

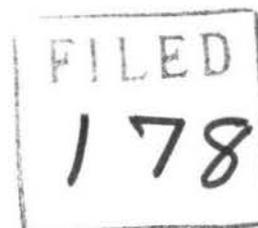
SCHOOLS:

A grading system must bear a rational relationship to a legitimate educational goal and must be reasonably administered. A teacher may take a student's tardiness into account in determining the student's grade when the tardiness affects the student's performance in the class. However, this office will not decide whether any particular grade was improperly lowered due to the consideration of possibly irrelevant factors, since this is not the sort of question appropriate for resolution by the Attorney General, and it is a decision which has been entrusted by Missouri law to local school officials.

OPINION NO. 178

August 23, 1973

Honorable Morris G. Westfall
Representative, District 133
Rural Route 2
Halfway, Missouri 65663



Dear Representative Westfall:

This official opinion is in response to your request for a ruling on the following question:

"Does a school teacher have the authority to lower a student's grade as punishment for a student being tardy to class?"

Section 171.011, RSMo 1969, grants the power to regulate grading policy to the local school boards in the following language:

"The school board of each school district in the state may make all needful rules and regulations for the organization, grading and government in the school district. The rules shall take effect when a copy of the rules, duly signed by order of the board, is deposited with the district clerk. The district clerk shall transmit forthwith a copy of the rules to the teachers employed in the schools. The rules may be amended or repealed in like manner."

In Opinion Letter No. 74 issued March 20, 1973, to Cloy E. Whitney (copy enclosed), we concluded that Section 171.011 was constitutional and that a grading system satisfied due process requirements if it bears a rational relationship to a legitimate educational goal of the school district and if it is reasonably administered.

Honorable Morris G. Westfall

We believe that a teacher could reasonably conclude in appropriate circumstances that tardiness has affected a student's academic performance. For instance, the grades in a foreign language or laboratory class could be based on class participation, and a student who is chronically late or absent would have done less class work than others in the course. Similar examples come to mind with regard to many other classes as well. When tardiness affects the quality of a student's work, it may be taken into account in grading. However, it would probably be unreasonable for a student's grade to be lowered for tardiness where tardiness has no effect on a legitimate educational goal being furthered by the grading system.

As a general matter, the decision to give a particular grade is a complex one based on many facets of the student's performance and without the full facts--from both the teacher's and student's viewpoint--we believe that anyone who attempts to second-guess the giving of a grade should act with caution. Furthermore, in preparing Attorney General's opinions, this office is limited to the resolution of questions of law and ascertaining the facts in any given situation involving grading is beyond the function of this office. Questions about particular grades should be submitted to local school officials, who are entrusted with the responsibility for establishing and administering a grading system. Section 171.011, supra.

CONCLUSION

It is, therefore, the opinion of this office that a grading system must bear a rational relationship to a legitimate educational goal and must be reasonably administered. A teacher may take a student's tardiness into account in determining the student's grade when the tardiness affects the student's performance in the class. However, this office will not decide whether any particular grade was improperly lowered due to the consideration of possibly irrelevant factors, since this is not the sort of question appropriate for resolution by the Attorney General, and it is a decision which has been entrusted by Missouri law to local school officials.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Richard E. Vodra.

Yours very truly,



JOHN C. DANFORTH
Attorney General

Enclosure: Op. Ltr. No. 74
3-20-73, Whitney