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Federal Judge Rules In Favor of Special Education Students Who Are Turning 21

by Christine Stuart | Jun 11, 2020 4:48pm

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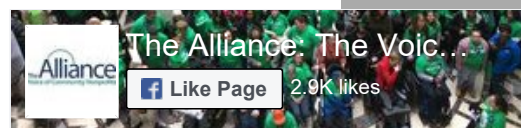
Posted to: Courts, Education



A federal court judge ruled that the state of Connecticut must continue to provide services to special education students until they turn 22 years old and anything less “constitutes a gross violation of the IDEA.”

U.S. District Court Judge Charles Haight Jr. ruled that the Connecticut State Board of Education’s decision to limit services to special education students after their 21st birthdays violates the Individuals with Disabilities Education Act.

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The ruling found that because Connecticut provides public education to non-disabled individuals over the age of 21 in the form of adult education and GED programs, it must offer something similar for special education students.

The ruling in the class action lawsuit goes even further by saying it must offer compensatory education services to these students if those services have already been denied.

“This ruling is a win-win, for students with disabilities and for the state. It rightly recognizes that Congress directed its funds to expand the students’ educational opportunities, in critically important ways,” said Bob Joondeph, acting executive director of Disability Rights Connecticut (DRCT). “Effective education is the key to advancement in our society. With more time to prepare and make effective connections to post-graduate programs and work opportunities students are better able to enter the workforce or succeed in post-secondary educational settings.”

According to State Department of Education data, there are approximately 70,000 students in Connecticut who are receiving special education services.

A spokeswoman for the Attorney General’s office said the state and its attorneys are “reviewing the decision.”

The decision was applauded Thursday by advocates across the state.

“It is a blockbuster decision for kids with disabilities in Connecticut and it presents an incredible opportunity for some of our most vulnerable students,” Child Advocate Sarah Eagan said Thursday.

She said she hopes the State Board of Education embraces the decision.

Eagan said the decision creates a safety net for these kids because it’s a meaningful and robust extension of services to them.

She said services under IDEA are guaranteed, however, adult services for this same population are not, which is why the decision is significant.

Barbara Distini, president of the nonprofit Special Education Equity for Kids of Connecticut, wrote to the Bureau of Special Education Thursday to ask if they will be issuing new guidance for this population given the decision.

Distini is referring to the guidance issued **last week** that says parents of special education students who turned 21 before June 30 will have to ask their local school boards for extended services by asking for a meeting.

“While this language was legally suspect even prior to Judge Haight’s ruling, it is now clearly and unmistakably a violation of the IDEA to suggest that services provided to a student to remediate a loss of transition services during the COVID-19 closure are not IDEA services and need not be documented with an

IEP,” Distinti wrote.

There are currently 850 students who turn 21 this year, according to state education officials. The decision would take effect immediately, unless it is appealed by the state and the court were to delay its implementation pending the appeal.

At the time the lawsuit was filed, more than 200 students in Connecticut stopped receiving special education services because they reached the age of 21, according to data from 2014 and 2015.

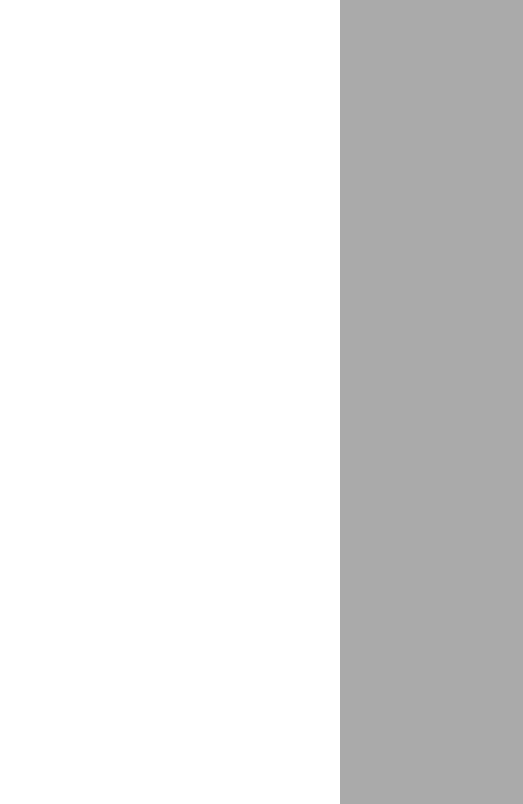
The lead plaintiff in the case breathed a sigh of relief.

“This relieves a huge pressure I’ve been feeling, wondering what’s the point if I can’t finish. It gives me the time I need to be able to learn more and be more effective. I can work on finding a job, looking at colleges, getting my license, finding housing if I have to,” A.R., who filed the lawsuit in 2016, said. “Now I’ll be able to finish without the stress of not being able to finish on time. I won’t get scared and just give up.”

A.R. is now a 21-year-old student who is working hard toward her high school diploma. As a result of various circumstances and her disabilities, A.R. fell behind earning the credits she needs.

For A.R., additional time in her special education program provides a meaningful benefit. Without it, it’s unlikely she would be able to receive her high school diploma or develop the pre-vocational services that will help prepare her for future education and employment.

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