

**STATE OF RHODE ISLAND and
DEPARTMENT OF EDUCATION**

**IMPARTIAL DUE
PROCESS HEARING**

**WARWICK SCHOOL DISTRICT
VS.
N.P.**

CASE #: LL 15-17

DECISION/ORDER

This matter came on for hearing on September 15, 2015 as a result of the Warwick School Department's request for a due process hearing challenging the Parents request for a neuropsychological evaluation of N.P. by a doctor chosen by the Parents.

The Attorney for the School District in his opening statement asked that the Parents request be denied based upon section 300.502 (Independent Educational Evaluation). The Attorney for N.P. and the Parents argued that the Parents were entitled to an independent neuropsychological evaluation at the School's expense before N.P. begins school in Warwick.

In N.P. vs. Warwick School district, case # 15-11, which was heard by this Hearing Officer on June 24th, July 7th and July 9th, 2015, the issue was whether the Student's placement should be in the Warwick School District or continued in a private placement at the Perkins School For The Blind. The Student has several disabilities including being blind, and autistic.

That matter terminated with a settlement agreement between the parties. In the settlement, the parties agreed that N.P. would attend Pilgrim High School beginning the first day of the 2015-2016 school year. The Parents accepted the IEP of April 6, 2015.

N.P. never began school at Pilgrim and in fact was not attending school at the time of this hearing.

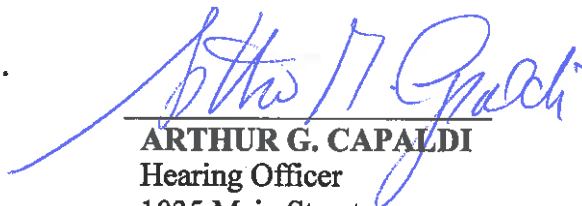
A reading of section 300.502 clearly demonstrates that the Parents' request is not in keeping with the regulations and is premature. Section 300.502 (b) states: " A parent has a right to an independent education evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency..."

An independent educational evaluation would include a neuropsychological evaluation. The School District has a right and an obligation to first conduct an evaluation by those chosen by the School District. Then, if the Parents are not satisfied with the conclusions and/or disagree with the evaluation, they can request another to be done by someone of their choice and at public expense.

The School District shall hold an IEP meeting within ten (10) days of September 15, 2015 and thereafter have a neuropsychological evaluation by someone chosen by the District.

This Hearing Officer is not making any decision concerning the Student's attendance at Pilgrim because that issue was not before this Hearing Officer and was previously resolved by a settlement agreement between the parties.

Dated this 21st day of September, 2015.


ARTHUR G. CAPALDI
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