

Law Gives Teachers the Final Word on Students' Grades



The California Education Code protects teachers' rights to grade students. When grades are given for any course of instruction taught in a school district, the grade given to each pupil shall be the grade determined by the teacher of the course and the determination of the pupils grade by the teacher, in the absence of clerical or mechanical mistake, fraud, bad faith, or incompetence, shall be final. § 49066: if a parent, student, or administrator challenges a grade the teacher has the right to defend the grade. An Association representative should always be present at such a challenge.

Teachers Are Responsible for Failure Notices

Classroom teachers are directly responsible for notifying parents of possible failing grades. Whenever it becomes evident to a teacher that a student is in danger of failing a course (D or F grade), the teacher must arrange a conference with the student's parent/guardian or send the parent/guardian a written report (failure notice). In all cases the notification must come prior to the assignment of the grade.

The teacher's responsibility for failure notices is stated in California Education Code 49067 and Montebello Unified School District Administrative Regulation 5121 (a).

Teachers May Suspend Students from Class

Education Code 48910 states that a teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. This includes "willful defiance" as a reason to suspend from the class. ***AB 420 Dickinson excludes "willful defiance" as a reason to expel a student; however it does not exclude the reason for suspension by the teacher or by the district.***

The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's designee for appropriate action. If that action requires the continued presence of the pupil at the school site, the pupil shall be under appropriate supervision, as defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests.

The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.

A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school. Suspension from the school is determined by the administration.

Teachers Must Participate in Discipline Committees

While every teacher has a general duty to maintain custody and control over their students, school districts have the legal responsibility to establish and enforce the discipline policy which circumscribes teachers' supervisory efforts. This means that the Board members and administrators are responsible for general school administration, including enforcement of the school district's discipline policy. (5 Cal. Code Reg. § 35294.)

Additionally, each school must adopt rules and procedures on student discipline. After soliciting the views of parents, teachers, and other interested parties, the rules shall be adopted by a panel consisting of the school principal and a teacher representative. It is the duty of each employee to enforce these rules and procedures. (Ed. Code § 35291, 35291.5)

