



State of New York
Court of Appeals

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Notice to the Bar

Amicus Curiae Participation:

Matter of Katonah-Lewisboro Union Free School District v NYSED

Matter of Mahopac Central School District v NYSED

On April 21, 2026, the Court granted leave to appeal in *Matter of Katonah-Lewisboro Union Free School District v New York State Education Department* (APL-2026-00046) and *Matter of Mahopac Central School District v New York State Education Department* (APL 2026-00047).

Both appeals involve the federal Individuals with Disabilities Education Act [IDEA] (20 USC § 1400) and the state New York Education Law § 4402 (5). Under the IDEA, public schools in New York must provide special education and related services to students with disabilities until the age of 22. Education Law § 4402 (5), however, provides that eligibility for such services ends at the conclusion of the school year in which the student turns 21.

In a federal case interpreting the IDEA and Connecticut law, the United States Court of Appeals for the Second Circuit held that because Connecticut law allows individuals over the age of 21 to pursue publicly funded adult education programs, the state must likewise provide a comparable free and appropriate public education to students with disabilities between the ages of 21 and 22 (*see A.R. v Connecticut State Bd. of Educ.*, 5 F4th 155 [2d Cir 2021]).

New York's State Education Department issued a formal opinion that *A.R.* is equally applicable in New York and relied on that opinion in sustaining complaints against School Districts that determined students with disabilities were eligible for special education and related services only until the end of the school years in which the students turned 21.

School Districts commenced these proceedings to annul SED's determinations, and Supreme Court granted the petitions. The Appellate Division, Third Department, reversed.

The Court invites amicus curiae participation from those qualified and interested. Amicus motions must comply with section 500.23 of the Court's Rules of Practice. Docket information, briefing schedules, filings and the oral argument date for these appeals are or will be available through the Court's Public Access and Search System (Court-PASS).

Questions may be directed to the Clerk's Office at 518-455-7705.