

Grading, Report Cards, and Transcripts for Student Who have Disabilities

Frequently Asked Questions

QUESTION 1. Is it true that if a course is labeled as “functional” it cannot appear on transcripts of students with disabilities unless this same term and course offering is available to students without disabilities? Our district has been using the term “functional” and designating this on transcripts for students with disabilities for a number of years, so what is the basis for changing this process?

RESPONSE: According to information from the Office of Civil Rights (OCR- 25 IDELR 387), states have been cautioned to not use course descriptors that are only used for courses offered to students with disabilities. If a course appears on a student transcript that is only available to special education students, this can be deemed a breach of confidentiality. A course descriptor that only is used for students with disabilities, can inadvertently lead to persons who see the transcripts knowing the students have a disability. Therefore, if a course is to be labeled as “functional,” it must be available to any student who needs this accommodation in delivery and not just be a “special education” course. According to the OCR ruling though, “a school district may use asterisks or other symbols on a transcript to designate a modified curriculum in general education provided the grades and courses of all students are treated in a like manner.” A school district can disclose that a student has taken a course delivered outside of the general education classroom (e.g., resource, special class) to a post - secondary institution “if the parent and the student have knowledge of what information is on the transcript and have given written consent.”

QUESTION 2: How do schools denote special education classes in a student’s transcript?

RESPONSE: Schools may not identify special education classes on a student’s transcript. OCR has indicated that classes may be identified as other than general education classes as long as the identification is not solely used for special education classes. For example, a school may use such terms as ‘basic,’ ‘practical,’ ‘level 1’ as long as these terms are not solely applied to special education classes. Asterisks or other symbols may be written on a high school student’s transcript to indicate the student had a modified curriculum in a general education class, if the code system covers all students whose curriculum is modified - such as students taking remedial courses, as well as enhanced or greater difficulty course work for gifted and talented program students. See Questions 1 and 8 for further information.

QUESTION 3. If courses listed on transcripts for student with disabilities are not to designate courses as “functional” unless students without disabilities are also accessing such courses, (Re- Office of Civil Rights-25 IDELR 387)), then why

does the new high school graduation requirement regulation (704 KAR 3:305) reference functional courses as an option specifically for students with disabilities?

RESPONSE: The language of the new high school graduation requirement was passed before the Department of Education was notified of the potential conflict with the OCR position. Until the regulation is revised, it is the obligation of the Department of Education to convey the concerns of OCR and recommendations for avoiding problems with future transcripts.

QUESTION 4: May a school have an alternate grading system for students who have disabilities?

RESPONSE: Alternate grading systems may be appropriate if the alternate grading systems are available to all children, not just students who have disabilities. For example, if a school ordinarily uses letter grades such as , A, B, C, D, F, then an alternate letter grading system, such as E (excellent), G (good), I (improving), and N (needs improvement), may not be used just for students with disabilities. Also, a school may not use a system that appears the same on the surface, yet for students with disabilities, there is a discrete change. For example, upper case letters (e.g., A, B, C) are used for grades for students who are not disabled and lower case letters (e.g., a, b, c) are used for students who have disabilities.

Likewise, a school may not use an alternate system as a method of distinguishing students with disabilities or the classes/courses they take, such as 'Individualized Social Studies' or 'Independent Algebra,' *unless* the class and the distinction are available for all students and the class meets the Program of Studies requirements.

Question 5: May a school have a modified grading system for students who have disabilities?

Response: No. A school may not have a modified grading system that is limited solely to students with disabilities. Any modifications in grading are made on an individual basis by the Admissions and Release Committee and must be stated on the Individual Education Program (IEP) of the student. See the response to Question 6 for an example of a modified grading system.

QUESTION 6: Are the grades for a student with a disability tied to the IEP annual goals and short term objectives?

RESPONSE: Grades do not have to be directly tied to IEP annual goals or performance criteria in short-term objectives. However, grading criteria may be

modified for a student with a disability and should be addressed by the ARC in the IEP.

For example: David is a ninth grade student with specific learning disabilities in the areas of reading comprehension and written language. His strengths are in the areas of verbal expression, problem solving, social and interpersonal skills, listening skills, mathematic calculations and artistic ability. When the ARC met before David entered the ninth grade, the committee determined the accommodations David would receive in each of this classes; for example, taped texts and tests; taped notes; etc. In addition, the ARC discussed grading procedures for David and noted on the IEP that grading procedures for general education classes will be modified for those courses affected by his specific learning disabilities to take advantage of David's strengths, such as verbal ability and listening skills, and to reduce demands that rely heavily on reading comprehension and written expression.

Because the grading procedures for science class rely heavily on reading and writing proficiency, his science teacher and his special education teacher modified the course grading procedures to take advantage of David's verbal ability and to reduce demands relative to reading and writing tasks, but no modifications were made to the content. The grading scale (e.g., A = 90-100%) remained the same for David as the other students and the grading procedures for his science class were modified as follows:

Grading Procedures	% of Grade	Grading Procedures for David	% of Grade for David
Research Paper	30	Oral Research Presentation	20
Tests (essay, objective)	50	Tests (objective)	40
Homework	10	Homework	20
Classwork/lab work	10	Classwork/lab assignments	20
	100		100

The grading procedures for other courses which rely heavily on reading and writing tasks to demonstrate proficiency in the content were modified. However, the grading scales for each class remained the same.

QUESTION 7: May the report card grade reflect modifications, accommodations, or adaptations in the regular class? May the functioning level be noted on the report card?

RESPONSE: There should be no need for a report card grade to reflect modifications, adaptations, or accommodations in general education classes.

Likewise, there is no need to indicate the functioning level on a report card. For example, if a student with a disability participates in a general education biology class, the student receives instruction in the same content as the other students. However, in this example, the student has a severe reading disability and accommodations are made for her in the class - such as, taped class notes, taped texts and tests, tests given orally. The grade she earns is the same as that earned by any other student and reflects the student's knowledge and skills in the content area of biology; thus, no special notation should be made on her report card regardless of the reading level (functioning level) of the student. It is possible for this student with a disability to receive an 'A' in this high school biology class, even if she only reads on a 3rd grade level as long as she has appropriate accommodations and instruction in the content and demonstrates a high level of knowledge and skills in biology.

QUESTION 8: How is the grade reported on the permanent record if the student with a disability received an 'A' in a modified curriculum?

RESPONSE: If the content for the student with a disability is the same as for nondisabled students, then the grade for the student with a disability is reported in the same manner as for the nondisabled students. If the content has been modified to the extent that it is not the same as for nondisabled students, then the issue is larger than grading, report cards or functioning level. This is a violation of the requirements in 704 KAR 3:304 (Kentucky Program of Studies) and 704 KAR 3:305 (Minimum high school requirements). For example, if the math class for a student with a disability is called an algebra course, but the content is changed to the extent that it does not represent the same content as for nondisabled students, then the student is not entitled to a grade or credit for algebra - regardless of what the class is called.

QUESTION 9: How can school officials denote a special education label in the student's permanent file?

RESPONSE: This answer depends on what is meant by a "permanent file". Under confidentiality requirements, any information that might be made public cannot contain information that might indicate the student has a disability. This includes transcripts and directory information. The district follows its own policies and procedures on retention and destruction of information that is no longer needed for educational purposes (707 KAR 1:240, Section 4). The district's obligation to protect the confidentiality exists as long as the information is maintained by the district.

QUESTION 10: How frequently do schools have to report the progress of students with disabilities toward meeting IEP goals and objectives?

RESPONSE: According to federal law and regulations and state law, the frequency for reporting progress is determined by the Admissions and Release Committee on a child by child basis and as stated in the IEP. However, the frequency of the reporting must be at least as often as report cards are issued for children who are not disabled.

QUESTION 11: What is the nature of the progress reporting required by the Individuals with Disabilities Education Act, as amended (IDEA '97), and accompanying regulations?

RESPONSE: Appendix A of the revised federal regulations (34 CFR 300) gives direction by stating: "One method that public agencies could use in meeting this requirement would be to provide periodic report cards to the parents of students with disabilities that include both (1) the grading information provided for all children in the agency at the same intervals; and (2) the specific information required by subsection 300.347. That is, how the child's progress toward annual goals will be measured and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year. (300.347(a)(7)(ii)(A) and (B)

In Attachment 1 of the federal regulations March 12, 1999 (Analysis of Comments and Changes- pg. 12594), the Office of Special Education Programs (OSEP) U.S. Department of Education addressed questions by commenters about whether progress reporting required a detailed written narrative of how a child is progressing toward IEP objectives or if a "grade" could be used to denote IEP progress. OSEP indicated that requiring a "detailed written narrative" of how a child is progressing toward meeting the IEP objectives could add an unnecessary burden, but that using a "grade" does not always lend itself to sufficiently describing progress toward annual goals. OSEP's statement indicates that a written report is sufficient and that under the IDEA statute and regulations, the manner in which this requirement is implemented is left to the discretion of each State. Therefore, a state could elect to ensure that report cards used for children with disabilities contain information about each child's progress toward meeting the child's IEP goals and objectives. This could be done by listing each of the annual goals from the IEP in the report card or as an attachment and describing the percentage of short term objectives accomplished toward that goal, and/or stating the degree of progress during a particular period in the IEP that corresponds with the grading period. For example, if a short term objective is to be accomplished in eight weeks, the report might indicate that objective is on schedule for completion and at what rate (e.g., child is at 70% accuracy for one digit simple addition). Whatever method (or combination of methods) is adopted, it must provide sufficient information to enable parents to be informed of their child's progress toward the IEP goals and objectives and the

extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

QUESTION 12: Is reporting progress (as required under IDEA) toward meeting IEP goals and objectives the same as reporting grades for required course content?

RESPONSE: No, they are not the same; however, both are reported. Grades are generally used by school districts to report how well all students, including students with disabilities, are doing in meeting the performance indicators for the content required by the Program of Studies. Grades for a student with a disability, as well as grades for nondisabled students, report the degree of success the student is having in meeting the performance indicators for required content.

IDEA requires a local school district to report the progress of a student with a disability toward meeting IEP goals and objectives and the extent to which this progress is sufficient to enable the child to meet the goals by the end of the year. This means the district reports how well the student is doing in relation to meeting the IEP goals and objectives and if it appears the student will meet the goals by the date of the annual review. The performance indicators for IEP goals and objectives are built into the objectives and individualized for each child with a disability. While required content for all children may be embedded in the IEP for a student with a disability, the IEP is not the curriculum for a child with a disability. See Question 10 for additional information.

QUESTION 13: Is it acceptable to have a board approved policy that there be no academic modifications allowed in advanced classes at the high school level?

RESPONSE: No.

QUESTION 14: Is the Kentucky Department of Education position statement document *Grading Procedures for Exceptional Children* (June 1987) still valid?

RESPONSE: No.

QUESTION 15: May a school use a different type of report card for students with disabilities than the type used for nondisabled students?

RESPONSE: No. The Family Education Rights and Privacy Act (FERPA) prohibits disclosure of 'personally identifiable' information that may indicate a student has a disability. Therefore, students with disabilities receive the same

report card as their nondisabled peers. This applies to the report card cover or jacket, color of the card, and the symbol system used for reporting performance. However, the information contained in the report card may be expanded if the report card is the method the school uses to inform parent of the progress of their child toward meeting IEP goals and objectives.

Division of Exceptional Children
Kentucky Department of Education
November, 2001