



# DISABILITY RIGHTS CONNECTICUT

Justice. Community. Inclusion.

## EXPANDED ELIGIBILITY FOR SPECIAL EDUCATION IN CONNECTICUT

The Court, in the class action lawsuit *A.R. v. Connecticut State Board of Education*, ruled that special education eligibility can no longer end at the end of the school year in which a student turns 21. Now, special education eligibility can continue until a student turns 22. Disability Rights Connecticut (DRCT) represented the plaintiff in *A.R.* and provides this fact sheet to share information about the Court's decision with the public. If you are looking for information about how this decision affects you or your child, please contact DRCT at (860) 297-4300, toll free in Connecticut at (800) 842-7303, or via videophone at (860) 509-4992.

- **What was the lawsuit about?**

- The lawsuit successfully argued that Connecticut should not end special education for students with disabilities at age 21 because the federal law, the Individuals with Disabilities Education Act (IDEA), says special education can continue until students turn 22.

- **What did the Court decide?**

- The Court decided that the State of Connecticut must continue eligibility for a free and appropriate public education (FAPE) to students with disabilities until their 22<sup>nd</sup> birthday, overruling the state law that ended eligibility for a FAPE at the end of the school year in which at student turned 21.
- The Court also decided that members of the class are entitled to compensatory education. This includes students whose special education was ended because they turned 21 years old after July 2014. Details on compensatory education are not yet available.

- **Why is this important?**

- This ruling is important because it offers students with disabilities additional time to receive a free appropriate public education (FAPE) and prepare for their post-secondary plans.

- **Does the Court's decision affect me?**

- This Court decision affects you if you currently are a student with a disability eligible to receive a FAPE and will not yet have reached the age of 22 by the end

of the 2020/2021 school year. You may be eligible to continue as a special education student until your 22<sup>nd</sup> birthday.

- This Court decision affects you if you were a student with a disability who previously received a FAPE but your eligibility for special education was ended because you turned 21 between July 2014 and June 2020. You may be eligible to receive compensatory education. Details on compensatory education are not yet available. Please see the last bullet point.
  
- **What should I do if I am a 21-year-old student who is being exited from special education this year?**
  - If you are a 21-year-old special education student receiving a FAPE and you are being exited from special education because you turned 21, then you may be eligible to continue in special education until your 22<sup>nd</sup> birthday. You should contact your district's special education coordinator and inform him/her that you are aware of the ruling in *A.R.* and you want to continue in special education until your 22<sup>nd</sup> birthday.
  
- **What should I do if I was in special education and think I may be owed compensatory education?**
  - An award for compensatory education was given to students who were exited from special education because they turned 21 between July 2014 and June 2020. The issue of compensatory education has been referred to a different judge to decide what it will look like and how eligible students will be told about it. Please stay tuned for more information about this. DRCT will share additional information with the public as it becomes available.

**Please contact DRCT at (860) 297-4300 (voice) | (800) 842-7303 (toll-free CT) | (860) 509-4992 (videophone) if you are currently a 21-year-old student who is being exited from special education before your 22<sup>nd</sup> birthday.**