

GRADING GUIDELINES

Legal Requirements

Neither the IDEA, Section 504, nor the ADA contain specific provisions addressing report cards or transcripts. However, the U.S. Department of Education, Office for Civil Rights (“OCR”), has given guidance on report cards and transcripts for students with disabilities by which schools should abide. OCR does not have jurisdiction over the IDEA, so any concerns about grading or transcripts typically would raise Section 504 and/or ADA discrimination concerns, not special education concerns.

Legal References

United States Department of Education, Office for Civil Rights (July 2006). Letter regarding report cards and transcripts of student with disabilities; United States Department of Education, Office for Civil Rights (September 1996). Letter to Robert Runkel regarding criteria for grading schemes of students with disabilities; United States Department of Education, Office for Civil Rights (October 2008), Letter to the Field and Questions and Answers on Report Cards and Transcripts for Students with Disabilities Attending Public Elementary and Secondary Schools.

Local Procedures

1. Report cards or transcripts can reflect courses that utilized different course content using a modified or alternate education curriculum.
 - a. If modifications have been made to the course curriculum, the student’s grade should be reflective of mastery of the modified curriculum, not of the core curriculum.
 - b. All modifications to programming, instruction, and grading must be documented in the student’s IEP and be directly related to the student’s disability.
 - c. This type of designation or coding should also be available for any general education students who participate in a class with modified or alternate education curriculum.
2. A school should notify the student and/or parent prior to releasing a transcript with any notations of modified grades/curriculum if the transcript contains such notations.
3. Grades earned in special education or general education classes with the support of special education services must be included in the district-wide grade point average standings that lead to a ranking of students by GPA for honor roll and college scholarship purposes.
4. Transcripts and/or grades may not indicate that a student received accommodations in a general education classroom.
5. Transcripts may not indicate that a student has been enrolled in a special education program.
 - a. OCR has found that a transcript can designate a class by concept or content that implies disability status, such as “Independent Learning Center.”
 - b. A report cards can indicate that a student is receiving special education or related services because the purpose of a report card is to indicate progress and/or achievement. A report card can refer to an IEP and/or Section 504 plan in order to report on progress on goals. Any mention of the student’s IEP and/or Section 504 plan would need to be related to progress and/or achievement, and not just for mere “status” reasons.
6. FERPA protects, among other things, disability status, reports cards, and transcripts.
7. Students with disabilities can be given pass/fail grades, so long as participation in this grading system is voluntary and available to all students.
8. Grades cannot be modified on the basis of the student’s special education status. This means, for example, that a teacher cannot exempt a student with a disability from an assignment in order to raise his/her grade unless that accommodation is in the student’s IEP.

PROMOTION AND RETENTION

Legal Requirements

State law requires every district to have a written student promotion and retention policy that has been approved by the district's governing board and is consistent with EC § 48070.5(b).

Legal Reference

EC § 48070.5

Timelines

Specified in local board policy.

Local Procedures

The local board policy regarding promotion and retention applies equally to students with disabilities. Promotion and retention can be discussed by the IEP team; however, most board policies require final decisions regarding promotion and retention to be made via a separate process. If this issue arises, the student's case carrier should consult the administrator and the local board policy.