



Navigating the Legal Terrain of Grading Disputes

Court challenges point to better methods for ensuring fairness and accuracy in assigning students' grades

BY LAURA J. LINK AND BENJAMIN A. WRIGHT

In a quiet classroom in Stockbridge, Ga., a dedicated 5th-grade teacher faced an impossible choice: change her students' zeros on a work assignment to 60s or likely lose her job. This wasn't a hypothetical ethics question — it was reality for a Cotton Indian Elementary School educator in 2022. Her refusal to comply with the school district's minimum grade policy led to her contract nonrenewal, sparking a legal battle that would reverberate through the education community.

Her case, *Mimbs v. Henry County Schools*, is not an outlier. Rather, it's one of a growing number of

courtroom sagas where teachers are suing school leaders over grade-change directives. Superintendents and fellow administrators are not just caught in the crossfire. They're expected to lead the charge in resolving this complex issue that pits well-intentioned policies on student grading against teachers' professional judgment.

So how do school system leaders navigate this turbulence? Four key strategies, illuminated by our analysis of recent legal cases, can help steer school districts toward fairer and more accurate grading practices and perhaps away from litigation.

► **No. 1: Carefully consider minimum or “no-zero” grade policies.**

Mimbs v. Henry County Schools and *Goudeau v. East Baton Rouge Parish School Board*, a case filed in a Louisiana federal court in 2013, highlight the controversies surrounding minimum-grade policies. In the latter case, a 4th-grade teacher at Riveroaks Elementary School in Baton Rouge, La., was instructed to change grades from F to D to comply with a school policy that no student should receive a grade less than 60 percent. While minimum and no-zero grade policies aim to prevent disproportionate grade impacts, they can be controversial.

Teachers often view these policies as artificially inflating grades, giving an inaccurate picture of students’ proficiency, which can be misleading. Issues of fairness come into play with students who consistently and earnestly complete assignments compared to those students who don’t. To some, these grade policies are viewed as lowering academic standards, leading to concerns about the quality of education being provided.

Yet assigning a zero or very low score on the conventional percentage-based grade scale can have a disproportionate impact. One zero score can significantly reduce a student’s overall grade, making it challenging to recover even with subsequent high scores. A single missed assignment or poor performance can excessively penalize a student, especially early in a marking period. It’s also unfair for students facing circumstances beyond their control, such as personal issues or technical difficulties, who are nevertheless assigned zero scores.

So when considering implementing minimum-grade or no-zero policies, take a collaborative approach. Form a task force comprising teachers, administrators, parents and students to closely consider the policy. Look at data from districts that have implemented these policies to understand their effects on student motivation, achievement and long-term outcomes. Pair it with robust academic support. This could include mandatory



Preventive care can ensure K-12 educators avoid litigation of their grading practices, says Laura Link, an associate professor of teaching and leadership at the University of North Dakota, Grand Forks.

study halls for students receiving low grades, peer tutoring programs or Saturday school options. Develop clear guidelines for when and how minimum grades should be applied, ensuring they don’t become a crutch that masks real learning deficiencies.

Most importantly, focus on prevention rather than cure. Work with the curriculum team to design engaging, standards-aligned assignments that naturally motivate student participation. Provide professional development on differentiated instructional and classroom assessment techniques to help teachers reach struggling students before they fall behind.

► **No. 2: Provide clear scoring rubrics.**

In 2021, a chemistry teacher at University High School in Newark, N.J., found herself in hot water over a summer assignment. Students complained they didn’t understand the tasks involved, and when questioned, the teacher couldn’t produce a rubric. In *Czuckerberg v. State-Operated School District of Newark*, the vice principal

removed failing grades and issued the teacher a letter of reprimand after auditing the teacher’s gradebook and finding widely varying scores. The court didn’t reverse these actions, highlighting the importance of transparent grading practices.

By implementing scoring rubrics, schools can improve consistency in grading across all students, reduce subjective influences on grading and offer clarity to students about assignment expectations. The rubric development process begins with a thorough review of curriculum standards and learning objectives for each subject and grade level. School leaders should work closely with teachers to identify key skills and knowledge that need to be assessed.

When creating rubrics, define clear performance levels with specific descriptors for each criterion. Instead of vague terms like “excellent” or “needs improvement,” rubrics should describe what excellent performance looks like in concrete terms. This might include phrases like “provides

three or more relevant examples to support the main argument” or “correctly applies the scientific method to analyze experimental results.”

Professional learning for teachers on effective rubric creation and use is essential. This can be done through workshops, peer mentoring or professional learning communities. Teachers should be encouraged to collaborate on rubric development, ensuring that grading expectations are consistent across classrooms and grade levels.

Regular review and updating of rubrics also are crucial. As curriculum evolves or new teaching methods are adopted, rubrics should be adjusted accordingly. This process should involve feedback from teachers, students and even parents to ensure the rubrics are clear, fair and aligned with learning goals.

By providing clear guidelines through well-designed scoring rubrics, schools can minimize grading disputes and enhance student understanding of expectations. This transparency not only improves the fairness of grading but also empowers students to take ownership of their learning by clearly understanding what is required of them.

► **No. 3: Audit gradebooks regularly.**

The 2022 case of *Ramsaroop v. Department of Education of New York* offers a cautionary tale about the importance of regular gradebook audits. A teacher at the Academy of Hospitality and Tourism High School in Brooklyn, N.Y., faced termination after opposing grade changes for failing students. Similarly, in the *Payne v. West Feliciana School Board* case, an English teacher at West Feliciana High School in St. Francisville, La., was suspended after refusing to change grades when 70 percent of her students were receiving D's or F's.

To avoid such conflicts, implement a system of regular, proactive gradebook reviews. This could involve weekly or biweekly checks of digital gradebooks by school leaders. The focus should be on identifying patterns or anomalies that might indicate grad-

ing issues, such as a high percentage of failing grades in a particular class or significant discrepancies between different sections of the same course.

When conducting audits, it's important to look beyond just the grades themselves. School leaders should examine the types of assignments being given, the frequency of grading and the weight assigned to different categories of work. This comprehensive approach can reveal underlying issues in curriculum or assessment practices that may be contributing to grading problems.

Clear protocols and professional learning on effective grading practices are needed for this strategy. This could include training on using gradebook software effectively, workshops on assessment design and sessions on aligning grading practices with learning objectives.

By catching and addressing issues early through regular gradebook audits, schools can avoid the need for last-minute grade changes and reduce the likelihood of conflicts between teachers and school leaders. This proactive approach not only improves the accuracy of grades but also fosters a culture of continuous improvement in classroom assessment practices.

► **No. 4: Emphasize timely grading and reporting.**

In 2020, the Texas Supreme Court decision on *North East Independent School District v. Riou* served to underscore the importance of timely grading. A teacher at Royal Ridge Elementary School in San Antonio, Texas, failed to record grades for two marking periods for some students and entered scores incorrectly for others. The court declared grading an “indispensable job responsibility for a classroom teacher,” upholding the principal's grade change directives.

To ensure timely grading and reporting, schools should establish specific timelines for grading assignments and updating gradebooks. This involves setting a schoolwide policy that all assignments must be graded and entered into the

gradebook within a certain number of days after submission. A school might require that all daily work be graded within 48 hours, while major projects or exams should be graded within one week. Timely grading can be challenging, especially for teachers with heavy workloads. Some schools have found success with “grade update days,” where teachers are given dedicated time to focus on grading assignments and updating their gradebooks.

Technology also can support timely grading. Many learning management systems offer features like automatic grading for certain types of assessments or the ability to provide audio feedback, which can be faster than written comments. Encouraging teachers to leverage these tools can substantially improve the efficiency of the grading process. By prioritizing prompt feedback through timely grading and reporting, schools enhance the effectiveness of their grading practices and improve communication with students and parents.

A Better Way

For Sheri Mimbs and Henry County Schools, their years-long legal battle came to an end with a court in 2024 ordering the school district to pay a hefty judgment over her dismissal.

With so much at stake for all involved, navigating students' grades and how their teachers assign them requires a thoughtful approach. By implementing these four strategies — carefully considering minimum grade policies, providing clear scoring rubrics, conducting regular gradebook audits and enforcing timely grading — school leaders can significantly improve the fairness and accuracy of grading practices. This approach not only helps avoid legal challenges but also fosters a more transparent and effective educational environment. ■

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