

This case called for the argument on, and briefing of, issues arising from the complex inter-relationship between Blue Cross benefits, the State's Catastrophic Health Insurance Program and the obligations of local school districts to provide special education and related services. See: Reg. 300.301.

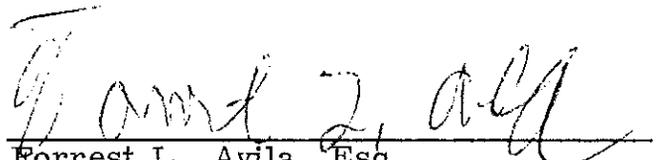
This case also potentially involved the vexed question of whether or to what extent - a school district is liable for psychiatric placements. It also called for the exposition of the proper procedural steps to be utilized in adjudicating such issues. Of course, an attorney who was aware of such issues would take care to develop a record and to join the parties needed to support the legal position for which he or she was advocating. This case, however, was presented by both sides on a pro se basis. Under these circumstances, where many significant issues were neither briefed nor argued, we feel that this case can carry little in the way of precedential weight.

Based upon the record which we have, it appears that this case began when the petitioner unilaterally placed this student at Bradley Hospital for psychiatric reasons. Of course, the student's placement at Bradley Hospital for psychiatric reasons would not negate the student's right to a free appropriate public education. The scope of the free appropriate public education which the student is entitled to is defined by the IEP process. By IEP process we, of course, refer to the process that is mandated by Federal and State law.

In the case at hand, we note that the United States Supreme Court has ruled that parents can obtain reimbursement for a unilateral educational placement when they prove that the placement offered to them by the school committee was not appropriate.

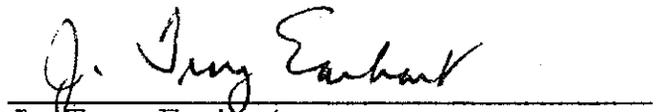
What should have happened in this case is that the school district should have convened its own IEP meeting to decide what educational services this student was entitled to receive. The district's failure to implement this process foreclosed the parent from an opportunity to prove that the services now at issue formed part of the student's free appropriate public education. Under these circumstances we think that the district is estopped from arguing now that it is not responsible for the costs now at issue.

We, therefore, rule that the school district must pay the sum of \$2761.25 to the petitioner.



Forrest L. Avila, Esq.
Hearing Officer

Approved:



J. Troy Earhart
Commissioner of Education

February 24, 1988