staff and the Parent. Dr. Gladstone is permitted to determine what is appropriate based on his expertise.

Issue number 2: The Parent agrees that the following assessments should be administered to the Student to establish baseline for IEP goals and objectives and to monitor the Student's educational progress: Woodcock Johnson writing subtest; TOWL; Woodcock Johnson Reading Achievement Test and the BASC.

Issue number 3: To the extent that such assessments as identified in issue 2 were already administered by the Chamberlain staff, the Parent agrees that these assessments must be provided to the Board so that the Board can review and consider this information prior to making recommendations.

Issue number 4: The Parent agrees that the Board staff and Dr. Gladstone are permitted to observe the Student in various settings at Chamberlain with 48 hours notice to the Parent, but the Board does not have to obtain the Parent's agreement as to the observations. The Board staff and Dr. Gladstone will conduct observations necessary for making educational recommendations. The parties agree that Chamberlain will be contacted prior to the observations and that the consent to observe by Chamberlain cannot be unreasonably withheld by Chamberlain.

Issue number 5: The Parent agrees that the Board's chosen psychiatrist and school psychologist Diane Valentine are permitted to speak to or to consult on a continual basis with the Student's

treating psychiatrist at Chamberlain regarding educational programming decisions as necessary. The Board's chosen psychiatrist and school psychologist are permitted to have verbal discussions with the psychiatrist. The Parent signed consent for this communication.

Issue number 6: The Parent agrees that the Board's chosen psychiatrist is entitled to review the Student's educational records in preparation for consulting with the Board.

Based on the agreements as to all the issues, the Board's counsel withdrew all issues. As the matter has now been resolved, this case shall be dismissed.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.