

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Student v. Cheshire Board of Education, EdAdvance/RESC,  
Connecticut State Department of Education<sup>1</sup>

Appearing on behalf of Student: Attorney Elizabeth Moyse  
Attorney Jennifer Laviano  
Law Office of Jennifer Laviano LLC  
76 Route 37 South  
Sherman, CT 06784

Appearing on behalf of the Board of Education: Attorney Christine Sullivan  
Berchem Moses PC  
75 Broad Street  
Milford, CT 06460

Appearing on behalf of EdAdvance/RESC: Attorney Mark Sommaruga  
Pullman & Comley LLC  
90 State House Square  
Hartford, CT 06103-3702

Appearing on behalf of Connecticut State  
Department of Education: Attorney Matthew Venhorst  
CT State Dept of Education  
Division of Legal & Government Affairs  
450 Connecticut Blvd  
Hartford, CT 06103

Appearing before: Janis C. Jerman  
Hearing Officer

**FINAL DECISION AND ORDER**

A special education hearing in the above-captioned matter was requested by Student's Attorney via letter dated October 6, 2020.<sup>2</sup> The Board of Education ("BOE") received the Request for Hearing on October 6. The 30-day resolution period ended November 6 and the 45-day deadline to mail the final decision and order is December 21.

A telephonic pre-hearing conference was held on October 20. Attorneys Moyse and Laviano appeared on behalf of Student; Attorney Sullivan appeared on behalf of BOE; Attorney

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<sup>1</sup> In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student," "Parents," and titles of certain school staff members and witnesses in place of names and other personally-identifiable information.

<sup>2</sup> All dates are 2020 unless otherwise indicated.

Sommaruga appeared on behalf of EdAdvance/RESC (“RESC”); and Attorney Venhorst appeared on behalf of the State Department of Education (“SDOE”).

The Request for Hearing includes issues under the Individuals with Disabilities Education Act (“IDEA”), Section 504 of the Rehabilitation Act of 1973 (“Section 504”), and the Americans with Disabilities Act (“ADA”). The Hearing Officer has jurisdiction over the IDEA issues only and did not address Section 504<sup>3</sup> or ADA issues identified in the Request for Hearing. The below issues are identified for hearing under IDEA and its implementing regulations:

1. Did the Board of Education provide Student with a free appropriate public education during the 2018-19 school year?
2. Did the Board of Education provide Student with a free appropriate public education during the 2019 extended school year?
3. Did the Board of Education provide Student with a free appropriate public education during the 2019-20 school year?
4. Did the Board of Education provide Student with a free appropriate public education during the 2020 extended school year?
5. Did the Board of Education provide Student with a free appropriate public education during the 2020-21 school year?
6. If the answer to any one of the Issues One through Five above is in the negative, what shall be the remedy?

Student filed a Motion for Unilateral Placement and RESC’s Attorney filed a Motion to Dismiss. SDOE’s Attorney indicated an intent to file a Motion to Dismiss. The parties were engaged in settlement discussions and requested a delayed scheduling order to allow them to focus on settlement discussions prior to expending time and resources on motions and responses.

On November 11, Student’s Attorney indicated that the parties executed a settlement agreement and requested to withdraw the matter with prejudice.

### **FINAL DECISION AND ORDER**

The above-captioned case is dismissed with prejudice.

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<sup>3</sup> The Hearing Officer will assume jurisdiction for Section 504 claims only if a determination of these claims is necessary to resolve the IDEA claims. A determination of the Section 504 claims is not necessary to resolve the IDEA claims in this case.