

DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The recommendation to declassify students is the responsibility of the Committee on Special Education (CSE). A student may mature and develop skills such that they no longer require the special program, support services or accommodations offered by an Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Services Plan (SP). The CSE, is responsible for making this judgment, while adhering to the requirements of federal and state law and regulation.

As declassification constitutes a significant change of identification and placement, the CSE shall reevaluate the child prior to making this recommendation. The CSE shall also, provide prior notice, in the native language or other mode of communication of the home, to the child's parents or guardian, that a reevaluation is being sought for the purpose of considering declassification and request written consent for this evaluation.

If the initial request for consent for reevaluation is unsuccessful, alternative measures will be taken to obtain consent and will be documented. If reasonable attempts have been made to obtain consent and have been documented but no response is received from the parent or guardian, the CSE shall evaluate the child without consent.

In order to better determine the nature of this reevaluation, the school staff, including members of the CSE and other qualified professionals, may review the existing evaluation data on the student, including evaluations provided by the parents or guardians, current class assignments, observations by teachers, reports by related service providers and other professionals. This review shall not constitute a CSE meeting. On the basis of this review, the district may decide that no further data is needed. In this case, the CSE shall notify the parents or guardians that further assessment has been deemed unnecessary and that they have a right to request further assessments to determine if their child continues to be a student with a disability. If the parents or guardian does not request further assessment, the CSE may meet to review the existing information and to consider declassification. A copy of this informal evaluation report shall be made available to the parent or guardian.

In conducting its review, the CSE will consider the student's ability to participate in instructional programs in regular education, the student's benefit from special education, and the student's continued eligibility to be identified as a child with a disability according to the criteria set forth in IDEA, the part 200 Commissioner's Regulations and the District's existing policies and procedures. The CSE must also consider the provision of educational and support services to the student upon declassification.

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When a determination is made that no additional data is needed for reviewing a student's continued eligibility for special education services, the CSE, will notify the student's parents of that determination and the reasons for it, and of their right to nonetheless request an assessment. Unless the student's parents make such a request, the district will not conduct any further assessments.

The district will provide the student's parents with a copy of the reevaluation report and documentation regarding the eligibility determination.

Consistent with applicable law and regulation, the district will not conduct a declassification evaluation if the reason why a student is determined to be ineligible for special education services is that he or she has either:

1. Graduated with a regular high school or Regents diploma; or
2. Exceeded the age of eligibility for services.

However, in such an instance the district will provide the student with a summary of his or her academic achievement and functional performance that also includes recommendations on how to assist the student in meeting his or her post-secondary goals.

Upon declassification, the CSE shall identify any declassification support services, including the projected date of initiation of such services and the duration of these services. Declassification services shall be provided for no more than a year following the declassification date. Recommendations for declassification support services and appropriate evaluation information shall be forwarded to the building administrator who shall determine any additional educationally related support services, academic intervention services, or other services that may be appropriate for the child.

Declassification support services may include:

1. For the student, psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services.
2. For the student's teachers, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

The CSE is to follow state guidelines associated with reevaluations of students who are graduating with a local or Regent's diploma or who are exceeding the age of eligibility requirement for a free appropriate public education (FAPE).

Cross-ref: 4321, Programs for Students with Disabilities

Ref: 8 NYCRR §§100.1 (q); 200.2 (b)(8), 200.4 (b)(4-6), (c)(3)

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