

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Simsbury Board of Education

Appearing on behalf of the Student: Attorney Courtney Spencer
The Law Office of Courtney Spencer, LLC
100 Riverview Center, Suite 120
Middletown, CT 06457

Appearing on behalf of the Board: Attorney Julie Fay
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Attorney Brette H. Fitton, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District violate its Child Find Obligations when it failed to find Student eligible for special education during the period beginning August 1, 2014 and ending on April 1, 2015?
2. Did the District fail to conduct evaluations in a timely manner during the period beginning August 1, 2014 through the date of the filing of the due process hearing request?
3. Did the District deny Student a Free Appropriate Public Education ("FAPE") for the 2014-2015 school year?
4. Did the District deny Student a FAPE for the Extended School Year ("ESY") during the summer of 2015?
5. Did the District deny Student a FAPE for the 2015-2016 school year?
6. Did the District deny Student a FAPE for the ESY in the summer of 2016?
7. Was the Individualized Education Program ("IEP") proposed by the District for the 2016-2017 school year appropriate?
8. If the program IEP for the 2016-2017 school year is not appropriate, does the Wellspring School provide an appropriate program for Student and should Student be placed there?
9. Is the Student entitled to compensatory education as a result of any procedural or substantive violations of the Individuals with Disabilities Education Act?

PROCEDURAL HISTORY AND SUMMARY:

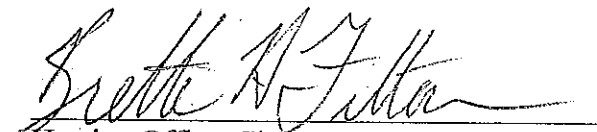
On August 1, 2016, the Board received a request for a special education due process hearing filed by the Parents. On August 4, 2016, the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the hearing. The deadline for mailing the final decision and order in this case was October 14, 2016. A prehearing conference was held on August 18, 2016, but before hearing dates could be discussed, the conference had to be rescheduled. On August 25, 2016, Attorney for the Parents sent an email to the Hearing Officer in which she indicated that the matter had settled and that the Parents were withdrawing their request for a special education hearing with prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).


Hearing Officer Signature

Brette H. Fitton
Hearing Officer Name in Print