

# Texas Classroom Teachers Association

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September 14, 2009

Mr. Robert Scott, Commissioner of Education  
Texas Education Agency  
1701 N. Congress Avenue  
Austin, Texas 78701

Dear Commissioner Scott:

As you know, the Texas Classroom Teachers Association represents over 50,000 members employed in public schools throughout the state. The start of a new school year for us, as I am sure is also the case for you, inevitably brings numerous questions and some issues to be resolved.

This year as the school year has begun, we have received an inordinate number of inquiries from members in districts with regard to compliance with the provisions of SB 2033, relating to the prohibition of minimum grading policies. Apparently there are a number of districts that are declining to comply with this provision regarding the issuance of composite grades, such as those issued every six weeks or each quarter.

It defies logic that a series of grades not subject to an arbitrary minimum could somehow magically average to a higher minimum grade as a composite, but there are districts taking that stance. We appreciated the clear statement from Debbie Ratcliffe on your staff that was reported on August 18, when she indicated that "Districts need to give accurate grades to students, and that includes report card grades." Our communications with Senator Nelson's office, as well as the Senator's public comments (such as those included in the attached article), make it clear that Senator Nelson intended that district grading policies would encompass all grades awarded to students.

Unfortunately, Ms. Ratcliffe's statement does not seem to have had the impact we had hoped in persuading districts to comply with this new law. We are increasingly confronted with districts that simply decline to comply with laws or rules with which their management disagrees, presumably under the assumption that there will be no adverse consequence for their disregard. When our organization and others are put in a position of trying to legally compel districts to follow the law, it wastes time and resources that all of us would agree could better be spent on students.

Accordingly, we would request that you issue a "To the Administrator Addressed" letter regarding this new law and its interpretation to make it clear to districts that there is no issue with regard to compliance. Since administrators are accustomed to receiving these regular communications from your office, we believe a clear statement of the expectation of compliance would go a long way toward resolving the problem in numerous districts, some of which are fairly large.

Thank you in advance for any assistance you can provide in this matter, and we would be happy to suggest language that directly addresses the problems we are encountering if that would be of assistance to you.

Yours truly,

A handwritten signature in black ink that reads "Jeri Stone". The signature is written in a cursive, flowing style.

Jeri Stone  
Executive Director/General Counsel

cc: The Honorable Senator Jane Nelson  
The Honorable Representative Randy Weber



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# Some Texas districts yet to change grading policies

07:01 AM CDT on Tuesday, August 18, 2009

By KATHERINE LEAL UNMUTH / The Dallas Morning News  
[kunmuth@dallasnews.com](mailto:kunmuth@dallasnews.com)

A new state law aims to stop school district policies that bar teachers from giving students grades lower than a 50, a 60 or even a 70.

But with less than a week before fall classes begin, some districts aren't ready to change their policies.

Dallas ISD officials say that because the law doesn't specifically mention report card grades, district policy remains that teachers may not assign a grade lower than a 50 on six-week grades.

But Texas Education Agency officials say the law, which states that districts "may not require a classroom teacher to assign a minimum grade for an assignment," clearly applies to all types of grades.

"Districts need to give accurate grades to students, and that includes report card grades," said TEA spokeswoman Debbie Graves Ratcliffe. "It's pretty simple, give the grade students earned and stick with that."

Dallas school district spokesman Jon Dahlander said the language in the bill does not address low report card grades.

"Our interpretation is that our policies do not need to be changed," he said. "The language of the bill is very specific to teachers' grades on assignments and does not address the lowest grade appearing on a report card."

Fort Worth school officials aren't yet changing their policy that sets 50 as the lowest six-week grade. But they say they will convene teachers' committees to re-examine their current grading policies.

Minimum grading policies have been controversial. In April, Plano school officials temporarily halted a district committee that was exploring a middle school grading policy that would have discontinued docking grades for cheating or late assignments.

Sen. Jane Nelson, R-Flower Mound, a former teacher, sponsored the legislation this year after teachers complained to her that schools would not allow them to give students less than 50. She said she did intend for it to apply to six-week grade reports as well.

"I was shocked," Nelson said. "It was causing so many problems. On the one hand, we expect students to pass certain standards, and on the other hand, teachers were forced to give children a grade whether they deserved it or not."

## Definitions

Carolyn Counce, the Texas Association of School Boards' director of policy services, said there is controversy over how broadly "assignments" should be defined.

"I think there's a difference of opinion in the school community," she said.

Some schools and districts are scrambling to change. Irving ISD's school board recently deleted its policy instructing teachers not to give students a grade below 50.

"The approach we are taking is to pretty much scrap what we've been doing in the way of those minimum grades," Irving school board president Jerry Christian said. "We're going to start from ground zero with an open discussion with educators and others on this grading procedure the district must develop."

Nelson said that minimum grade policies are disrespectful of teachers. Dallas Alliance-AFT teachers association president Rena Honea said such policies have been widespread but the message that schools should change is strong.

"I think it sends a strong message to districts that there needs to be accountability on the students' part," she said. "Teachers struggle with having to give a 50 because the student actually made a 30."

Nelson's legislation requires districts to develop grading policies that set no floor or minimum on grades. Districts also must draft grading policies based on students' mastery of the subject matter.

## Alternatives

It's unclear how many districts have such policies. Individual schools have been known to set their own policies as well.

Large urban districts in particular fear that repealing such policies could remove "safety nets" for students and have raised concerns that the law supersedes local control.

Fort Worth school district director of policy Leslie James said the district still plans to begin the school year with its policy of a grade of 50 as a minimum for first and second six weeks grade reports. But officials do plan to take another look at their practices.

"We did not feel we could make immediate changes for this school year and still give proper notice to parents and students," he said.

Even so, he said Fort Worth is interpreting the law literally and addressing only assignments.

They also have argued that students won't be able to improve their grades over time and pass classes if they start out with a failing grade so low that it can't be overcome. That scenario could create more dropouts.

Nelson said that she is not opposed to allowing students opportunities to make up work or retake

failed tests, if teachers feel it's appropriate.

"A good teacher will work with that child and give them some opportunity to do additional work," she said.

Some teachers said they were limited by policies that wouldn't allow them to fail students, even if they put in limited effort into their homework or tests.

Dave Lewis, a public service and law teacher at DISD's Townview Center, supports the law but said he can see both sides.

"Grade inflation is not a good thing; it's the first cousin to social promotion," he said.

However, he said he can see how a student earning lower than a 50 during the first weeks of class could have a tough and in some cases impossible time passing the semester, when a low grade is averaged in.

Richard Khouri, a spokesman for the Texas State Teachers Association, said banning failing grades has been a trend at the state's larger districts.

He supported the change, saying that teachers' need to be respected as professionals in charge of grading authority.

"Obviously it was pervasive enough that legislation was filed and passed to try and put a stop to the practice," he said. "Classroom teachers need to be the people that are assigning grades."

#### GRADING POLICY LAW AT A GLANCE

Senate Bill 2033 by Sen. Jane Nelson, R-Flower Mound, aims to reform school district grading practices. Here's a summary:

- Requires school districts to adopt a grading policy before the start of each school year.
- Requires a classroom teacher to assign a grade that reflects the students' relative mastery of an assignment.
- Districts may not require a classroom teacher to assign a minimum grade for an assignment without regard for the student's quality of work.
- Districts may allow a student a reasonable opportunity to make up or redo a class assignment or examination for which the student received a failing grade.

SOURCE: Texas Education Agency