

**Connecticut State Department of Education - Bureau of Special Education  
Special Education Complaint Form**

This is a recommended form for the filing of special education complaints. You do not have to use this form to file a complaint although it will help you to include the required information. (Questions may be directed to Bureau staff at 860-713-6928.) Please complete this form and forward to the parents or school district (as appropriate) and send a copy to:

**State Department of Education  
Bureau of Special Education  
P.O. Box 2219 - Room 364  
Hartford, CT 06145-2219**

Date:\* 3/17/2003 Person/Agency filing the complaint: Diane Willcutts, surrogate

Address: 195 Auburn Road Phone: (860) 992-5874  
(street)  
W. Hartford CT 06119 Email:\* DLK@toast.net  
(town) (state) (zip)

Parent's Name (if different):\* [REDACTED] Phone:\* \_\_\_\_\_

Child's Name [REDACTED] [REDACTED] [REDACTED] Date of Birth\* [REDACTED]  
(last) (middle) (first)

Education Agency (school district)\* Hartford

Name of School the Child Attends Burns Latino Academy Disability Category\* speech/language impaired

Child's Address: [REDACTED]  
(street)  
[REDACTED] [REDACTED] [REDACTED]  
(town) (state) (zip)

Be specific as to why you believe that a requirement of the Individuals with Disabilities Education Act has been violated. Include a description of the relevant facts, the nature of the child's problem and a proposed resolution of the problem to the extent known and available at this time. Please forward a copy of this complaint to the education agency. If necessary, you may attach additional sheets as well as documentation of your complaint allegations.

see attached

Signature of Complainant Diane L

\*Information requested is optional

Diane Willcutts  
Surrogate Parent  
Connecticut State Department of Education

*Direct contact information:*  
846 Farmington Avenue, Suite 10  
West Hartford, CT 06119  
(860) 992-5874 (cell)  
[diane.willcutts@gmail.com](mailto:diane.willcutts@gmail.com)

Connecticut State Department of Education  
Bureau of Special Education  
P.O. Box 2219  
Hartford, CT 06145-2219

March 17, 2013

Re: [REDACTED]

To Whom It May Concern:

I am the surrogate parent for [REDACTED] [REDACTED] who attends Burns Latino Academy in Hartford. He currently receives special education services.

I am filing this complaint on [REDACTED] behalf against the Hartford Public Schools, which has violated IDEA procedural safeguards related to independent educational evaluations.

At a PPT on 1/15/2013, I requested an independent neuropsychological evaluation for [REDACTED] based on my disagreement with the District's initial evaluations. The District refused. To date, the District has neither provided the independent neuropsychological evaluation I requested, nor has the District filed for a hearing to demonstrate its own evaluations were appropriate.

#### Statement

1. At [REDACTED] 1/15/2013 PPT, I requested that Hartford provide an independent neuropsychological evaluation. The school team stated that there was no one available at the PPT to make that decision. Staff stated that they would pass on the information to Clare Kennedy, the Executive Director of Special Education, who would make the decision.
2. On 1/25/2013, I received a copy of the IEP, which stated, "The surrogate parent. . . requests an independent evaluator to develop an understanding of the nature of the disability and plan appropriately for his instruction." However, there was no information about whether or not the District was agreeing to or refusing my request. (See 1/15/2013 IEP, Attachment 1.)

3. On 2/2/2013, I sent a letter to Ms. Kennedy, summarizing what was said at the PPT and stating, "I am requesting that the independent evaluation be completed without delay with Dr. Cristina Ciocca, who is bilingual in English/Spanish. Please let me know by February 11, 2013, how you would like to proceed." (See 2/2/2013 letter to Clare Kennedy, Attachment 2.)
4. On 2/4/2013, I received an email from Clare Kennedy stating, "I will review the ECDDT Team and get back to you." (Attachment 3.)
5. On 2/20/2013, I followed up with Ms. Kennedy, stating, "Please let me know this week whether or not the District is agreeing to provide the independent neuropsychological assessment for [REDACTED] I had made the request at the 1/15/2013 PPT, and as you can understand, I don't want to delay the process further. I have chosen Cristina Ciocca, who I believe meets the district criteria and who would be a good fit for [REDACTED] If I don't have an affirmative response by this Friday, I will have to assume the District is refusing my request. (See 2/20/2013 email to Clare Kennedy, Attachment 4.)
6. On 3/10/2013, I sent an email to Ms. Kennedy stating, "Since I still haven't received the District's approval to fund a needed neuropsychological for [REDACTED] I have no choice but to file a state complaint. I will forward it to you as soon as it is complete." (See 3/10/2013 email to Clare Kennedy, Attachment 5.)
7. On 3/11/2013, I received an email from Ms. Kennedy, which stated, "Here is the response from the district that Julie Morin sent to you on 2/13. At this time we would not support an IEE." The 2/13/2013 email from Julie Morin stated, "I have received your request for an independent neuropsychological evaluation. I have reviewed [REDACTED] information and conferred with his team and Clare Kennedy and believe the next step would be that the District conduct a psychological evaluation as Dr. Ripipi recommended. This request can be done through a PPT or an amendment." (See 3/11/2013 email from Clare Kennedy, Attachment 6.)
8. On 3/11/2013, I sent a reply to Ms. Kennedy and Ms. Morin, which stated,

"It looks like Ms. Morin's email address for me was misspelled. Thank you for forwarding it.

Unfortunately, the District has failed to take action on my request for IEE, and so I am obligated to file the complaint on [REDACTED] behalf.

It is a common misconception that a District has a right to do further testing prior to granting an IEE. Attached is a memo from OSEP that addresses this issue. It states that "OSEP's assessment is that (NJ regulation) limits the parents' rights to an IEE by giving the public agency an opportunity to conduct an assessment in an area not covered by the initial evaluation or reevaluation before the parents are granted an IEE," which OSEP states is a violation of the IEE provisions in IDEA. This isn't just non-binding guidance; OSEP stated that New Jersey would not receive IDEA funding unless they provided assurance that this was corrected.

In addition, attached is an email from the Bureau of Special Education, also clarifying that the District does not have the right to do further assessment prior to providing the IEE."

(See 3/11/2013 email to Ms. Kennedy and Ms. Morin, including memo from OSEP and email from the Connecticut Bureau of Special Education, Attachment 7.)

9. To date, Hartford has not provided the IEE, nor has the District filed for a hearing to demonstrate its own evaluation was appropriate, in violation of 20 U. S. C. §1415(b)(1).

Proposed remedy

- The District should be required to provide an independent educational evaluation with my choice of a qualified neuropsychologist without further delay. Although the District has still not provided me with their criteria, I believe that Dr. Cristina Ciocca of Farmington is qualified. (See Dr. Ciocca's vita, attached.)

If you need any further information to substantiate this complaint, please let me know. Thank you for all your help.

Sincerely,



Cc without attachments:  
Clare Kennedy, Hartford Public Schools  
Surrogate Parent Office  
Freda Griffin, DCF

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