



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Superintendents of Schools
Directors of Special Education and Pupil Services

FROM: Mike McKeon, Legal Director
Bryan Klimkiewicz, Special Education Division Director

DATE: July 14, 2023

SUBJECT: Public Act 23-137 Extends IDEA Eligibility through the End of the School Year during which a Student Turns Age 22

The Connecticut Legislature recently passed Public Act No. 23-137, [An Act Concerning Resources and Support Services for Persons with an Intellectual or Developmental Disability](#), which in part, amends subsection (b) of Section 10-76d of the Connecticut General Statutes and requires, effective July 1, 2023, that:

(b) In accordance with the regulations of the State Board of Education, each local and regional board of education shall: (1) Provide special education for school-age children requiring special education who are described in subparagraph (A) of subdivision (5) of section 10-76a. **The obligation of the school district under this subsection shall terminate when such child is graduated from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first.**

As a result of this legislation, effective July 1, 2023, all students remain eligible for special education services under the Individuals with Disabilities Education Act (IDEA) through the end of the school year during which the student turns age 22, or until the student graduates from high school with a regular high school diploma, whichever occurs first. Pursuant to the CGS § 10-259¹, school year is defined as July 1 through June 30.

This guidance is to assist school districts in meeting the statutory changes to IDEA eligibility for the upcoming school year 2023-24.

School District Responsibilities

For any student who was exited for reaching the maximum age of eligibility (The day before the student's 22nd birthday) or for receiving their regular high school diploma between July 1, 2022, and June 30, 2023, no further action is needed.

¹ [CGS § 10-259](#)

For planning and placement teams (PPTs) that occurred during the 2022-23 school year during which Individualized Education Programs (IEPs) were developed with an end date on the student's 22nd birthday during the 2023-24 school year, the school district must contact the adult students and parents and advise the adult student or parent that they remain eligible for special education services under the IDEA through the end of the school year during which they turn age 22 and convene the PPT to revise the IEP as necessary. The Connecticut State Department of Education (CSDE) encourages PPTs to consider the student's current adult service agency programs and supports, and review IEP goals and objectives, in an effort to maintain consistency in programming, as appropriate. School Districts should prioritize this process for students whose 22nd birthday is between July 1 and September 1 to ensure there are no gaps in the student's IEP implementation.

School districts must contact **all** adult students and parents who are impacted by this legislation and advise the adult student or parent that they remain eligible for special education services under the IDEA through the end of the school year during which they turn age 22.

Special Circumstance for Department of Developmental Services (DDS) Placements:

DDS is in the process of contacting adult students/parents of students **who have been determined eligible for DDS, whose 22nd birthday is between July 1 and September 30, 2023, who already have a current DDS plan, with a provider identified, and a start date in place.** For this defined period of time, DDS will accept these students as planned if the adult student/parent agrees in writing to decline the student's extended IDEA eligibility (through the end of the school year). DDS is advising that this choice be clearly documented in the DDS Individual Plan (IP).

For adult students/parents who accept the DDS placement, school district shall coordinate and collaborate with DDS. School districts are responsible for implementing student's IEP until the start date of their DDS placement. The school district shall issue a Prior Written Notice (PWN) to document that services were offered through the end of the school year during which the student turns 22 but were refused. On the PWN the school district shall also document the date of exit from special education, which shall reflect the day before the start date of the DDS placement. For such defined cases, the CSDE will allow the school district to use the PSIS Exit Code 20 (Reached maximum age for services).

For adult students/parents who decline the DDS placement, the school district shall implement the IEP through the end of the school year, or until the student receives their regular high school diploma, whichever occurs first.

Exiting Special Education Students

The CSDE reminds school districts that any student who exits high school as a result of either *completing school with other credentials* (student did not graduate with a regular high school diploma), *discontinuing schooling*, *transferring to a GED program*, or *moving/not known to be continuing*, still has an entitlement to a free and appropriate public education (FAPE). These

students may be re-admitted to public school and maintain eligibility for receipt of special education and related services through the end of the school year during which they turn 22, or until they graduate with a regular high school diploma, whichever occurs first. For more information about exiting students receiving special education service, please refer to the [Exited Students/Special Education Guidelines](#).

Summary of Performance (SOP)

For students whose eligibility for special education and related services terminates due to either graduating with a regular high school diploma or due to exceeding the age of eligibility, the district must provide the student with a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the student's postsecondary goals. The SOP must be completed within the Connecticut Special Education Data System (CT-SEDS).

Parents and adult students may pursue any one of the conflict resolution options available under the IDEA if they wish to contest a determination of the PPT or make a claim that the student is entitled to compensatory education to remedy a district's denial of a FAPE to the student. The resolution options are outlined in the Bureau of Special Education's [Procedural Safeguards Notice Required under IDEA Part B](#).

Please consult with your local board counsel if you have specific questions about the effect of this legislation on your provision of special education to students.

cc: Charlene M. Russell-Tucker, Commissioner of Education
Sinthia Sone-Moyano, Deputy Commissioner for Educational Supports and Wellness
Ajit Gopalakrishnan, Chief Performance Officer