

## SUPREME COURT PENDING CASE

*The following appeal is assigned for argument in the Supreme Court on April 27, 2022.*

NEW HAVEN BOARD OF EDUCATION *v.* COMMISSION ON HUMAN RIGHTS & OPPORTUNITIES, SC 20696

*Judicial District of New Britain*

**Administrative Appeal; Whether Defendant Had Jurisdiction over Claims Brought against Plaintiff under Americans with Disabilities Act and State Anti-Discrimination Law in Connection with Student’s Educational Needs.** On November 1, 2011, Andrew Miranda filed a complaint with the defendant on behalf of his minor son, A.J. Miranda. Andrew alleged that the plaintiff had violated the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., and General Statutes §§ 46a-58 (a) and 46a-64, which in relevant part prohibit discrimination and denial of access to a place of public accommodation on the basis of disability, through its treatment of A.J. In September 2010, A.J. began kindergarten at the John Daniels Magnet School in New Haven. He initially received special education services due to his diagnoses, which included Asperger’s syndrome, childhood disintegrative disorder, and attention deficit hyperactivity disorder, but it was subsequently determined that A.J. did not qualify for those services. On March 29, 2011, A.J. fell at school and was taken to a hospital, where he was diagnosed with a concussion and discharged with a certificate indicating that he could return to school when he was “symptom free for 24 [hrs] earliest 3/31/11.” A.J. continued to display post-concussion symptoms in the following days. Andrew spoke with A.J.’s pediatrician, who recommended that he not return to school until he was symptom free. In April 2011, the plaintiff sent a “habitual truancy” notice to Andrew due to A.J.’s prolonged absence from school. Andrew met with school officials on May 5, 2011, to discuss whether A.J. was qualified to receive special education services. At that meeting, Andrew was questioned about A.J.’s prolonged absence from school. He attempted to proffer a handwritten note from A.J.’s pediatrician, which the school officials did not accept, and stated that A.J. would not return to school until he was medically cleared to do so. Andrew left the meeting with the understanding that A.J. was still enrolled at the school. Immediately after the meeting, however, school officials completed a withdrawal form, reflecting discussions that they had three weeks prior during which it was suggested that A.J. be withdrawn from the school. Andrew did not learn of the unilateral withdrawal until June 2011. A human rights referee with the defendant held a

hearing and issued a final decision concluding that the school was a place of public accommodation, that A.J. was an individual with disabilities, and that the plaintiff had engaged in unlawful discrimination against him by unilaterally withdrawing him from the school. The referee awarded, inter alia, \$25,000 in emotional distress damages. The plaintiff filed an administrative appeal from the defendant's decision in the trial court, which dismissed the appeal. The plaintiff then filed an appeal in the Appellate Court, and the Supreme Court transferred the appeal to its docket. The Supreme Court will decide whether the trial court properly determined that the defendant had jurisdiction over Andrew's complaint where the plaintiff claims (1) that the defendant could not adjudicate federal claims brought under the ADA, (2) that the school was not a "place of public accommodation" under § 46a-64, and (3) that Andrew was required to exhaust his administrative remedies before the state Department of Education because his complaint alleged the denial of a free and appropriate public education in violation of the Individuals with Disabilities Education Act.

*The summary appearing here is not intended to represent a comprehensive statement of the facts of the case, nor an exhaustive inventory of issues raised on appeal. This summary is prepared by the Staff Attorneys' Office for the convenience of the bar. It in no way indicates the Supreme Court's view of the factual or legal aspects of the appeal.*

*Jessie Opinion  
Chief Staff Attorney*

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