

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Simsbury Board of Education

Appearing on behalf of Student: Attorney Courtney P. Spencer
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Appearing on behalf of Board: Attorney Julie C. Fay
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Appearing Before: Attorney Robert Skelley
Hearing Officer

FINAL DECISION AND ORDER

Issues:

12-0271:

1. Did the Board deny a free and appropriate public education ("FAPE") to the student when the Board denied the parental request for an Independent Educational Evaluation following the January 23, 2012 PPT?

12-0293 :

1. Whether the Board failed to provide FAPE to the Student for the 2010-11 and the 2011-12 school years;
2. Whether the Board has failed to appropriately evaluate the Student during the 2010-11 and 2011-12 school years;
3. Whether the Board failed to implement the recommendations from outside consultants during the 2011-12 school year;
4. Whether the Board failed to provide the Student with appropriate speech and language services, failed to provide appropriate social skills programming, failed to consider summer programming and failed to provide appropriate summer programming during the 2010-11 and 2011-12 school years;
5. Whether the Board committed procedural violations including retaliation against the family and offering services which were taken back at the PPT which resulted in a denial of FAPE;
6. Whether the Board failed to provide an appropriate ESY program for the summer 2011 and failed to offer an appropriate ESY program for the summer 2012;
7. Whether the Student is entitled to compensatory education.

Procedural History:

This matter is before the Hearing Officer pursuant to a Request for Due Process hearing, filed by the Simsbury Board of Education ("Board") and received by counsel for the parent on January 31, 2012; this was identified as Case No. 12-0271. A pre-hearing conference was held on February 13, 2012, in which counsel for both parties attended and the issue as to whether the Board would be required to provide the student with an Independent Educational Evaluation as requested by the parents, was identified and agreed upon. An initial Due Process Hearing date was set for March 27, 2012. On February 15, 2012, the student filed a due process complaint, subsequently identified as case no. 12-0293. The student requested that both matters be consolidated, dated February 21, 2012. On February 22, 2012, the Board requested a postponement of the March 27, 2012 Due Process Hearing for the purposes of using that date for mediation. The Board also stated that it had no objection to the consolidation of the two cases. The Board then submitted a sufficiency challenge to the Student's complaint on February 23, 2012. On February 27, 2012, after consultation with this hearing officer, Hearing Officer Mary Elizabeth Oppenheim, hearing officer in Case No. 12-0293, ruled on both the issue of consolidation and the sufficiency challenge. The request to consolidate Case No. 12-0293 with Case No. 12-0271 was granted. Hearing Officer Oppenheim found that the parent's request for hearing met the notice requirements for a request for hearing and was therefore sufficient. The two cases were consolidated under Case No. 12-0271 for the consolidated case. Mediation was successfully held by the parties on March 27, 2012. Subsequent to mediation, both parties submitted requests to withdraw their due process requests, *with prejudice*. The parent request was dated March 29, 2012 and the Board request was dated March 30, 2012.

Final Decision and Order:

It is therefore ordered that:

Pursuant to the request by all parties to withdraw their individual requests for due process hearings, and with no matters outstanding in this consolidated case, this consolidated matter, and each relevant individual matter, is dismissed *with prejudice*.