

DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that in order for a CSE/CPSE to make an appropriate decision to declassify a student currently classified as a student with a disability, the CSE/CPSE must comply with state and federal laws and regulations. In order that every declassification decision shall comply with such regulations, the Board enacts the following policy.

A CSE/CPSE's declassification decision of a student must include, but is not limited to:

- (i) the regular consideration for declassifying students when appropriate;
- (ii) a reevaluation of the student prior to declassification; and
- (iii) the provision of educational and support services to the student upon declassification;

Declassification of any student shall occur after a properly constituted CSE/CPSE has reviewed existing evaluation data on the child, which must include evaluations and information provided by the parents of the child, current classroom based or local or state assessments and classroom-based observations, and teacher and related services provider assessment and observation pursuant to §200.1(1) of the Commissioners Regulations. After reviewing such reports, together with any information provided by the child's parents, the CSE/CPSE must identify what, if any, additional data is needed to determine: the educational needs of the child and whether the child continues to have such a disability and such educational needs; the present levels of academic achievement and related developmental needs of the child; and whether the child continues to need special education and related services. If the CSE/CPSE determines that no additional data is needed to determine that the child should no longer be classified as a child with a disability, the board of education must notify the child's parents of that determination and the reasons for such determination, and the parents' right to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.

Should the CSE/CPSE recommend further services, the CSE/CPSE must identify and the IEP must indicate what recommendations will continue upon declassification and what support services will be provided, and indicate the projected date of initiation of such services, the frequency and duration of such services, provided that such services shall not continue for more than one year after the student enters the full-time regular education program.

The CSE/CPSE shall also identify the declassification support services, as defined in §100.1(q) of the Commissioner's Regulations, if any, to be provided to the student and/or the student's teachers. With regard to the continuation of test accommodations upon declassification, such accommodations may include the complete range of modifications which are available to students with disabilities, as long as they were consistently included in the student's IEP while classified. The recommended test accommodations may continue for the balance of the student's education, unless:

- (i) a building level team determines the test accommodations should be revised or eliminated; or
- (ii) the student achieves a high school diploma; or
- (iii) the student ages out of the school at 21 years old.

During subsequent school years, if it is felt that such modifications are no longer appropriate, the District may use local procedures, such as a meeting with the student's parent and the CSE or Section 504 multidisciplinary team to review and document the discontinuation or revision of test modifications.

Legal References: 8 N.Y.C.R.R. §§200.2(b)(8); 200.4(d)(1)
Education Law §4402(1)(b)(3)(d-2)
20 U.S.C. §1414(c)
34 C.F.R. §§300.532, 300.533

1st Reading June 19, 2007

2nd Reading & Adoption July 9, 2007