

# POLICY

2015

7618

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Students

## **SUBJECT: 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 the student's eligibility due to his/her graduation with a local high school or Regents diploma or his/her age exceeding the maximum age of eligibility for a free appropriate public education. However, the District must provide the student with a summary (Student Exit Summary; see website: <http://www.p12.nysed.gov/specialed/idea/studentexit.htm>) of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post- secondary goals. In addition, parents must receive prior written notice indicating that the student is not eligible to receive a free appropriate public education after graduation with the receipt of the local high school or Regents diploma.

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## **SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

In accordance with Commissioner's Regulations, before a student's graduation from high school with a Skills and Achievement (SA) Commencement Credential or Career Development and Occupational Studies (CDOS) Commencement Credential, parents must receive prior written notice indicating 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**

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.

*Declassification support services* means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

- a) For the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate support services; and
- b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

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## **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 Section 614(a)]  
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.  
34 CFR Part 300  
Education Law Sections 4401-4410-a  
8 NYCRR Sections 100.1(q), 100.2(u), 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)

**NOTE:** Refer also to Policy #7641 -- Transition Services

Adopted: 5/15/01  
Revised: 5/12/09; 05/20/15