

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

REGIONAL SCHOOL DISTRICT NO. 9	:	
BOARD OF EDUCATION,	:	
	:	
v.	:	CASE NO. 3:07-CV-01484
	:	(WWE)
	:	
MR. and MRS. M.,	:	
STATE OF CONNECTICUT DEPARTMENT	:	
OF EDUCATION.	:	

RULING ON DEFENDANTS' MOTIONS TO DISMISS

Plaintiff Regional School District No 9 Board of Education has filed a complaint appealing the administrative decision finding in favor of defendants Mr. and Mrs. M. on behalf of their minor child pursuant to the Individuals with Disabilities Act, 20 U.S.C. § 1415, and asserting a claim pursuant to 42 U.S.C. § 1983 against the State of Connecticut Department of Education.

Defendants have filed separate motions to dismiss.

DISCUSSION

The State of Connecticut Department of Education argues, inter alia, that the Department of Education is not a proper defendant and that plaintiff cannot prove a due process violation that gives rise to an entitlement to relief. Plaintiff has failed to respond to the Department of Education's motion to dismiss. Absent objection and upon review of the merits of defendant's arguments, the Court will grant the motion to dismiss.

_____ Defendants Mr. and Mrs. M. have also filed a motion to dismiss asserting that plaintiff has failed to exhaust the requisite administrative remedies and cannot assert a section 1983 claim. Defendants argue further that plaintiff cannot bring a claim

