



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



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

FROM: Bryan Klimkiewicz, Special Education Division Director
Jessa Mirtle, Legal Director

DATE: June 19, 2020

SUBJECT: IDEA Eligibility Extended Until Age 22

On June 10, 2020, the United States District Court for Connecticut (federal court) published a decision granting summary judgment for the Plaintiff Class in a class action suit brought against the Connecticut State Board of Education (the Board). Judge Haight's decision requires ongoing eligibility for entitlements created by the Individuals with Disabilities Education Act (IDEA) for special education students who have not yet been conferred a diploma, and have not yet obtained the age of 22 years old. According to this decision, special education and related services under the IDEA must remain available until the student's 22nd birthday. It also provides for a Magistrate to work with the Board to address potential compensatory education for class members, where deemed appropriate and if the class member wishes to pursue the services. A copy of the decision has been posted on the Connecticut State Department of Education's (CSDE) website¹.

This decision has not been formalized into an order of judgment, but upon docketing of that order which we expect to happen soon, the judgement will displace the state law and practice to exit students at the end of the school year in which they turn 21 years of age. This decision will supersede prior guidance issued by the CSDE related to that law and practice. Schools will be expected to make special education and related services available for eligible students until those students turn 22 or receive a diploma, or upon notification that this decision is subject to appeal and a legal stay.

The CSDE will provide additional information should there be a change based upon an appeal, or a stay and will inform schools of the date the decision is docketed as an order of judgement. Please also consult with your local board counsel if you have specific questions about the effect of this decision on your provision of special education to students.

cc: Miguel A. Cardona, Commissioner of Education
Charlene Russell Tucker, Deputy Commissioner of Education
Desi Nesmith, Deputy Commissioner of Education

¹ <https://portal.ct.gov/-/media/SDE/Special-Education/Covid/United-States-District-Court-for-Connecticut-Summary-of-Judgment-061020.pdf>