

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Stamford Board of Education

Appearing on behalf of the Parent:

Elizabeth Moyse, Esq.  
The Law Offices of Jennifer  
Laviano, LLC  
76 Route 37 South  
Sherman, CT 06784

Appearing on behalf of the Board:

Marsha Moses, Esq.  
Berchem Moses, P.C.  
75 Broad Street  
Milford, CT 06460

Appearing before:

Patrick L. Kennedy, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Are the Parents' claims concerning the 2018 ESY barred by a prior settlement?
2. If not, did the District commit procedural violations which resulted in a denial of FAPE for the 2018 ESY?
3. If said claims are not barred as aforesaid, did the District fail to provide the Student with substantive FAPE for the 2018 ESY?
4. Did the District commit procedural violations which resulted in a violation of FAPE for the 2018-19 school year?
5. Did the District fail to provide the Student with substantive FAPE for the 2018-19 school year?
6. Did the District commit procedural violations which resulted in a violation of FAPE for the 2019 ESY?
7. Did the District fail to provide the Student with substantive FAPE for the 2019 ESY?

8. Is there any constitutional bar to consideration of Parents' request for placement at Our Lady of Fatima?
9. If not, and if there has been a violation of FAPE, is Our Lady of Fatima (including the provision of related services) an appropriate placement for the Student?
10. If there has been a violation of FAPE and Our Lady of Fatima is an appropriate placement, should the District be ordered to reimburse the Parents for the cost of the Student's attendance there?
11. If there has been a violation of FAPE, should other reimbursements be ordered in accordance with the Parents' hearing request?
12. If there has been a violation of FAPE, should any other remedies be ordered?
13. Does the Hearing Officer have jurisdiction to consider Parents' § 504 claims?
14. If so, has the District violated §504?
15. If the Hearing Officer has jurisdiction and there has been one or more violations of §504, what remedies should be ordered?
16. Does the Hearing Officer have jurisdiction to consider Parents' claims under the Americans with Disabilities Act (ADA)?
17. If so, has the District violated the ADA?
18. If the Hearing Officer has jurisdiction and there has been one or more violations of the ADA, what remedies should be ordered?

**SUMMARY AND PROCEDURAL HISTORY:**

Case 19-0346 was commenced by the Parents by request received by the Board on January 31, 2019. A prehearing conference was held on February 6, 2019. At the prehearing conference, hearing dates was set for April 8, 2019; April 11, 2019, April 30, 2019 and May 2, 2019 and the decision date was determined to be April 16, 2019. The hearing dates were eventually cancelled and the decision date was extended to June 14, 2019.

On June 10, 2019, the undersigned hearing officer was advised by the attorney for the Parents that the parties had reached a settlement in the case and the matter should therefore be dismissed with prejudice.

**FINAL DECISION AND ORDER:**

The matter is dismissed with prejudice.