

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRINA R. and MRS. R.,)
)
)
 Plaintiffs,)
)
 v.) Civil A. No. 16-cv-11873-LTS
)
)
 BUREAU OF SPECIAL EDUCATION)
 APPEALS and BARNSTABLE PUBLIC)
 SCHOOLS)
)
 Defendants.)

Memorandum and Order

March 12, 2018

SOROKIN, J.

The Court has determined that Trina R. was not denied a free and public education (“FAPE”) under either state or federal law and affirmed the ruling of the Bureau of Special Education Appeals (“the BSEA”). Doc. No. 67. Having reviewed the parties’ subsequently submitted joint status report, Doc. No. 69, the Court agrees with the parties that the BSEA has no further role in this action as it is a defendant only in Count I. See Doc. No. 45.

Furthermore, as a result of the Court’s ruling on count I, summary judgment SHALL enter in favor of Defendants and against Plaintiffs on the only claims remaining in this case, that is Counts II, III, and IV, see Doc. No. 69 at 1.¹ This is so because the Court’s ruling that Trina R. was provided FAPE precludes the R.’s from establishing a necessary element of their remaining

¹ Initially, the R.’s brought four additional claims against Defendants, which the Court dismissed on May 1, 2017. See Doc. No. 34. The R.’s then brought an amended complaint, alleging only the four remaining counts. Doc. No. 45.

claims. See D.B. ex rel. Elizabeth B. v. Esposito, 675 F.3d 26, 40 (1st Cir. 2012) (a finding that plaintiff was provided FAPE “necessarily precludes any claim that there was a discriminatory denial of FAPE”). This ruling depends upon the Court’s resolution of Count I and may be revisited in the event of a successful appeal by the R.’s.

The clerk shall enter final judgment.

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge