

Declassification of Students with Disabilities

The school district shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

- a) The regular consideration for declassifying students when appropriate;
- b) A reevaluation of the student prior to declassification; and
- c) The provision of educational and support services to the student upon declassification.

Eligibility Determinations

The school district must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the district shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent at no cost to the parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's individualized education program (IEP).

Prior to the reevaluation, the school district shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the district can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The district must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the district may continue to pursue the reevaluation by using mediation and/or due process procedures.

The district shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Graduation/Aging Out

The district is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the district must provide the student with a summary (Student Exit Summary) of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post-secondary goals.

Although not required to do so, the district will also provide this Student Exit Summary (see website: <http://www.p12.nysed.gov/specialed/idea/studentexit.htm>) to students exiting with a High School Equivalency Diploma.

In addition, the parent must receive prior written notice, in accordance with Commissioner's Regulations, before the student's graduation from high school with a Local, Regents or Regents with Advanced Designation diploma or before he/she receives an New York State Career Development and Occupational Studies Commencement Credential (CDOS Credential) or a Skills and Achievement Commencement Credential. If the student will be graduating with a CDOS or Skills and Achievement Commencement Credential this prior written notice must indicate that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns twenty-one (21) or until receipt of a regular high school diploma. However, New York State Law does not grant a child who has reached the age of majority all rights previously granted to parents under IDEA.

Recommendation for Declassification

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

- a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and
- b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one (1) year after the student enters the full-time regular education program.

Declassification Support Services

Declassification support services means those services provided to the student or the student's teacher(s) to aid in the student's transition from special education to full-time regular education. These services are provided by persons certified or licensed in the appropriate area of service pursuant to Commissioner's Regulations Part 80. Such services include:

- a) For the student: psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services; and
- b) For the student's teacher(s): the assistance of supplementary school personnel and consultations with appropriate personnel.

When appropriate, the district shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

Procedural Safeguards Notice

The district shall use the Procedural Safeguards Notice prescribed by the Commissioner of Education. The district will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(u), 200.1(ooo), 200.2(b)(8), 200.4(b)(4), 200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and 200.5(a)