

DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The Board of Education (“Board”) of the North Colonie Central School District (“District”) recognizes that it may be appropriate to declassify some students with disabilities. 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 Committee on Special Education (“CSE”), the CSE Subcommittee or, the Committee on Preschool Special Education (“CPSE”), as applicable, is responsible for making this judgment, while adhering to the requirements of federal and state law and regulation.

I. Reevaluation

A. Referral for Consideration of Declassification

Whenever a member of the CSE or CPSE, the parent of a student with a disability, an individual knowledgeable about the student’s special needs and current academic functioning, or other qualified individual believes that a student classified as a student with a disability no longer requires special education or related services in order to benefit from the regular educational instruction program, such individual shall request, in writing, to the CSE Chairperson, consideration of the need for a reevaluation of the student to determine whether the student should be declassified which shall include a statement of the basis for such referral. A student shall not be considered for declassification solely on the basis that the student is earning passing grades.

B. Determination of the Need for Reevaluation

Upon receipt of a request from school personnel and/or parent for consideration of declassification, the CSE or CPSE Chairperson must notify the parents of the student to discuss the need for reevaluation and schedule either informal meetings with the parent, members of the CSE/ CPSE and other qualified individuals or a meeting of the CSE/ CPSE to determine whether formal reevaluation is needed to determine whether the student should be declassified.

Prior to determining that a student is no longer eligible for special education services and should be placed in a full-time regular education program, the CSE or CPSE, as applicable, will conduct a declassification evaluation of the student in accordance with the process and procedures prescribed for the evaluation and reevaluation of students with disabilities, including a review existing evaluation data on the student, information provided by parents of the student, current classroom based assessments and observations by teachers and related service providers. However, the CSE or CPSE members may determine after reviewing existing evaluation data that no additional information is needed to determine the student’s continued eligibility for services.

When a determination is made that no additional data is needed for reviewing a student's continued eligibility for special education services, the CSE or CPSE Chairperson, as applicable, 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.

If the CSE or CPSE conclude that further evaluation is required to consider declassification, the CSE or CPSE Chairperson, as applicable, must notify the parent of the nature and the purpose of the evaluation and request written consent from the parent to arrange for the evaluation. Unless the parent specifically declines consent for further evaluation, the Chairperson, upon notification to the parents, shall arrange for such evaluation. If the parents do not respond, alternate measures will be taken to obtain consent and will be documented. If the Chairperson is satisfied that reasonable attempts have been made to obtain consent and are documented and the parents have not responded to the request for consent, the CSE or CPSE shall notify the parents in writing that, unless otherwise notified within five (5) days, it will complete the reevaluation and schedule a meeting of the CSE or CPSE, upon notice to the parent to review it. If the parent refuses to give consent for the reevaluation, the CSE may utilize the due process procedures set forth in the Regulations of the Commissioner of Education to pursue the evaluation.

If a parent of a student who is home instructed or placed in a private school by their parents at their own expense does not provide consent for the reevaluation, or the parent fails to respond to a request to provide consent, the CSE may not continue to pursue those evaluations by using the due process procedures set forth in the Regulations of the Commissioner of Education, and the District is not required to consider the student as eligible for the continuation of special education services.

The CSE or CPSE Chairperson 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 CSE or CPSE 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 CSE or CPSE 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.

II. Triennial Evaluation

As part of the triennial evaluation of each student with a disability required by applicable laws and regulations, the CSE/CPSE Chairperson will consult with members of the CSE/CPSE, other individuals knowledgeable about the student's current educational functioning, and the student's parents, to determine if further evaluation is needed to assess whether the student remains eligible for special education or related services. Such determination shall follow the same procedures set forth above and shall conclude with a triennial meeting to review current evaluations and determine whether the student continues to be a student with a disability or if the student should be declassified.

III. Meeting of the Committee on Special Education to Consider Declassification

Upon completion of a reevaluation, or if the CSE or CPSE and parent agree that no further evaluation is necessary, the CSE or CPSE Chairperson shall convene a meeting of the CSE/CPSE to consider declassification, and if appropriate, revisions to the student's IEP. Such meeting shall be held as soon as practicable, but in no event, more than thirty (30) school days (or thirty (30) days as defined by the Commissioner of Education, if over the summer) from the date written consent to evaluate is received or the evaluation is completed, whichever is earlier, or from the date that a determination is made that no further evaluation is required.

IV. Declassification Support Services

It is the goal of the Board to provide an opportunity for the student to succeed in the transition to the regular education program. In order to facilitate that success, the CSE/CPSE may offer educational and support services for a period of time, generally not to exceed one (1) year following the date the student is declassified. Declassification support services may include:

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

An IEP will be developed that includes declassification support services that will be provided to the student. The CSE/CPSE will ensure that the appropriate teachers and service providers are informed of the need for the transition services, and will specify the nature, frequency and duration of those services. As set forth above, the CSE/CPSE shall provide the student's parents with prior notice of its recommendations regarding declassification and supporting documentation, including documentation of eligibility for related services.

V. Consideration of the Continuation of Testing Accommodations

Continuation of test modifications upon declassification is not automatic. Where the CSE determines that the residual effects of the student's disability will require testing accommodations to reduce or eliminate such effects from interfering with the student's performance on tests, the CSE shall recommend and specify in writing to the school principal testing accommodations for which the student shall continue to qualify following declassification. The testing accommodations may follow a student until graduation.

The principal or his/her designee will coordinate with the chairperson of the Pupil Services Team ("PST") to ensure that the student's testing accommodations are in place. The PST Chairperson shall request that the building principal or his/ her designee review the student's needs to determine whether the student would benefit from additional general education support services, which the principal or his/ her designee shall arrange as appropriate. The student's PST/ CSE file shall remain active.

Ref: 8 NYCRR 200.2 (b)(8), 200.4 (b)(4-6), (c)(3-4)

Adopted: October 24, 2011