



STATE OF CONNECTICUT
STATE 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: July 24, 2020

SUBJECT: **Updated Guidance Regarding IDEA Eligibility Extended Until Age 22**

This communication updates the Connecticut State Department of Education's (CSDE) June 19, 2020, memo titled *IDEA Eligibility Extended Until Age 22*. Please refer to that communication for background information.

On July 10, 2020, Judge Haight, United States District Court, District of Connecticut, filed the *Permanent Injunction Judgment and Order* in *A.R. v. Connecticut State Board of Education*, and denied the State's application to stay the injunction during the pendency of the appeal. Also, on July 10, 2020, the State filed an appeal of the A.R. decision with the Second Circuit Court of Appeals. The State is also pursuing a stay with the Second Circuit, which was filed July 23, 2020.

What this means for Connecticut students is that, at this time, unless and until a stay is granted or the appeal is decided in the State's favor, *all* students who have not yet turned 22 years old and who have not received a regular high school diploma, remain eligible for special education services under the IDEA from the responsible local educational agency up until their 22nd birthday. Based upon CSDE's conversations with the Court and Plaintiff's counsel, school districts should be aware that this includes continued eligibility for students who were already exited from eligibility under IDEA on account of turning 21 during the 2019-20 school year, in accordance with then effective state law.¹

Students whose eligibility terminated when they graduated with a regular high school diploma are not subject to an extension of eligibility until they turn 22, nor entitled to compensatory education. The specific arrangements regarding the nature and timing of the delivery of compensatory education services to class members has not been finalized, but class members should expect to be contacted regarding their potential rights.

Further information will be provided as it becomes available. Please 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 CGS Section 10-76d(b) and RCSA Section 10-76d-1(a)(4)