

## Grading and Attendance – Legal opinion from the Chancellor’s Office

The Chancellor’s Office was considering the ability to give a student who was found cheating on an assignment an F in the entire course. In legal opinion 07-12, the Chancellor’s Office noted the Title 5 standards for awarding grades:

“First, we noted that under title 5, section 55002(a)(2)(A) the grading of courses is to be based on “measurement of student performance in terms of the stated course objectives” and “demonstrated proficiency in subject matter.”

Section 55002(a)(2)(A) provides: "The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55023. The grade is based on demonstrated proficiency in subject matter and the ability to demonstrate that proficiency, at least in part, by means of essays, or, in courses where the curriculum committee deems them to be appropriate, by problem solving exercises or skills demonstrations by students."

So, section 55002(a)(2)(A) is the regulatory standard for grades in degree-applicable credit courses. The same standard applies to nondegree-applicable credit courses through section 55002(b)(2)(A). The Chancellor’s Office pointed out that cheating should be addressed through the student discipline process, as opposed to punishing someone by failing them. Grades are intended to reflect the student’s performance in terms of course objectives and the student’s subject matter proficiency as opposed to a disciplinary option. A person might have cheated on a single assignment that counted as only a very small part of the overall grade while the student otherwise might have demonstrated superior mastery of the subject matter of the course.

Applying that rationale, unless there is some link between class attendance and the standards set out in Title 5 for determining grades, it is difficult to see how attendance should be counted in the grade. However, I want to draw a distinction between merely being absent as opposed to not performing in class because of that absence. If no student participation, performance or proficiency demonstration is expected during a particular class session, it may be difficult to conclude that the student’s absence from that class meeting should directly affect the grade. On the other hand, if there is some student performance that doesn’t happen because the student is absent, then presumably that failure to perform could be considered in the grade. It’s the failure to meet the course objective or the failure to demonstrate proficiency in the subject matter, rather than the mere fact of the absence, that is being considered.

There are a number of attendance regulations in Title 5. Section 58004 requires districts to drop students who are no shows or who are no longer participating (e.g., excessive unexcused absences). The failure to attend described in section 58004 MUST be addressed by dropping the student from the class; a district cannot continue the student in the class and lower the grade for nonattendance. Title 5, section 55003 also alludes to dropping students for excessive absences. In other words, the response to excessive unexcused absences seems to be involuntary dropping the student from the class as opposed to lowering the grade due to absences.