



***Grades, Diplomas and
Transcripts for***



***Students with
Disabilities***



March 1999
Iowa Department of Education
Bureau of Children, Family and Community Services

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Educators have long been faced with the challenge of evaluating student performance. Even in a time when education excluded many of those with diverse learning needs, grading and reporting were difficult tasks. Now the issues surrounding grading and reporting have become even more complex.

Although the focus of this paper is students with Individualized Education Programs (IEPs) under the Individuals with Disabilities Education Act (IDEA), our country's overall goal is to provide a free **appropriate** public education (FAPE) to **all** students. One way to determine the appropriateness of education is to evaluate student performance, but there are many ways to conduct those evaluations. How do we set up guidelines for evaluation that are fair, equitable, and useful to students, parents, and teachers?

When grading students, a number of concepts serve as guiding principles. Christianson (1997) put it as follows:

Teachers should keep in mind that grades communicate a spectrum of information:

- ◆ The relative quality (not quantity) of an individual's work.
- ◆ The student's readiness for future instruction.
- ◆ The status of a student's work.
- ◆ The student's level of competence/skill mastery (IEP conditions).
- ◆ Progress and effort.

This range of information is important in communicating the achievements of **all** students, with or without disabilities. The reliable reporting of such information is also a critical component in measuring the impact of educational programming.

The Iowa Department of Education outlined a number of principles regarding grading and graduating students with disabilities in a document titled, *Grading - Credit - Diploma Accommodation Practices For Students with Mild Disabilities*, (1987). The principles continue to be pertinent:

Principle 1: Participation of students with disabilities in general education classes shall be determined by the IEP team and noted on the IEP as well as assessment accommodations that need to be made for students to participate in general education classes.

Principle 2: Any adjustments to the content, expectations, standards, or grading practices of a general education class for students with disabilities shall be determined by the IEP team and noted on the IEP of the students.

Principle 3: When adjustments to general class content, expectations, standards or grading practices are necessary, the IEP team shall develop a system for monitoring and reporting the performance of students that is clearly defined, based on objective criteria, and explained to the student and his or her parents.

Principle 4: Whenever students with disabilities earn credit through an individually prescribed program provided by a special education program, the system for monitoring and reporting the performance of students shall be clearly identified, based on objective criteria, and included as part of the IEP. The IEP team is responsible for determining who will monitor and report the performance of these students.

Principle 5: School districts shall permit and encourage the use of alternative methods of reporting of progress and performance of students with disabilities who participate in general education classes.

Principle 6: The system for reporting the progress and performance of students shall clearly state what the students must do to improve their performance.

Principle 7: School districts shall permit students with disabilities to generate credit towards graduation through special education provided that the special education program is not a tutoring program and the special education program is clearly defined by the student's IEP.

Principle 8: A tentative, long-range educational plan identifying how credit requirements for graduation will be satisfied shall be developed for each student requiring special education prior to the end of the ninth grade year.

Principle 9: Students with disabilities satisfying the credit requirements for graduation and completing the program defined by their IEPs shall be awarded the standard diploma, participate in graduation activities, and be afforded the amenities provided to all other graduating students.

Principle 10: The school transcripts of students with disabilities shall accurately reflect their educational program by noting any graduation requirements satisfied by an individually prescribed program.

In an article titled, *Grading Secondary Vocational Education Students with Disabilities: A National Perspective*, Rojewski, Pollard, and Meers (1991) identified six types of grading techniques perceived by teachers as successful for students with disabilities:

- ◆ Individualization of instructional techniques and evaluation based on individual student ability.
- ◆ Flexibility in teaching and evaluation methods.
- ◆ Collaboration with special education and support staff.
- ◆ Use of pre-stated objectives or competencies.
- ◆ Multiple evaluation methods.
- ◆ An emphasis on positive aspects of student performance.

Based on the information given above, and on additional supporting documents and case law, the following questions and answers have been compiled. This question and answer format is intended to guide a district's decisions regarding grades, graduation/diplomas and transcripts of students with disabilities.

Question #1: Should a student's grade be altered or modified to reflect "reasonable" accommodations that have been made for that student?

No. A student's grade should not be altered or modified to reflect when a "reasonable" accommodation has been made. "Reasonable" accommodations generally are defined as changes to the way things usually are done... in order to provide identified students with an equal opportunity to participate when such changes do not lower or "substantially" or "fundamentally" alter the school's or district's standards in order to provide identified students with an equal opportunity to participate (Freedman, 1997).

The following excerpt from *Their Future...Our Guidance* (1998) further clarifies the definition of "reasonable" accommodations.

The intent of... [reasonable] accommodation[s] is to address a specific need, and not simply to provide the student an opportunity to score better.

The IEP team should consider the following questions when determining... [reasonable] accommodations for a student:

- ◆ Does the accommodation address a specific need of the student?
- ◆ Does the use of the accommodation provide a better picture of what the student knows and can do?

The following are a few examples of some commonly used accommodations:

- 1) Timing or scheduling: allowing the student more time to take tests or complete assignments
- 2) Different presentation of test or assignment: large print tests or assignments, test or assignment read aloud to student, more space between questions on assignment or test sheet
- 3) Alternate response method to assignment or test questions: saying the answers aloud, using a word processor or calculator, marking answers in the test or assignment booklet
- 4) Alternate test setting: having the student take the test in a different room to reduce distractions or using special lighting or furniture

Question #2: If modifications lowering or fundamentally or substantially altering the standards have been made to the curriculum content of a class for a student, may a student receive an alternate grade for that course?

Yes. Under the IDEA and Section 504, accommodations (or aids and services or modifications) which fundamentally or substantially alter or lower the standards can be provided as alternate programming and instruction, as per a child's IEP. It is, however, inappropriate for a district to provide those alterations without designating them on the IEP. Fundamental alterations or lowering of the regular program/standards will of necessity lead to alternate grading (Freedman, 1997).

Question #3: May asterisks or other symbols or codes be used on a student's report card to indicate that the student has had a modified curriculum in a general education classroom?

Yes. An asterisk or other symbol or code may be used on a student's report card to indicate that the student has had a modified curriculum in a general education classroom. The asterisk or symbol should not, however, signify special education or indicate when "reasonable accommodations" have been made for a student. Asterisks or symbols should not appear solely on the report cards of students in special education; they should also be used for general education students.

Question #4: May a student with disabilities who receives course content modifications that substantially or fundamentally lower or alter the district's standards be denied admittance to the general education honor roll?

Yes. [T]he use of uniform standards for measuring academic achievement for educationally sound purposes may mean that some identified students will not be able to perform at higher levels. Thus, simply because the standards (be they academic or non-academic) may exclude certain identified students, such standards are not discriminatory on that basis. ... The purpose of the laws is to provide opportunity; it is not to assure outcome, success, or any specific result (Freedman, 1997).

It is important to note, however, that a district may not exclude identified students from the honor roll solely on the basis of their disability. **All** students must be given the opportunity to earn honors and awards reflecting their efforts and achievement. In *Fort Smith (AR) Pub. Sch.*, 20 IDELR 99, (OCR 1993) OCR determined that an alternative policy needed to be established for the recognition of efforts and achievements by students with disabilities.

Question #5: May a teacher grade a student with disabilities on a pass/fail grading system rather than a point grading system?

Yes. Based on the findings of OCR in *Marion County (WV) Public Schools*, EHRLR 352:115 (OCR 1985), it is acceptable to grade a student with disabilities on a pass/fail grading system, *so long as participation is voluntary and the same pass/fail grading system is available to all students.*

Another provision for grading a student with disabilities on a pass/fail grading system is demonstrated in *North Hunterdon/Voorhees Regional (NJ) High Sch. Dist.*, 25 IDELR 165 (OCR 1996). In this case, OCR concluded that it was permissible for the IEP team to decide what grading system will be used for a student, so long as it meets the student's needs and is documented on the IEP form.

Question #6: Is it acceptable for a school to use a course weighted grading system?

Yes. According to OCR/Section 504 Letters, 305:50, the use of a grading system, which assigns lower grade weights to special education courses, does not violate Section 504, as long as the lower weighting results from an assessment of actual differences in the difficulty of the courses as compared to regular education courses. OCR will not find a violation of Section 504 when academic distinctions are made on a nondiscriminatory basis, i.e., when objective criteria, closely related to the purpose of the program, are applied to all students equally, without regard to disability. However, categorization of courses based solely on the disability status or classification of the students enrolled could violate Section 504.

The letter also notes, however, that a weighted grading system may be found to be discriminatory if it effectively precludes special education students from being placed on the honor roll, because the weighted average required for the honor roll is higher than the possible weighted grade in a special education course. OCR recommends that students with disabilities, whose opportunity to be placed on the honor roll is restricted by weighted grading, be given the opportunity to earn honors and awards reflecting their efforts and achievement.

Question #7: May courses for special education students **arbitrarily** be given a lower course weighting than regular education courses?

No. Course weighting must be based on an assessment of actual differences in the difficulty of the courses as compared to regular education courses. Academic distinctions must be made on a nondiscriminatory basis; i.e., objective criteria, closely related to the purpose of the program, that are applied to all students equally, without regard to disability (OCR/Section 504 Letters, 305:50).

Question #8: Can a student receive a grade reduction based on attendance?

Yes. The Iowa State Board of Education developed a set of attendance policy principles resulting from a Waterloo School Board appeal decision. These policies can be found in their entirety in 14 D.o.E. App. Dec. 52. Before answering the question posed above, the following excerpts from the State Board's Policy are relevant:

- Because a student's unwillingness to attend school may be caused by his or her limited academic success, school districts are obligated to provide reasonable educational alternatives or supports for those students at risk of not succeeding academically.
- Students should not be subject to sanctions for failure to attend school if lack of attendance is beyond the control of the student. Some absences should be excused without disciplinary penalty...Additionally, if a student has frequent absences or prolonged absences due to illness, the district is advised to determine whether or not the student has a handicap or disability under the provisions of Section 504 of the Rehabilitation Act of 1973.
- The district may adopt a number of "allowable" unexcused absences. Five to seven absences per semester would not seem to be unreasonably low, although this number must be set locally.
- Excused and unexcused absences should not be combined for the imposition of sanctions under an attendance policy.

The last part of the guidance principles specifically address the above question, "Can a student receive a grade reduction based on attendance?"

Significant lack of attendance in a course of study might reasonably be expected to negatively affect academic performance which would negatively affect a student's grade in that course.

Grade reductions may result from absences in the following situations:

- a. Failure to attend make-up sessions as assigned for the completion of make-up work;
- b. If points or percentages for attendance and participation are given, the denial of those points or percentages for absenteeism is a reasonable practice (1987 St. Bd. Pol., par. 10.)
- c. Additional work may be assigned to compensate for class time lost due to absences. However, the failure to complete make-up assignments satisfactorily within a reasonable time is a separate act and constitutes grounds for reduced credit. (1987 St. Bd. Pol., par. 10.)

- d. The report card should indicate whether grades have been reduced for absences. This answers the criticism that a district's grading system is a misrepresentation of the students' academic achievement.

The State Board maintains that the primary purpose of any attendance policy should be educational rather than punitive. It also requires school boards to consider the potential disparate nature of attendance policies because of a student's different race, sex, disability, or national origin.

The Waterloo decision also generated the following relevant findings regarding academic credit and grade reduction and attendance:

An attendance policy may provide that students will receive no credit after exceeding a number of unexcused absences. Any attendance policy providing that students may be "dropped" from a class because of excessive unexcused absences should make *reasonable* provisions for alternative classes or activities within the parameters of the district's resources.

The total number of absences which result in being dropped from a class or being given "no-credit" should be "reasonable." This recognizes that sometimes there is no other "remedy," but districts should not make it easy for students to circumvent the Compulsory Attendance Law by expelling them. Dropping a student from a program after fewer than five or six absences appears to be an *unreasonable* sanction.

Question #9: May a student with a disability, enrolled in a general education class for reasons other than mastery of the content (e.g., learning social skills), be excluded from the class grading and be evaluated on specific objectives, benchmarks or goals on the IEP?

Yes. A student with disabilities enrolled in a general education class for no credit as part of the IEP, would receive grading or evaluation based upon criteria outlined in the IEP (Montana Office of Public Instruction, 1995).

Question #10: Can a student with disabilities be excluded from an extracurricular activity based on certain grade criteria?

Yes. Participation in an extracurricular activity may be denied a student with disabilities if he or she does not meet the essential eligibility requirements for that activity. It is important, however, that the district examine carefully what constitutes “essential eligibility requirements” and that the IEP team determine on a case by case basis whether the student will be able to meet the eligibility standard if he or she is provided with additional modifications or services.

IDEA’s regulations make special note of extracurricular activities. They state specifically, that “each public agency shall take steps to provide nonacademic and extracurricular services and activities in the manner as is necessary to afford children with disabilities an equal opportunity for participation in those services and activities” (34 CFR Sec. 300.306(a)). A district would be wise to consider carefully the potential participation of a student with disabilities in extracurricular activities and to give serious thought to what supports might enable a student with disabilities to participate in extracurricular activities.

Graduation/Diplomas

It must be noted here that graduation and diplomas are not synonymous with one another. The term “graduation” denotes when a student leaves high school. A student with disabilities that has completed his or her IEP goals or has reached the age when IDEA services end, but who has not completed or met district or statewide requirements for a high school diploma, may still graduate.

Question #11: May a special education student who does not meet the graduation requirements adopted for the general education program receive a diploma?

Yes. Although the Code of Iowa and the Iowa Administrative Code (IAC) give each board (providing a program through grade twelve) the authority to establish the requirements students must meet for high school graduation, the Code and IAC are mute on the issue of diplomas. The IAC specifically requires these boards to develop a policy that includes the graduation requirements for both general and special education students. Consequently, each district’s board has the authority to create alternate courses, standards or units that are appropriate for its special education students’ graduation.

Graduation requirements for special education students shall be in accordance with the prescribed course of study as described in their Individualized Education Program. Prior to the student’s graduation, the IEP team shall determine that the graduation requirements have been met. Several options are possible for an IEP team in prescribing the course of study and describing how the student will earn a diploma and graduate, without meeting the general education requirements. Two examples are provided:

1. Certain courses with corresponding credits are developed and offered for students with disabilities with the same basic content as the general education program, although there would be modifications in instruction, materials, level of detail, etc.
2. An alternate curriculum is offered that does not correspond to general education courses and would focus on functional life skills, behavioral needs, self-help skills, social skill development, functional academics, vocational training, etc.

The IEP team needs to identify how the student's completion of course work or participation in an alternate curriculum meets the requirements established by the district's board of directors for graduation and a diploma.

As stated earlier, Iowa Administrative Code requires each district's board of education to develop a policy regarding graduation requirements. It will be important for special education staff and parents to work with their district's board of education to identify graduation and diploma requirements.

Question #12: May a student with disabilities receive a different diploma from the diploma that students without disabilities receive?

The diploma awarded to each student must be similar in all significant respects. The language on the diploma may differentiate however, between the student who "has completed the course of study prescribed by the board of trustees" or who "has completed a prescribed course of study in accord with requirements established by the board of trustees." School districts are encouraged to use the same language on all diplomas for students in the school district. The transcript is the communication mechanism between the school and other agencies.

Question #13: Is it ever appropriate to award a student with disabilities a certificate of achievement in place of a diploma?

Yes. This would be appropriate for a student who is not able to meet the academic requirements for a diploma. Freedman (1997) notes,

[A] school district is not required to award a *regular diploma* (emphasis added) to a... student [with disabilities] who does not meet the requirements for a regular diploma, regardless of whether the... student [with disabilities] has met the requirements of the IEP. The district must notify the parents in advance if successful completion of an IEP will not result in the award of a regular diploma.

Also note, that in *Brookhart v. Illinois State Bd. of Educ.*, EHLR 554:285, 697 F.2d 179, 184 (7th Cir. 1983) the following was found:

Denial of diplomas to... children [with disabilities] who have been receiving the special education and related services required by the [IDEA], but are unable to achieve the educational level necessary to pass the [test] is not a denial of a “free appropriate public education.”

Question #14: If a student with disabilities has been awarded a certificate of achievement in place of a diploma, may that student continue to receive FAPE?

Yes. According to IDEA, the right to FAPE is not ended if a student with disabilities is awarded some other certificate of completion or attendance instead of a regular high school diploma (34 CFR Sec. 300.122 (a)(3)(ii)). The right to FAPE is ended either by a student successfully finishing a regular secondary education program or reaching age 21, according to Iowa law.

Question #15: Must a district continue to provide a free, appropriate public education to an individual with disabilities who has received a regular high school diploma?

No. The district is not required to continue providing FAPE to a student with disabilities who has received a regular high school diploma (34 CFR Sec. 300.122 (a)(3)(i)). It is expected, however, that this would have been addressed within the IEP planning process. Part of that process should include the provision of written prior notice to the student and his or her family, regarding the student's projected change in eligibility.

Iowa Rules of Special Education (July 1995) 41.67(8) state:

Projected graduation. The IEP must include a statement of the projected date of graduation at least 18 months in advance of said date and the criteria to be used in judging whether graduation shall occur. Prior to graduation, the IEP team must find that these criteria have been met.

It should also be noted that the IEP team is responsible for addressing transition issues related to the student's upcoming graduation. For further information on transition planning, the reader is directed to the section on transition in *Their Future...Our Guidance*, (1998) the Iowa IEP Guidebook.

Question #16: Must a district end a student's educational program when he or she has met all of the district's graduation requirements, but has not achieved all of his or her IEP goals?

No. A district is not required to end a student's educational program when he or she has met all of the district's graduation requirements, but has not achieved all of his or her IEP goals, unless the student has reached the age of 21, when the requirement for the provision of FAPE is ended. It is expected, however, that these issues would have been addressed within the IEP planning process. Part of that process should include the provision of written prior notice to the student and his or her family, regarding the student's projected change in eligibility.

It should be noted that the IEP team is also responsible for addressing transition issues related to the student's upcoming graduation. For further information on transition planning, the reader is directed to the section on transition in *Their Future...Our Guidance*, (1998) the Iowa IEP Guidebook.

Transcripts

Question #17: If modifications to curriculum content have been made for a student, may that be reflected in the student's transcript?

Yes. The purpose of the transcript is to present an accurate picture of a student's coursework. If modifications to curriculum content have been made for a student, those modifications can be reflected on the transcript, but in such a way that it states what the curriculum content "was," not what it "was not." If, however, a course designation suggests that it is used only to indicate special education, it may be a violation of the student's rights to privacy. In accordance with protecting the student's privacy, the transcript may not indicate that a student has a disability. To indicate that a student has a disability would violate privacy rights and could be considered discriminatory and adversely affect a student's opportunity for future education or employment.

Information regarding a disability may, however, be contained in the transcript **if** the student or the parent of the student gives written consent for the information to be released to the postsecondary institution or employer. The student or parent must know what is on the transcript and give consent specific to the information sent.

Question #18: May classes be identified as special education classes on a high school student's transcript to indicate that the student has had a modified curriculum in general class?

No. Phrases such as "Special Education English" or "Resource Math" should not appear on the transcript. Phrases such as "English Essentials," or "Practical Math Applications" or other similarly descriptive phrases must be used instead. Other examples of acceptable and unacceptable phrases include those found in the table at the bottom of this page (Montana Office of Public Instruction, 1995).

<u>Acceptable</u>	<u>Unacceptable</u>
Level 1 English	Resource English
Practical Math Applications	Special Education Math
Basic Social Studies	Special Education Social Studies
General Science	Resource Science

Question #19: May asterisks or 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 completed work at a lower grade level. However, the explanation of the asterisk on the transcript must not indicate the student's participation in special education. The school district must be careful in providing any information on the transcript which may later have a discriminatory impact on the student's future employment or admission to postsecondary educational institutions. (Montana Office of Public Instruction, 1995).

Information regarding a disability may, however, be contained in the transcript **if** the student or the parent of the student gives written consent for the information to be released to the postsecondary institution or employer. The student or parent must know what is on the transcript and give consent specific to the information sent.

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This publication is a result of the willingness and expertise of Anna to produce a quality product. When you work with her, you will not only find a professional who has great knowledge for writing and formatting information, but a person who has a smile on her face and even a smile in her voice when you talk to her on the phone. Her contributions are duly recognized and truly appreciated.

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