

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Simsbury Board of Education

Appearing on behalf of the Parents: Attorney Courtney Spencer
The Law Offices of Courtney Spencer, LLC
701 Hebron Avenue
Glastonbury, CT 06033

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

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Should the Student have been found eligible for special education services based on an evaluation obtained by the Parents and presented to the planning and placement team (“PPT”) on March 13, 2007?
2. Should the Board be required to pay for an evaluation by Dr. Michael Powers as requested by the Parents at the November 30, 2009 PPT meeting?
3. Is the Student entitled to two years of compensatory education because of the Board’s delay in evaluating him, finding him eligible and providing special education services to him?

PROCEDURAL HISTORY:

The Parents’ attorney faxed a letter to the State Department of Education on January 5, 2010 requesting a due process hearing. The Board received a copy of the request on January 7, 2010. This Hearing Officer was assigned to the case on January 7, 2010. On January 19, 2010, the Board’s attorney filed an appearance. A prehearing conference was held on February 4, 2010 with the parties’ attorneys. They reported that at a resolution meeting two days earlier, one issue had been resolved. The other two issues would likely be resolved as well. The Parents’ attorney stated that she would withdraw the complaint without prejudice. No hearing date was scheduled. She sent a letter later that day withdrawing the hearing request. The mailing date for the final decision is March 23, 2010.

FINAL DECISION AND ORDER

It is ordered that this case shall be dismissed without prejudice.