

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Simsbury Board of Education v. Student

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

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

Appearing Before: Attorney Stacy M. Owens, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the hearing officer should override the Parent's refusal to consent to a psychiatric evaluation of the Student.
2. Whether the Student should be placed out-of-district, including placement for diagnostic purposes.

SUMMARY/PROCEDURAL HISTORY:

On or about January 20, 2009, the Parents received a request for hearing from the Simsbury Board of Education ("the Board"). Hearing Officer Mary Gelfman was appointed as hearing officer. (H.O. Exh. 1)

Subsequent to a joint ruling granting the consolidation of this matter with case # 09-290, the undersigned adopted this case with the authority 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 March 11, 2009. During the prehearing conference, Attorney Julie C. Fay appeared on behalf of the Board; Attorney David C. Shaw appeared on behalf of the Parents. The issues were confirmed and the hearing was expected to move forward on the dates previously scheduled for case # 09-290 - March 12 and 13, and April 2 and 16, 2009. (H.O. Exh. 3)

During the March 11, 2009, prehearing conference, 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. (H. O. Exh. 4)

On March 18, 2009, Attorney Fay submitted a letter stating that “[t]he Parties have finalized a Mediation Agreement which resolves all issues...” and that “the Board hereby withdraws its request for hearing, Case No. 09-0293, with prejudice.” (H.O. Exh. 5)

FINAL DECISION AND ORDER:

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