

February 24, 2017

Final Decision and Order 17-0336

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Simsbury Board of Education

Appearing on behalf of the Student: Parents

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

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Individualized Education Plan “IEP” developed by the District and implemented during the 2015-2016 school year fail to provide Student with a Free Appropriate Public Education (“FAPE”) under the Individuals with Disabilities Education Act (“IDEA”)?
2. Does Student’s IEP for the 2016-2017 school year fail to provide Student with a FAPE under the IDEA because it lacks a Behavior Intervention Plan, assignment of a 1:1 paraprofessional, and a formal opportunity for Student to interact with non-disabled peers in a group setting in order to work on Student’s social skills?

**PROCEDURAL HISTORY AND SUMMARY:**

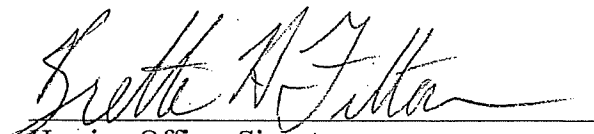
On February 8, 2017, the Board received a special education due process hearing request filed by Parent and on that same day the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the case. The February 8, 2017 receipt date resulted in a deadline for mailing the final decision and order of April 24, 2017. A prehearing conference was scheduled for February 27, 2017 and the Final Decision and Order was established as January 6, 2017. On February 24, 2017, Parents withdrew their request for a special education due process hearing.

**FINAL DECISION AND ORDER:**

In light of the above facts, the case is dismissed without prejudice.

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