

DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The recommendation to declassify students with disabilities is the responsibility of the Committee on Special Education (CSE). As declassification constitutes a change of identification and placement, the CSE shall reevaluate the student 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 parent or guardian, that a reevaluation is being sought for the purpose of considering declassification and request written consent for the evaluation.

If the initial request for consent for reevaluation is unsuccessful, alternate 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 by the parent or guardian, the CSE shall reevaluate the child without consent.

In order to determine the nature of this reevaluation, 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 assessments, observations by teachers, reports by related services 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 that case, the CSE shall notify the parents/guardians that further assessment has been deemed unnecessary and that they have a right to request further assessment to determine if their child continues to be student with a disability. If the parent 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/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 for the in IDEA, Part 200 of the Commissioner's Regulations, and the district's existing policies and procedures.

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The CSE must also consider the provision of educational and support services to the student upon declassification and 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, or other services that may be appropriate for the student.

Pursuant to state and federal regulations, the district is not required to conduct a reevaluation of a student who is graduating with a local or Regents diploma or exceeds the age eligibility requirement for a free appropriate public education even though declassification is considered a change of placement.

Cross-ref: 4321, Programs for Students With Disabilities under IDEA and Article 89

Ref: 20 U.S.C. §§1400 et seq. (IDEA)
34 CFR Part 300
Education Law § 4401 et seq. (Article 89)
8 NYCRR Part 154; Part 200

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