

December 12, 2008

Dear Elementary and Secondary Principals:

In October, the Office of Civil Rights published a guidance letter and question & answer document concerning report cards and transcripts for student with disabilities attending public elementary and secondary schools. Although this does not apply directly to the private schools, it is helpful information in establishing best practice procedures.

The following is a direct excerpt from the letter of October 17, 2008 titled Dear Colleague Letter: Report Cards and Transcripts for Students with Disabilities [my comments in brackets]:

For students with disabilities, questions arise about whether the information conveyed by report cards and transcripts can include information about the students' disabilities, including whether those students receive special education and related services [in our case, minor adjustments or accommodations]...Under federal disability discrimination laws, the general principle is that report cards may contain information about a student's disability, including whether that student received special education or related service [minor adjustments or accommodations], as long as the report card informs parents about their child's progress or level of achievement in specific classes, course content, or curriculum, consistent with the underlying purpose of a report card.

However, transcripts [cumulative folders/records] may not contain information disclosing students' disabilities. Transcripts are provided to persons other than the student and the student's parents to convey information about a student's academic credentials and achievements. Information about a student's disability, including whether that student received special education or related services due to having a disability, is not information about a student's academic credentials and achievements. Therefore, transcripts may not provide information on a student's disability.

Several questions come immediately to mind for those of you with eighth grade graduates or incoming freshmen. Since the cumulative record is not complete at the time of high school entrance exams and applications, most schools provide evidence of grades earned in eighth grade. Elementary/middle schools must be careful not to provide copies of the actual report cards, and should instead provide the grades on a separate form without any comment regarding disability. Most schools already follow this practice. High schools that require copies of the actual report card would have to request that information directly from the parents and not the feeder schools.

The reason I mention both minor adjustments and accommodations above, is that although the standard for private schools is minor adjustment, some of you provide accommodations beyond what is required by law.



Additionally, although Catholic elementary schools do not generally have classes available outside the general education classroom, high schools usually have classes for AP, honors, basic, etc. Therefore, the following excerpt from the Q & A document may be pertinent:

**May a transcript [cumulative record] for a student with a disability indicate, either through specific notations or the use of asterisks or other symbols, that the student took classes with a modified or alternate education curriculum?**

In general, yes. While a transcript [cumulative record] may not disclose that a student has a disability or has received special education or related services due to having a disability, a transcript may indicate that a student took classes with a modified or alternate education curriculum. This is consistent with the transcript's purpose of informing postsecondary institutions and prospective employers of a student's academic credentials and achievements. Transcript notations concerning enrollment in different classes, course content, or curriculum by students with disabilities would be consistent with similar transcript designations for classes such as advanced placement, honors, and basic and remedial instruction, which are provided for both students with and without disabilities, and thus would not violate Section 504 or Title II [Americans with Disabilities Act]. This distinction may also be achieved by using an asterisk or other symbol meant to reference the modified or alternate education curriculum. These notations, asterisks, or other symbols indicating a modified or alternate education are not used for the purpose of identifying programs for students with disabilities, and are consistent with the purpose of a student transcript.

This excerpt is relevant to elementary, middle, and secondary schools:

**May special notations, including asterisks or other symbols, appear on a transcript for a student with a disability who received accommodations [or minor adjustments] in general education curriculum classes?**

In general, no. Because the use of accommodations [or minor adjustments] generally does not reflect a student's academic credentials and achievement, but does identify the student as having a disability, it would be a violation of Section 504 and Title II for a student's transcript [cumulative record] to indicate that the student received accommodations [or minor adjustments] in any classes. For example, a notation indicating the use of Braille materials is not related to whether that student mastered all the tenth grade objectives for her literature class. The only purpose of such a notation is to identify that student as having a visual impairment. Because accommodations [and minor adjustments] are generally understood to include aids and adjustments to enable a student with a disability to learn and demonstrate knowledge, this notation could identify the student as having a disability and therefore constitute different treatment on the basis of disability.

[For more info and the complete question & answer document, go to [www.ed.gov](http://www.ed.gov), then to offices, then to office of civil rights, then to A-Z, then to report cards]



I hope you find this information useful in establishing your school policy regarding the comments and notations on report cards and cumulative records for students with disabilities. Thanks for making a Catholic education available to our students with special needs!

Sincerely,

*Christine Hayashi*

Christine Hayashi  
Consultant, Federal and State Programs  
Department of Catholic Schools  
CAHayashi@la-archdiocese.org

