



STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION



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

**FROM:** Michael McKeon, Legal Director  
Bryan Klimkiewicz, Special Education Division Director

**DATE:** November 16, 2023

**SUBJECT:** Updated Guidance Regarding Public Act 23-137 Extending IDEA Eligibility Through the End of the School Year during which a Student Turns Age 22

This communication is a follow-up to the Connecticut State Department of Education's (CSDE) July 14, 2023, memorandum titled [Public Act 23-137 Extends IDEA Eligibility Through the End of the School Year during which a Student Turns Age 22](#). As a result of this legislation, which amends subsection (b) of Section 10-76d of the Connecticut General Statutes (CGS), 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 CGS § 10-259<sup>1</sup>, the school year is defined as July 1 through June 30.

### **School District Responsibilities**

As stated in the previous guidance, school districts are required to contact **all** adult students and parents who were impacted by this legislation and advise the adult student or parent that the student remains eligible for special education services under the IDEA through the end of the school year during which the student turns age 22.

For any student who was exited due to having reached the maximum age of eligibility (the day before the student's 22<sup>nd</sup> birthday) between July 1, 2022, and June 30, 2023, no further action is needed. **Please note, however, that students should *not* have been exited from special education during 2023 as a result of reaching the maximum age if their 22<sup>nd</sup> birthday occurred *on or after* July 1, 2023, pursuant to Public Act 23-137.** If the student was inappropriately exited, the district must contact such adult student or parent to advise the adult student or parent that the student remains eligible for special education services under the IDEA through the end of the school year during which the student turns age 22, and it must convene the planning and placement team (PPT) to revise the individualized education program (IEP), as necessary.

For any student who was exited for receiving their regular high school diploma between July 1, 2022, and June 30, 2023, no further action is needed. However, further clarification is warranted for this population of students. Districts shall review all instances in which a special education student was exited from the public school due to graduating with a regular high school diploma **and** the student's 22<sup>nd</sup> birthday is on or after July 1, 2023.

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<sup>1</sup>“The fiscal and school year shall commence July first and end June thirtieth.”

**Scenario 1:**

- If the student met academic requirements to graduate with a regular high school diploma and the PPT determined that transition-only services were not recommended, thus meeting the PPT's anticipated exit criteria of "graduation with a regular high school diploma," as stated on the student's IEP, no further action is needed.

**Scenario 2:**

- If the student met academic requirements to graduate with a regular high school diploma and was receiving transition-only services, but the PPT determined that such services were no longer recommended, thus meeting the PPT's anticipated exit criteria of "graduation with a regular high school diploma," as stated on the student's IEP, no further action is needed.

**Scenario 3:**

- If the student met academic requirements to graduate with a regular high school diploma and was receiving transition-only services, based on the PPT's recommendation, **and** the student's anticipated exit criteria was "reaching the maximum age of eligibility," as stated on the student's IEP, the student remains eligible for special education and related services through the end of the school year during which the student turns age 22. Therefore, the district must contact such adult student or parent to advise the adult student or parent that the student remains eligible for special education services under the IDEA through the end of the school year during which the student turns age 22, and it must convene the PPT to revise the IEP, as necessary.

The IDEA entitles parents and adult students to pursue any one of the conflict resolution options available thereunder 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 Free Appropriate Public Education (FAPE) to the student. This entitlement also extends to disagreements as to whether or not the student has satisfied the exit criteria set forth in the student's IEP. 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.

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