



June 11, 2019

Mr. Bryan Klimkiewicz
Chief, Bureau of Special Education
Connecticut State Department of Education
450 Columbus Boulevard
Hartford, CT 06103-1841

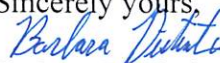
Dear Bryan,

The Bureau of Special Education (BSE) issued Guidance Regarding Students Existing Special Education Services during the COVID-19 Pandemic on June 5. Five days later, Judge Charles S. Haight issued a landmark ruling in *A.R. v. Connecticut State Board of Education*, 3:16-cv-01197, which ruling fundamentally undermines BSE's Guidance. We write to ask you to withdraw the June 5 Guidance and issue new guidance compliant with the law.

The most obvious defect in the Guidance is the language on the top of page 2 stating, "State law requires that special education and related services are provided until the end of the school year in which the eligible student turns twenty-one years of age. In Connecticut, the school year is defined as July 1 through June 30. For students who are twenty-one on or before June 30, 2020, state law does not require the provision of special education and related services after June 30, 2020." That language is now inaccurate and needs to be replaced with language stating that all students are eligible until the day of their 22nd birthday.

More concerning, perhaps, is the language in the fourth paragraph of page 2 stating, "If the PPT determines planned transition services/activities are necessary for the student, the recommendations of the PPT should be documented and provided to the parent/adult student. Such services/activities do not create a new or additional period of IDEA eligibility for the student." 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 in an IEP.

We are glad to work with you to revise this guidance to comply with the law.

Sincerely yours,

Barbara Distinti
President

cc. Commissioner Cardona