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State Will Appeal Federal Court Decision To Educate Special Ed Students Up To Age 22

by Christine Stuart | Jul 14, 2020 1:18pm

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U.S. District Court in New Haven

HARTFORD, CT — With little explanation the state of Connecticut appealed a federal court ruling that found it must continue to provide services to special education students until they turn 22 years old.

Bob Joondeph, executive director of Disability Rights Connecticut, who represented A.R. in the lawsuit said he's "disappointed," on behalf of the 600 to 800 students who need these services and have been denied these services.



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In June, 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.

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.

Joondeph said parents need to start speaking out about how important these services are to their adult children.

Anna Sarenas, who has twin boys who are 21 and non-verbal, said the extension of services will be helpful because it will give her more time to plan for their future.

She said since the pandemic started they haven't received any services.

"It's just me, an iPad, paperwork and YouTube," Sarenas said.

She said school was just cut short and she wonders how many skills they may have lost as a result.

Asked for an explanation of why Connecticut would appeal the decision, Elizabeth Benton, a spokeswoman for Attorney General William Tong said: "This case raises a number of significant legal issues that we will ask the court to consider in the appeal."

The state of Connecticut also asked the federal court not to enforce its decision until they were able to appeal, but the court disagreed.

On Monday, Haight **wrote** that if the State Board of Education succeeds in its appeal "the Board will not have suffered serious and irreparable harm. It will only have furnished education services to disabled children of a certain age who were not (assuming a successful appeal) entitled to them."

"The discernible cost to the Board is some expense and inconvenience," Haight wrote.

In contrast if the special education students are unable to continue to receive services and the appeals court rejects the state's appeal "then disabled children, during a pivotal year in their lives, will have been deprived of special education services to which they were entitled by a federal statute."

Child Advocate Sarah Eagan said it raises questions about what the state Board of Education will do next.

"I was concerned and surprised by the state's decision to appeal a federal court judgment that underscored the rights of students with disabilities, some of our most vulnerable citizens, to special education services that they're entitled to," Eagan said. "And students with disabilities are the hardest hit by the COVID pandemic, the judgment directly benefits these youth and their families."

Eagan said they look forward to understanding more about the state Board of Education's rationale for continuing this litigation. She said her office has requested that the state Board of Education put this on their agenda for the next meeting.

She said she's also waiting for guidance to school districts on how to implement the federal court order from June.

Tags: sarah eagan, Disability Rights Connecticut, Elizabeth Benton, State Department of Education, State Board of Education, litigaiton

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