

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

**Student v. Simsbury Board of Education**

**Appearing on behalf of the Parents:** Attorney David C. Shaw  
Law Offices of David C. Shaw, LLC  
34 Jerome Avenue  
Bloomfield, CT 06002

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

**Appearing Before:** Attorney Stacy M. Owens, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Whether the Board is providing the Student a free and appropriate public education for the Student's 2008-2009 school year.
2. Whether the Student's individualized education program for the 2008-2009 school year is appropriate, in accordance with 20 U.S.C. §1412(a)(5)(A).
3. Whether the Student is entitled to 51.25 hours of tutoring services as a matter of compensatory education.

**SUMMARY/PROCEDURAL HISTORY:**

On or about January 14, 2009, the Simsbury Board of Education ("the Board") received a request for hearing from the Parent. (H.O. Exh. 1)

On January 27, 2009, after the recusal of Hearing Officer Elisabeth Borrino, the undersigned was appointed as hearing officer to preside over the hearing, rule on all motions, determine findings of fact and conclusions of law, and issue an order. (H.O. Exh. 2)

A prehearing conference convened February 6, 2009. During the prehearing conference, Attorney David C. Shaw appeared on behalf of the Parents; Attorney Julie C. Fay appeared on behalf of the Board. The issues were confirmed and the hearing was scheduled for March 12, 2009 and March 13, 2009 and April 2, 2009 and April 16, 2009. (H.O. Exh. 3)

On March 11, 2009, counsel for both parties requested a postponement of the hearing to continue on-going negotiations. The request was granted and the March 12, 2009 and March 13, 2009 hearing dates were canceled. The first day of hearing was postponed until April 2, 2009.<sup>1</sup> (H. O. Exh. 5)

On March 17, 2009, Attorney Shaw submitted a letter stating that the parties “have finalized a Mediation Agreement that settles all issues” in the matter and that “[p]ursuant to that agreement, the parents hereby withdraw . . . with prejudice.” (H.O. Exh. 6)

**FINAL DECISION AND ORDER:**

As such, and based on the foregoing, this matter is hereby **dismissed with prejudice.**

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<sup>1</sup> By ruling, this matter was consolidated with case #09-293. (H.O. Exh. 4) Request for postponement of the hearing occurred during the prehearing conference for case #09-293.