

North Dakota Department of Public Instruction

The Individuals with Disabilities Education Act



Grades, Transcripts, Diplomas, and Graduation for Students with Disabilities

Policy Papers in Education

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Providing policy guidance to local school districts on important topics
State Superintendent Kirsten Baesler

Current legislation requires that all students be held to high standards. Administrators, other school staff and parents have raised many questions regarding how to appropriately evaluate, grade, and graduate students with disabilities receiving special education services. The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) is silent with respect to these issues. Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act prohibit discrimination in the implementation of grading policies, setting of graduation requirements, and awarding of diplomas.

In North Dakota, local school boards have the authority to set graduation requirements, grading policies and conditions for awarding diplomas, as long as those policies do not violate the civil rights of students and comply with requirements in state statutes. District policies should be clearly defined and outlined in the student handbook.

To facilitate greater ease in reviewing the following information, a question/answer format has been used. For further questions or clarifications, please call (701) 328-2277.

GRADES

1. May a student with a disability who receives accommodations in a general education classroom be given modified grades?

No. Accommodations **are** defined as changes in procedures or materials that ensure a student has equitable access to general education instructional and assessment material. A student with impaired spelling or handwriting skills, for example, may be accommodated by a note-taker or the use of technology to take notes. Accommodations do not alter the standards or course expectations, but ensure access to the course content or course requirements. Unless specifically modified, as identified in a student's IEP, the student is assessed for course content and graded in the same manner as students without disabilities.

2. May a student with a disability who receives special education modifications in a general education classroom be given modified grades?

Yes. Students with disabilities enrolled in general education classes for the purpose of learning that subject matter or working on the objectives identified in the individualized education program (IEP) should receive grades as outlined in the IEP. Modifications refer to **practices or materials that change, lower, or reduce**

required learning expectations. Modifications may change the standards or expectations for students with disabilities.

If grades are the standard used for granting credit in a general education class, then students with disabilities enrolled in that class for credit shall receive grades.

Grades provide a measure that a student has or has not successfully mastered the subject matter in a particular subject area and provide the IEP team with information that will help make appropriate educational decisions.

Alternative grading systems are appropriate as long as the school district ensures that the grading policies and practices of the district are not discriminatory. For example, a school district may offer a pass/fail grading system for students receiving special education in general education classes only if the pass/fail grading system is available to all students, regardless of disability. If an asterisk (*) indicates “individualized learner objectives”, then the use of the asterisk would have to be an option for all students, not just those receiving special education.

3. May a student with a disability enrolled in a general education class for reasons other than mastery of the course content (example, learning social skills in math class), be excluded from the class grading and instead be evaluated on specific objectives on the IEP?

Yes. If the IEP team determines that a student would benefit from being enrolled in a general education class, for reasons other than course mastery, the student may receive grading or evaluation based upon criteria outlined in the IEP.

4. Who assigns the grade for a student with a disability in a general education classroom?

Grading for special education students can be completed in consultation with the special education teacher. The actual standards for grading should be addressed in the IEP.

5. Can 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 core content course?

No. Words such as “Functional English”, “Applied Topics in Math”, or other descriptive phrases must be used. Words such as “Special Education English” or “Resource Math” should not appear on the transcript.

6. Can asterisks, other symbols, or codes be written on a high school student’s transcript to indicate that the student has had a modified curriculum in a general education class?

Yes. Modifications or exceptions to the grading scale may be identified as long as the denotation of modifications or exceptions does not identify the student as having a disability or being in special education. An asterisk after the grade may denote that the student received modified grades or curriculum. However, the explanation of the asterisk on the transcript must not indicate the student’s participation in special education.

7. What are Functional and Community Based courses?

Whenever possible, students with unique learning needs should be included in general course offerings with supplemental aids and services. When the general curriculum offerings are inappropriate for a student, because of their unique needs, a specially designed curriculum may be developed through the individual planning process. **Functional and Community-Based Courses** are courses designed around the framework of the general curriculum that provide a specially designed curriculum based on the unique needs of a student with disabilities. For a complete listing of the Functional and Community-based courses (Applied Topics) for Students with Unique Learning Needs, as well as information on who may teach these courses, please see the following website: <https://www.nd.gov/dpi/uploads/63/FunctionalBehavior.pdf>

TRANSCRIPTS	
<i>Avoid –</i>	<i>“Special Education Reading” “Resource Room English” “Special Education Math” “Resource Room Math”</i>
<i>Use -</i>	<i>“Functional and Community-Topics in English/Language” “Applied Topics in Daily Living” “Functional Math Skills” “Functional and Community – Based Topics in Social Studies”</i>
<i>An asterisk (*) can be used on the transcripts to indicate a modified program. The statement should not make reference to participation in special education</i>	

GRADES, CLASS RANKING AND HONOR ROLL

1. Are grades earned in special education classes or in general education classes with the support of special education services included in school wide grade point average (GPA) standings? (This leads to a ranking of students by GPA for honor roll and college scholarship purposes).

Yes. In determining GPA, class ranking, or honor roll, a school district may not arbitrarily exclude students receiving special education or assign the students a lower class ranking. A school district honor roll policy may not use participation in special education as a basis for exclusion from the honor roll. Any policy and practice with regard to assigning student’s honor roll status must be developed and implemented district-wide to assure that a different application of the standard does not exist.

A school district policy may not use participation in special education and related services as a criterion to eliminate students from competition for valedictorian, salutatorian or class ranking for scholarships. A school district may use uniform standards for measuring academic achievement for educationally sound purposes, even though some students with disabilities may not be able to perform at higher levels. If the selection procedures are based on objective criteria commensurate with the purpose of the ranking, they are permissible under Section 504 of the Rehabilitation Act of 1973.

2. Can a school district implement a weighted grading system that arbitrarily assigns lower grade weights to all special education courses?

No. A school district may not arbitrarily assign the lowest weight in a weighted grading scale formula to all special education classes. However, the school district may use a weighted grading scale based on assessment of academic distinctions between classes, including special education and general education classes, based upon objective criteria and applied to all students equally.

GRADUATION

1. Is an individualized education program meeting required before a student with disabilities graduates from high school?

Yes. An IEP meeting must be held to conduct a review of the student's IEP at an appropriate time before graduation to evaluate the student's progress toward graduation. The IEP team determines whether graduation requirements will be met and whether the goals and objectives in the IEP will be

completed. If a student's IEP has identified graduation on a specified date and the IEP team decides that the student has not met graduation requirements, written prior notice that the student will not meet graduation requirements must be given to the parent and student early enough so that parents may exercise their procedural safeguards including requesting a due process hearing. If the student or parents of the student requests a due process hearing, the impartial hearing officer would determine whether it is appropriate to graduate the student. School districts are required to have procedures to ensure continuation of a free appropriate public education for students with disabilities when promoting or retaining students. Students shall be promoted or retained according to local educational criteria unless specific learner requirements are waived in the student's IEP. The student shall be eligible for graduation from high school if the student has completed a prescribed course of study.

INDIVIDUALIZED EDUCATION PROGRAM MEETING BEFORE GRADUATION

An IEP meeting is required to conduct a review of the IEP at an appropriate time before graduation to ensure requirements will be met.

2. Must an evaluation be conducted before a student with disabilities graduates from high school?

High school graduation is considered a change in placement for a student who has a disability as eligibility for special education and related services ceases upon granting a diploma. IDEA 04 (300.305 (e)(2)(3) adopted the regulatory exception that reevaluation is not required before termination of eligibility solely due to graduation with a regular diploma or exceeding age eligibility. *The LEA, at the time of the student's exit meeting, shall provide the student with a summary of his or her academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting his or her postsecondary goals. The LEA should use the Summary of Performance Form in the TIENET student case management system to document this information.*

3. Can a student who has graduated with a regular high school diploma from a public high school receive special education services under IDEA until the age of 21?

No. Graduation with a regular high school diploma is one of the ways that a student may exit from a secondary school program. Another way to exit is by aging out of the program. A student with a disability may continue to receive special education services at the secondary school *up to the completion of the school year in which he/she reaches their 21st birthday.* Individualized

decision making for students ages 18-21 is carried out to determine if they have met the goals and objectives on their Transition IEP, and whether the student would benefit from further training for the skills needed to reach their post-secondary goals. The issuance of a high school diploma signals the completion of the student's secondary education program. IDEA does not cover post

secondary school education. Students with disabilities usually earn the required number of credits to receive a regular high school diploma by the end of their senior year. However, in some of those cases, the IEP team may determine that the student(s) would benefit from additional training (special education/transition services) in the skills needed to reach their postsecondary goals. In these cases, the school district may allow the student to go

Students who graduate and go on to post secondary programs could qualify for Section 504 accommodations in that setting.

through the graduation ceremony with their same grade level peers, receiving an unsigned diploma or certificate of completion. This will enable the district to provide the additional needed special education services for the student the following school year(s) and until the student turns 21.

4. Does the attainment of a G.E.D. (General Educational Development credential) end a student's entitlement to FAPE (Free and Appropriate Education)?

No. IDEA 2004 (300.102(a)(3)) clarifies that a regular high school diploma does not include a degree that is not fully aligned with State standards, such as a GED. When a student enrolls in a GED program, she/he is exited from special education, and is classified as "drop out" for the exit code. Thus, FAPE does not apply.

However, should the student re-enroll in K-12 and be found eligible for special education, FAPE requirements resume.

The completion of the GED program does not replace procedures for completing a high school program. The North Dakota GED diploma is only intended for those persons who withdraw from their K-12 program. For more information on this program please see: <https://www.nd.gov/dpi/SchoolStaff/AdultEd/GED/>

5. Will a student who has been on an IEP in high school receive the same services when enrolled in college?

Not necessarily. High schools are required to provide the services, and or accommodations a student needs to be successful. Colleges are required to provide equal access to education. This is provided through accommodations. Colleges do not provide modifications that change educational standards. Higher education is about "access" not "success".

Because the laws governing students with disabilities in college are very different from those governing students in high school, it is essential that students know their legal rights and responsibilities under section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act of 1990. In college, the student is ultimately responsible for their education and accessing accommodations.

For more information on Disability Support Services at North Dakota Universities and Colleges, please see the following website:

<https://www.nd.gov/dpi/SchoolStaff/SpecialEd/SecondaryTransition/DisabilityServicesCouncil/>

6. May a student with a disability or a parent, when appropriate, disclose the student's participation in special education services to a post secondary educational institution?

Yes. It is at the discretion of the candidate for admission or applicant for employment to disclose relevant information regarding a disability. Information regarding a disability may be contained on the transcript *if* the parent or student with disabilities gives written consent for the information to be released to the post secondary institution or employer. Disclosure of information regarding a disability to post secondary educational institutions and/or employers could be very beneficial to the student. Information used properly may lead to better programming and appropriate accommodations for the student.

7. Are students who receive special education services eligible for the US armed services?

Any individual applying for entry in the armed forces must meet the basic eligibility requirements as described in the Army Regulation Manual (AR 601-2100). Information is sought from a physical examination, academic records and testing results. There are no modifications or accommodations given for the ASVAB (Armed

Services Vocational Aptitude Battery) Exam. A practice test is available and can be retaken 30 days after the first failed exam, six months after the second failed exam. For more information on the Department of Defense entrance requirements, please refer to the following website: <http://todaysmilitary.com>.

7. Can a student with learning disabilities be rejected for service in the Armed Forces?

It depends. According to the Learning Disabilities Association of America, many individuals with learning disabilities, including those with ADD or ADHD, join the Armed Forces and report that the structure and clear expectations help them to do well. However, these conditions may prevent some individuals from obtaining the required score on the ASVAB test. The Armed Forces are not required to grant accommodations, such as extended time on the test. Further, military regulations provide that academic skills deficits that interfere with school or work after the age of 12 may be a cause for rejection for service in the Armed Forces. These regulations also provide that current use of medication, like Ritalin or Dexedrine, to improve academic skills is disqualifying for military service.

DIPLOMAS

1. Are all students who receive special education services and who are enrolled in public school eligible to receive a diploma?

Yes. The completion of a course of study prescribed under state and local requirements should result in a formal recognition of the completion of that study. Diplomas for students who receive special education services shall be awarded in the same manner as diplomas are awarded to students without disabilities.

DIPLOMAS
A student with a disability who has successfully completed the course of study identified on a transition IEP (individualized educational program) shall be awarded a diploma and attend the same graduation ceremony.

Except as provided in section ND Century Code 15.1-21-02.3, before a school district, a non-public high school, or the center for distance education issues a high school diploma to a student, the student must have successfully completed 22 units of the high school coursework identified in 15.1-21-02.1.

2. May a school district use different wording on the diploma received by a student with a disability?

School districts are encouraged to use the same language on all diplomas for all students in the school district. It is the transcript that communicates the student's course of study between agencies. Use of different wording on a diploma given to a student with a disability may lead to the application of civil rights laws.

3. Can coursework requirements for granting a diploma be waived for students with disabilities?

Yes. Although there are no restrictions in either IDEA 2004, Section 504 of the Rehabilitation Act of 1973, and the American with Disabilities Act that would prohibit a district from waiving or modifying coursework requirements for identified students, the choice for districts is an option, not a mandate or a requirement. Learner requirements that are waived must be identified on the student's IEP. If modifications are allowed by the district, policies should be applied consistently to all eligible students.