

STATE OF CONNECTICUT  
OFFICE OF PUBLIC HEARINGS

December 10, 2015

CHRO No. 1310347 - Commission on Human Rights and Opportunities, ex rel., Sandra Baker, v. Hartford Public Schools, Respondent

Ruling on Motion to Dismiss

Facts

For purposes of this ruling, the undersigned takes judicial notice of the facts alleged in the complaint filed in this matter.

Analysis

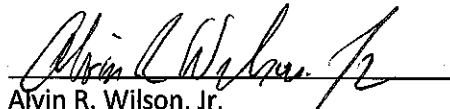
Having considered the arguments of the parties contained in the respondent's motion to dismiss, filed June 26, 2014, the commission's memorandum of law in opposition, dated August 11, 2014, and the respondent's reply brief, dated September 11, 2014, and pursuant to the authority granted to a human rights referee under section 46a-84 and regulations section 46a-54-83a -88a:

The motion to dismiss the section 46a-58(a) claim seeking to enforce section 10-15c is denied. The respondent does not dispute that the Connecticut Supreme Court deemed such a claim viable. See CHRO v. Board of Educ. of Town of Cheshire, 270 Conn. 665 (2004). The commission cannot be deprived of the opportunity to present its evidence and articulate its legal theory on this claim at this stage of this administrative contested case proceeding on a motion to dismiss.

The undersigned dismisses/strikes the section 46a-58(a) claim that seeks to enforce Title VII of the Civil Rights Act because that claim only applies to employment disputes.

The undersigned endorses and adopts each of the arguments set forth in the respondent's motion to dismiss and its reply brief concerning the scope of both the section 46a-64(a) and section 46a-75 claims. On this basis, I dismiss/strike these claims. See also, CHRO ex rel. Chillon Ballard, v. Cheshire Board of Education, CHRO No. 9830294, RULING ON RESPONDENTS' MOTION TO DISMISS, dated July 15, 1999 (Lisa B. Giliberto, Presiding Human Rights Referee) and Dawn Alston on behalf of Terrel Alston v. East Haven Board of Education, CHRO No. 9830205, RULING ON MOTION TO DISMISS, dated May 9, 2005 (Lara L. Manzione, Presiding Human Rights Referee).

It is so ordered this 10th day of December 2015.

  
Alvin R. Wilson, Jr.  
Presiding Human Rights Referee

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