



**TENNESSEE
STATE DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION
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MEMORANDUM

TO: Supervisors of Special Education

FROM: Joseph Fisher, Assistant Commissioner of Special Education

DATE October 17, 2001

RE Permanent Record Entries, Honor Roll, Course Titles

We have received numerous inquires concerning criteria applied to the grading schemes of students with disabilities, criteria applied to grades, class ranking, and honor roll of students with disabilities, and clarification on records which may be maintained in a student's permanent file. The following are questions and answers to help clarify many of these issues.

May asterisks or other symbols or codes be written on a high school student transcript to indicate that the student has had a modified curriculum?

The discussion in *Letter to Runkel*, 25 IDELR 387, indicates "that modifications or exceptions to the grading scale may be identified on the academic transcript as long as grades and courses of all students, and not just students with disabilities, are similarly treated is generally correct. For example, if the modification code system covers enhanced or greater difficulty course-work completed by gifted and talented program students as well as students taking remedial courses, it may not necessarily violate Section 504 or Title II to also include special education courses. The key will be to determine if the modification identification tends to focus on students with disabilities as a category. If it does, it strongly suggests that it may be prohibited under Section 504 or Title II.

Further, since academic transcripts should not be released to prospective employers or postsecondary educational institutions without the permission of the student, the school district should take steps to notify each student of what his or her academic transcript contains in the way of such modification notations, if any, before releasing it to another party."

The Division advocates placing nothing on the transcript which would identify a student as a child with a disability.

May classes be identified as special education classes on the high school student's transcript to indicate that the student has had a modified curriculum in a general education?

OCR's *Letter to Runkel*, 25 IDELR 387, opines "no definitive standards enunciated in any court or OCR decision to indicate exactly what terms are permissible to use and what are not. We generally agree with the examples contained in your response. It is much better to use terms such as "basic, level 1, practical," etc., as opposed to "special education." The former may be terms also applicable to remedial courses taken by persons without disabilities for a variety of reasons. This will always be a factual determination made in each individual set of circumstances. Other examples of permissible transcript "labeling" or designations used may include "I.S. [independent study]" or "modified curriculum," if these terms are also used in other courses besides special education, such as the gifted and talented program. Examples of transcript labels that should be carefully reviewed are "L.C. [learning center]," "H.B. [homebound instruction]," "resource room," "P.E. requirement waived---medical," "PF [peer facilitator used]," or "S.O.S. (special opportunity school)." We understand that these terms are often used on transcripts of "at risk" students who may not have disabilities, or at least have not been identified as such.

To summarize, if the course designation suggests that it only is used in special education programs involving students with disabilities covered by Section 504 or Title II, it may be a violation. If it has a more general connotation, it may not be violative. The response to this question may largely depend on regional as well as state-wide usage practices."

As you can discern from the above discussion, these issues are not well settled, however, the division of Special Education recommends LEAs adopt a conservative legal approach to this matter and do not use terms such as resource math, special education reading and in lieu opt for titles such as practical, basic, or remedial.

Must grades earned in special education classes or in general education classes with the support of special education services be included in district wide GPA standings? (This leads to a ranking of students by GPA for honor roll and college scholarship purposes.)

"The short answer is that grades earned by students with disabilities cannot categorically be disregarded or excluded, even if earned with the support of special education services. If a school district wishes to establish standards for eligibility for class ranking or honors, it may do so, as long as it does not arbitrarily discount or exclude grades earned by students with disabilities.

One method for doing this is to develop and implement an uncomplicated system of weighted grades. This is usually done by assigning points to a letter grade based on the degree of difficulty of subject matter completed. This system will stand scrutiny under Section 504 and Title II as long as it can be demonstrated that the weighting system is based on objective rating criteria. To work, the system must be fair and simple to understand. For example, an "A" earned in advanced algebra may be rated worth 5 points in a student's over-all honors competition compared with another "A" in basic arithmetic given a weight of only one point. One obvious advantage of this system is that it should not discourage brighter students from taking more challenging courses. A "B" or even a "C" earned in a tougher course can still be worth more points for purposes of academic comparisons than an "A" in a less challenging subject. If such a system is utilized, the school district will have the responsibility to justify the various weights assigned, if challenged.

Another possibility is to establish a list of "core courses" which must be completed in order to be eligible for honors, class ranking or participation in certain activities. The fact that all students may not be able to perform at higher academic levels is not determinative, as long as all students and not only those with disabilities are similarly affected, and all are eligible to take these subjects, if desired." *Letter to Ann Arbor (MI) Pub. Sch. Dist. (IEP/Procedural Safeguards/Grades)*, 30 IDELR 405.

May all the information on the supplementary services card, the health record, and the attendance-scholarship record be completed and retained in the students permanent record.

The Division has reviewed these documents found the health record, and the attendance-scholarship record to be acceptable for completion and placement in a student's permanent record. The attendance-scholarship record is basically transcript information and poses no problem, however, the term 'mental test record' seems archaic and politically insensitive. The health record seems standard information but it should be noted that treatment information may not be a part of a students educational record. (i.e. do not put treatment information in the 'Notes on Clinical, Conference, and Field Visits' area of this form. The supplementary services card appears to belong in the students special education file and not the permanent record.

If we can be of further assistance please feel free to contact us.

cc: Christy Ballard
Bill Ward