

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. West Hartford Board of Education

Appearing on behalf of the Parents: Mother, pro se

Appearing on behalf of the Board of Education: Attorney. Susan C. Freedman
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-2819

Appearing before: Attorney Patricia M. Strong
Hearing Officer

FINAL DECISION AND ORDER

PROCEDURAL HISTORY

This hearing was requested on April 30, 2004 and was assigned to another Hearing Officer. This hearing officer was assigned to the case on May 18, 2004. A prehearing conference was scheduled on May 25, 2004. At the request of the Parent, the prehearing conference was rescheduled to June 2 at 3:30 p.m. The Parent did not answer her telephone. Several attempts were made and two messages were left on the Parent's message recorder. The prehearing conference was held with the Board's attorney and a hearing date was scheduled for July 6. The Board's attorney represented that the parties had a mediation scheduled on June 10 and the Parent had consented to an extension of the decision deadline in a previous conversation. The request for a 30-day extension of the decision deadline was granted. The date was extended to July 14, 2004.

On June 8, the Board's attorney filed a motion to dismiss the due process request for lack of jurisdiction for the reason that the Parent sent the principal of the Student's school a letter dated June 3, 2004 stating that they were no longer residents of the Town of West Hartford.

ISSUES:

1. Is the Student eligible for special education?
2. If so, did the Board provide an appropriate program?

FINDINGS OF FACT:

1. Effective June 3, 2004, the Parent and the Student are no longer residents of West Hartford. Letter from Mother attached to Board's Motion to Dismiss.

CONCLUSIONS OF LAW:

1. The jurisdiction for this hearing is provided by Conn. Gen. Stats., Section 10-76h(a)(1), which provides in relevant part:

A parent or guardian of a child requiring special education and related services pursuant to sections 10-76a to 10-76g, inclusive . . . may request, in writing, a hearing of the local or regional board of education or the unified school district responsible for providing such services whenever such board or district proposes or refuses to initiate or change the identification, evaluation or educational placement of or the provision of a free appropriate public education to such child or pupil. . . .

(Emphasis added).

2. At the time this due process request was filed the Student was enrolled in the West Hartford schools. After that time and prior to the hearing scheduled for July 6, the Parent and the Student notified the Board they were no longer residents. "A case becomes moot when due to intervening circumstances a controversy between the parties no longer exists." Hallas v. Windsor, 212 Conn. 338, 347-48 (1989). Board of Ed. of Stafford v. State Bd. of Ed., 243 Conn. 772, 777 (1998). As of June 3, the case became moot. There is, therefore, no jurisdiction over this matter.

FINAL DECISION AND ORDER

The Board's motion to dismiss is granted. The Parent's due process request is dismissed as moot based on the Parent's and Student's change of residence out of the district.