

Recommendations Upon Declassification

A school district must evaluate a student with a disability prior to determining that the student is no longer a student with a disability. A student with a disability, who has been reevaluated and determined by the Committee to no longer be eligible for special education services, should have declassification recommendations documented on his or her final IEP.

The Committee should determine what IEP recommendations will continue upon the student's declassification including, as appropriate:

- Testing accommodations
- The student's continued eligibility for the diploma "safety net"; &
- The student's continued exemption from the Language Other than English requirement.

The Committee must also identify needed declassification support services to be provided to the student and/or the student's teachers during the first year after the student is declassified.

Testing Accommodations

Upon declassification, the CSE may determine that the effects of a student's disability may continue to prevent the student from demonstrating the achievement of certain knowledge and skills and, as a result, the student may continue to need the testing accommodations previously documented on the IEP. If such a determination is made, the testing accommodations must be documented in the recommendation for the declassification.

The testing accommodations must continue to be consistently provided to the student for the balance of his or her public high school education, unless:

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

Continued eligibility for the “Safety Net”

If the student is declassified while in grades 8-12, the CSE can recommend that the student continue to receive the “safety net” provisions for students with disabilities for graduation requirements. This must be documented on the student’s last IEP used to recommend declassification support services.

(The safety net provision is available to students who enter grade 9 from September 1996 to September 2004. It allows students with disabilities, who do not achieve a passing score on a Regents examination required for graduation, to satisfy the State testing requirements for a local diploma by passing the Regents Competency Tests in that subject area).

Continued Exemption from Language Other Than English Requirement

As defined under section 100.1(q) of the Regulations of the Commissioner, declassification support services means services provided to a student or a student’s teacher in the first year that a student moves from a special education program to a full-time general education program to aid the student in moving from special education to full-time general education including:

1. For the student, psychological services, social work services, speech and language improvement services, non career counseling, and other appropriate general education support services; and
2. For the student’s teacher, the assistance of a teacher aide or a teaching assistant and consultation with appropriate personnel.

Recommendations for declassification support services must include:

1. The projected date of initiation of such services;
2. The frequency of provision of services; and
3. The duration of such services (provided that such services for State aid purposes may be provided for up to one year after the student enters the full-time general education program).

Implementation of Recommendations Upon Declassification

Upon a recommendation of declassification, the Committee is responsible to ensure the declassification recommendations are implemented. This means that:

1. A copy of the student’s last IEP, with the declassification recommendations must be provided to the student’s general education teachers and providers; and

2. The Committee chairperson must designate an individual knowledgeable about the student's teachers and others (e.g. school principal/and or guidance counselor) of their specific responsibilities to implement the declassification recommendations on the student's last IEP.