## STATE OF CONNECTICUT DEPARTMENT OF EDUCATION

Student v. Ansonia Board of Education

Appearing on Behalf of the Student: Student, *Pro Se* 

**Appearing on Behalf of the Board:** Attorney Marsha Belman Moses

Berchem, Moses & Devlin, P.C.

75 Broad Street Milford, CT 06460

Appearing Before: Stacy M. Owens, Esq., Hearing Officer

# RULING ON BOARD'S MOTION TO DISMISS (Final Decision and Order)

### **ISSUE:**

Whether pursuant to the Board's Motion to Dismiss, the hearing officer in this matter has jurisdiction to hear the issues raised in the Student's request for hearing dated September 21, 2006.

#### PROCEDURAL HISTORY / SUMMARY

On September 22, 2006, the State of Connecticut Department of Education received a request for hearing dated September 21, 2006 from the Student. On September 25, 2006, the undersigned was appointed as the hearing officer to preside over the hearing, rule on all motions, determine findings of fact and conclusions of law, and issue an order.

On October 18, 2006, a prehearing conference via teleconference was conducted to establish the issues and schedule the hearing. The Student, an undisputed emancipated minor, appeared *pro* se; Attorney Marsha Belman Moses appeared on behalf of the Board. During the prehearing conference the Student expressed that the only impediment to her receiving a free and appropriate education in the Board's district was her required presentation of a document from the post office to establish residency. On October 19, 2006, the Board filed a Motion to Dismiss based on lack of jurisdiction.

## **CONCLUSIONS OF LAW**

In accordance with §10-76h(d)(1) of the Connecticut General Statutes ("Statute"), "[t]he hearing officer . . . shall have the authority to confirm, modify, or reject the identification, evaluation or educational placement of or the provision of a free appropriate public education to the . . .pupil, to determine the appropriateness of an educational placement where the . . . pupil if such pupil is an emancipated minor, has placed the . . . pupil in a program other than that prescribed by the planning and placement team, or to prescribe alternate special educational programs for the . . pupil . . . ."

Section 10-186(b) of the Statutes establishes jurisdiction within the local boards to determine issues relating to a pupil's residency.

The Student, by virtue of her request for hearing, formalized the issue in this matter to be her denial of an education by the Board. However, during the prehearing conference on October 18, 2006, the Student expanded upon this issue, citing her inability to acquire and produce a form from the post office as the reason proffered by the Board for her denial of registration into its school district. During the prehearing conference, the Student did not deny that her failure to fulfill her obligations to prove residency within the Board's district was the sole issue in this matter, nor did she make an objection to the Board's Motion to Dismiss.

#### **FINAL DECISION AND ORDER**

Based on the foregoing, it is determined that the undersigned lacks jurisdiction to adjudicate this matter. As such, this case is hereby DISMISSED.