

0004-00

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

IN THE MATTER OF KEVIN B.

DECISION

Held: Appeal is sustained in part – school district is ordered to adjust student’s grades in two subjects.

DATE: February 8, 2000

Background

Appellant disputes several grades given to her son Kevin during the 1996-97 school year.¹ Kevin was a sixth-grade student at the time. Some of the grades at issue were adjusted by the school district administration following discussions with Appellant.² At the conclusion of the hearing, the following grades remained in dispute: (1) the first quarter C, second quarter B- and final grade of B- in social studies, (2) the first quarter D, second quarter B- and final grade of C+ in language arts and (3) the second quarter C and final grade of B in science.³

Extensive evidence was presented concerning the teachers' grading policies, the grades Kevin received on tests and assignments, and the calculation of his quarterly and final grades. The record reveals the following:

- The social studies teacher counted all grades equally in the first quarter, whether they be for tests, quizzes or homework, in order to stress the importance of homework.
- During the first quarter, Kevin received a zero on a social studies quiz that he failed to submit. Students were allowed to take the quiz home and finish it for homework. In discussing the difference between a quiz and homework with regard to another grade, the teacher testified that a quiz is different from homework in that the former is not allowed to go home. Appellant also produced two "missing" assignments that had been counted as zeros. If graded, the assignments would have received scores of 80 and 40.
- The language arts and science teacher graded students according to a rubric system. The rubric's range could be 1 through 4, with a plus or minus for each number, or a check mark, with a plus or minus. The top score of a rubric could translate to a 95 or 98, depending on the material. Test and project scores were counted as 60% of the quarterly grade in these subjects, with

¹ The Commissioner of Education designated the undersigned hearing officer to hear and decide the appeal. Hearings were held on January 13, February 23, March 17, and April 9, 1998. The record closed on December 23, 1998, the date Appellant submitted a memorandum in support of her appeal.

² In fact, it was stipulated during the hearing that one of the grades on appeal, second quarter spelling, was no longer in dispute.

³ Kevin was assigned to different teachers during the second quarter. His original teachers forwarded grades to the new teachers for the second quarter work Kevin had completed. These grades comprised 20% of Kevin's second quarter grades.

classwork and homework the remaining 40%. Grades were reduced if the work was returned late. If an assignment was never submitted, the student would receive a zero. Grades on some assignments were nullified on a classwide basis if the teacher felt that the students had not comprehended the material. Students in these classes could earn “coupons,” which could be redeemed to be excused from a homework assignment.

- The first assignment in language arts was to bring a worksheet home for signature and return it to class. Kevin’s grade was reduced for returning the sheet late. Kevin also had other grades reduced in the first quarter for the late submission of assignments. The graded assignments did not explicitly state that they were late. Kevin received zeros on two tests for failure to submit them. Although there was a make-up test policy, Kevin did not make up either of the tests. There were four language arts tests in the first quarter. Kevin had a B average on the two tests he submitted. Kevin used two homework coupons in the first quarter.
- In second-quarter language arts, Kevin received a zero on a map report assignment that was later recorded as a B+ on a progress report provided to Appellant. There was conflicting evidence as to whether Kevin’s rubric score of 4 on a compare/contrast essay was included in his grade.
- In second-quarter science, Kevin received a test grade of 65 for his notebook, but testimony failed to identify the missing entries which accounted for his grade.
- Kevin is a conscientious student with an excellent academic record. Appellant has been actively involved in Kevin’s education.

Appellant contends that the previously-listed assigned grades are incorrect. Instead, the grades for social studies should be: B in the first quarter, B in the second quarter and B+ for the final grade; and for language arts: B in the first quarter, B in the second quarter and B for the final grade.⁴

In support of her contentions, Appellant raises issues with nearly every test and assignment grade given by Kevin’s original teachers. A summary of her primary

⁴ With regard to science, Appellant, in her memorandum, contests the first-quarter grade, offers new evidence, and seeks additional information regarding the second-quarter grade. Given the scope of the appeal and the extended amount of time spent hearing this matter, we cannot entertain Appellant’s arguments or request. Our response is the same with regard to Appellant’s attempt in her memorandum to

arguments is as follows: social studies -- the first quarter grading policy giving equal weight to tests and homework assignments is unreasonable; the zero on the first quarter “take-home test” should be stricken because the teacher defined tests as items that are not taken home; the grades for “missing” assignments that she entered into evidence should be included in Kevin’s grade calculation; language arts -- Kevin’s grades should not be reduced for lateness because Appellant did not have any notice that her retention of Kevin’s papers were affecting his grade; Kevin was not given the opportunity to make up the two first-quarter tests and he therefore should receive a rubric score of 1 on each of them, instead of a zero; the policy of nullifying certain grades is arbitrary and all of Kevin’s corrected papers should be factored into his grade; Kevin should get “full credit” (a grade of 100) for the assignments on which he used his homework coupons; Kevin should receive the B+ grade recorded on the progress report for the second-quarter map assignment instead of the zero in the teacher’s gradebook; the second-quarter compare/contrast essay should be counted; the teacher’s gradebook shows lower scores on certain assignments than the actual graded work; Kevin’s numerical grades need to be adjusted higher to account for the rubric’s top score of 95 instead of 100; science -- Kevin should receive a rubric of 3 or 4 for his notebook test grade, instead of a 1, because the alleged missing entries have never been identified; the numerical grades need to be adjusted to account for the rubric.

Discussion

While the Commissioner of Education does not review grades in the sense that he will substitute his own opinion of the merits of a student’s work for that of the school

show that Kevin’s final grade of A- in spelling is incorrect, and that the original social studies teacher did not forward Kevin’s correct grade to the new social studies teacher in the second quarter.

district, he will review grading policies and calculations where they are alleged to be arbitrary, capricious or in bad faith and have resulted in substantial academic loss to the student. As for Kevin's social studies grades, we find that the first-quarter policy of giving equal grading weight to all tests and assignments is a reasonable means to further the legitimate objective of emphasizing the importance of homework. We also find that any confusion as to whether a particular assignment is a test or homework is irrelevant under this policy because the assignment will be factored into the grade the same regardless of what it is labeled. We therefore find that the zero on the first-quarter test was properly included in Kevin's grade. We do find, however, that scores for the assignments recorded as not submitted should be included in Kevin's grade. With these inclusions, we find that Kevin's first-quarter social studies grade computes to a C+, and his final grade a B.

In language arts, we find the teacher's discretionary nullification of grades (on a classwide basis) and homework "coupon" policy to be reasonable. We find that some genuine confusion existed with regard to grade reductions for lateness and the test make-up policy. Given this confusion, and the significant impact that resulted from it, we find that Kevin's grades should be recalculated to eliminate deductions for lateness and that the two first-quarter zero test scores be adjusted to the lowest rubric, i.e., 1-. We also find minor errors in the recording of a few assignment scores in the gradebook. With a slight modification for the rubric's top score of 95 or 98 in numerical terms, our findings above result in a first-quarter grade of C. Counting the B+ as recorded on the second-quarter progress report for the map assignment and the rubric score of 4 for the

compare/contrast essay, Kevin's second-quarter grade is a B. With these revisions, Kevin's final grade in language arts is a B-.⁵

Conclusion

The appeal is sustained in part with regard to Kevin's social studies and language arts grades. The school district is ordered to administratively revise the grades as follows:

Social Studies – first quarter: C+
final: B

Language Arts – first quarter: C
second quarter: B
final: B-

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

Date: February 8, 2000

⁵ While we find merit in Appellant's arguments regarding second-quarter science, the resulting adjustments do not change Kevin's second quarter or final grades.