

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Ansonia Board of Education and Westport Board of Education

Appearing on behalf of the Surrogate Parent: The Surrogate Parent appeared *pro se*.

Appearing on behalf of the Ansonia Board: Attorney Nicole Bernabo
Sullivan Shoen, Campane & Connon, LLC
646 Prospect Avenue
Hartford, Connecticut 06105

Appearing on behalf of the Westport Board: Attorney Craig Meuser
Shipman & Goodwin, LLP,
One American Row
Hartford, Connecticut 06103-2819

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Whether the Ansonia Board or the Westport Board is the “nexus” town for the Student, and therefore, responsible for the Student’s educational program.

SUMMARY:

The matter was assigned on May 20, 2002, and a prehearing conference was held on May 23. The hearing convened on June 11, with counsel present for the Boards, and the Surrogate Parent proceeding *pro se*. All parties confirmed that the sole issue for this hearing was which Board was responsible for the education of the Student, who is currently identified as eligible for special education and related services. All parties also confirmed at the hearing that the Student is currently receiving special education services from the Westport Board, and that the Student would continue to receive these services while the determination of the nexus town for the Student is pending. On the basis of these stipulations, both Board counsel moved to dismiss this matter for lack of jurisdiction.

CONCLUSIONS OF LAW:

1. In this forum, hearing officers have the jurisdiction to decide matters “whenever the 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 a Student requiring special education and related services. Conn. Gen. Statutes Sec. 10-76h
2. When the issue presented is solely the nexus of the child, i.e. the connection the town has with the Student sufficient to impose responsibility for educating the Student, the Department of Education has provided a separate forum in accordance with Conn. Gen. Statutes Sec. 10-186 to adjudicate issues of residency. [See, e.g., *Benjamin V. v. East Haddam Board of Education and East Hampton Board of Education*, Decision of Impartial Hearing Board, Case No. 90-11] Residency issues, therefore, are not appropriately decided in this forum.
3. As the Parties agree, and the record reflects that the sole issue for this hearing is a determination of the nexus town of the Student, and there is no dispute as to the special education program of the Student, this matter is **DISMISSED**, for lack of jurisdiction.