



# EAST HAMPTON PUBLIC SCHOOLS

**PAUL K. SMITH**  
Superintendent of Schools

**RODNEY L. MOSIER II**  
Director of Special Education  
and Pupil Personnel Services

**MARY E. CLARK**  
Director of Curriculum and Instruction

1 Community Drive, Suite 1  
EAST HAMPTON, CONNECTICUT 06424  
(860) 365-4000

**KAREN HITCHCOCK ASETTA**  
School Business Manager

TO: Superintendent Paul Smith  
FROM: Karen Asetta, School Business Manager  
RE: Current year (2023-24) Budget Status, as requested for Tri-Board 12/4/23

The East Hampton Board of Education Finance/Transportation/Building and Grounds Committee last met on September 21, 2023. At that time, we presented an outlook that was similar to the year ending June 2023. Potentially both years will involve spending more than budgetary projections, primarily due to the fluctuations in actual expenses in special education outplacements.

A “hard freeze” was placed on all spending October 2023; however, certain student obligations must be met along with other expenses to assure building safety and functionality.

The 2024 fiscal year is considerably impacted by Public Act 23-137 passed June 2023, ***please see Shipman and Goodwin attachment***. The actual number of students remains small in comparison to similar districts, but the cost for any one individual is significant. The Connecticut Excess Cost grant covers a large portion of the expense (68-74%) ONLY after a per pupil cost threshold of \$90,890 is surpassed.

Outplaced students by year	QTR July to Sept	QTR Oct to Dec	QTR Jan to March	QTR April to June
2021-22	7	8	9	10
2022-23	11	12	13	13
2023-24 Budget <small>(presumed 3 to age out, new law June 27, 2023)</small>	11	10	9	9
2023-24 Actual	14	13	TBD	TBD

c. Board of Education Chair, Nancy Kohler  
Board of Education Members

# New Connecticut Law Extends Special Education Eligibility

On June 27, 2023—mere days before the start of the new fiscal year—Governor Ned Lamont signed **Public Act No. 23-137**, which, among many other things, extends eligibility for special education and related services until a special education student graduates from high school (with a regular high school diploma) *or the end of the school year during which the student reaches age twenty-two*, whichever occurs first. **As a result, school districts in Connecticut will need to prepare for the potential programmatic and financial responsibility for providing additional services to certain students who turn twenty-two in the coming school year, as such students will not automatically “age out” on their twenty-second birthday.**

This statutory change falls against the backdrop of the recent expansion of eligibility for special education services under the Individuals with Disabilities Education Act (IDEA) in June 2020. In the class action case that prompted that recent expansion, *A.R. v. Connecticut State Board of Education*, 3:16-cv-01197 (D. Conn. June 10, 2020), the federal District Court for the District of Connecticut ruled that the State Board of Education violated the IDEA by terminating student eligibility for special education services at the end of the school year in which the student turned twenty-one years old, rather than continuing services up until the student’s twenty-second birthday. The Court of Appeals for the Second Circuit subsequently affirmed the lower court decision that eligibility for special education cannot legally end before the age of twenty-two (unless the student received a regular high school diploma prior to that date). *A.R. v. Connecticut State Board of Education*, 5 F.4th 155 (2d Cir. 2021). Following the *A.R. decision*, the General Assembly codified that ruling last year in Public Act 22-80 so that the state statute reflected that certain students receiving special education and related services remained eligible until they turned twenty-two years old.

**Now, with the enactment of Public Act No. 23-137, certain students who would have aged out of eligibility for services during the new school year upon reaching age twenty-two may be entitled to continued services through the end of the school year.** Some of the practical implications of this significant change in the law right before the start of the school year remain to be seen. For example, many students who will be turning twenty-two and have not received a

regular high school diploma likely have plans in place for their transition to adult services that were months or years in the making. Some families may seek to continue with those transitions as planned, and others may request continued services from their school district. It is also unclear at this time how adult services agencies will handle situations in which students who were scheduled to begin adult services upon reaching age twenty-two, but now choose to continue to receive services from their school districts for the rest of the school year.

As of the date of this publication, we are not aware of any guidance from the Connecticut State Department of Education regarding the extension of eligibility through the year in which a student turns twenty-two. **As we await further guidance, we recommend that school districts review their list of students who will be turning twenty-two this upcoming year and take steps to prepare for the possibility of providing services to those students for the remainder of the school year.** We will continue to monitor this important new development and provide updates on [www.ctschoollaw.com](http://www.ctschoollaw.com).