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LEGAL UPDATE

November 19, 2008

To: Superintendents, Member School Districts (K-12)

From: Carl D. Corbin, Schools Legal Counsel *CDC*

Subject: Special Education Report Card and Transcript Information
Memo No.28-2008

The U.S. Department of Education, Office of Civil Rights (“OCR”) published a non-regulatory guidance letter on October 17, 2008 that addressed the federal laws pertaining to statements on students’ report cards and transcripts that identify students as being students with a disability.¹ The letter answers ten questions on this issue in a “question and answer” format.

Essentially, OCR has determined that report cards are generally meant to be available to parents and not to postsecondary institutions, potential employers, or others outside the school district. However, transcripts are typically intended to be shared with postsecondary institutions, potential employers, and others to inform them regarding students’ academic credentials and achievements.

Therefore, report cards may contain information about a student’s disability, to include a statement regarding whether or not the student received special education or related services, so long as the report card also informs parents about their child’s progress in classes, the course content, or curriculum in the same fashion as this information would be detailed on report cards for students who do not receive special education or related services. For example:

1. A report card could have an asterisk denoting the student received resource specialist program services in reading with a progress report on the student’s Individualized Education Program (“IEP”) reading goals attached to the report card;

¹ Available at: <http://www.ed.gov/about/offices/list/ocr/letters/colleague-20081017.html>.

2. A report card could have an asterisk in the area of mathematics stating the student's grade was based upon the student's progress towards the student's IEP goals in the area of mathematics; or
3. A report card could have an asterisk in the area of social studies denoting that the student received accommodations in the class that may have impacted the student's grade.

Transcripts may not contain information regarding students' disabilities. However, transcripts may include, for example, an asterisk that the student took classes with a modified or alternate education curriculum so long as there is no mention of the student's disability and no mention that the student received special education or related services. In addition, a transcript may note that a student received a certificate of attendance or completion if the transcript does not otherwise state the student had a disability and a certificate of attendance or completion is available to both students with and without disabilities.

Please contact any of our attorneys if you have any questions regarding this or any other issue.