



# Teachers Association of Long Beach, CTA/NEA

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**VIA EMAIL**

**March 22, 2024**

**Dr. Jill Baker  
1515 Hughes Way  
Long Beach, CA 90810**

**RE: DEMAND TO BARGAIN IMPLEMENTATION OF BOARD POLICY 5121: GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

Background: *California Education Code – EDC § 49066*

*(a) 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 pupil's grade by the teacher, in the absence of clerical or mechanical mistake, fraud, bad faith, or incompetency, shall be final.*

*(b) The governing board of the school district and the superintendent of such district shall not order a pupil's grade to be changed unless the teacher who determined such grade is, to the extent practicable, given an opportunity to state orally, in writing, or both, the reasons for which such grade was given and is, to the extent practicable, included in all discussions relating to the changing of such grade.*

*(c) No grade of a pupil participating in a physical education class, however, may be adversely affected due to the fact that the pupil does not wear standardized physical education apparel where the failure to wear such apparel arises from circumstances beyond the control of the pupil.*

On Wednesday, March 20, 2024, the Board of Education adopted a board policy (B.P. 5121- attached) that will directly affect members of the Teachers Association of Long Beach. As such, we hereby demand to bargain the implementation of B.P. 5121. We look forward to hearing from your agent to work on this at once.

Respectfully,

Corrin Hickey, Lead Negotiator, Teachers Association of Long Beach

**CC: TALB Membership & Staff  
Board of Education, LBUSD  
Executive Staff, LBUSD**

**ATT. B.P. Policy 5121**

***DRAFT\_Proposed New Policy***

**Board Policy 5121: Grades/Evaluation of Student Achievement**

The Governing Board believes that grades serve a valuable instructional purpose and that district-wide equitable grading practices in alignment with the Excellence and Equity policy will allow all adults involved in students' educational journey to help them achieve academic success. The Board also recognizes that grades help students and parents/guardians understand performance expectations and identify the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's learning, mastery, and overall academic performance.

The Superintendent or designee shall establish a uniform grading system that shall be applied to all students in that course and grade level. All teachers at the secondary level shall follow the LBUSD Uniform Grading and Reporting Guidelines. The guidelines provide cohesion and alignment on grading practices across the district. Teachers shall inform students and parents/guardians of how academic performance will be evaluated in the classroom.

A teacher shall base a student's grades solely on the quality of the student's academic work and their mastery of course content based on district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods, including, but not limited to, tests, projects, portfolios, and/or class discussion as appropriate. Other elements that are not a direct measure of knowledge and understanding of course content, such as attendance, effort, student conduct, and work habits, shall not be factored into the academic grade but may be reported separately.

**Missed Assignments**

Whenever a student misses an assignment or assessment due to either an excused or unexcused absence, they shall be given full credit for subsequent satisfactory completion of the assignment or assessment.

**TK-5 Achievement Reports**

Students in grades TK-5 shall receive achievement reports at the end of each grading period rather than letter grades.

At all grade levels, report cards may include reports of student progress on specific academic standards applicable to the course and grade level.

When reporting student performance to parents/guardians, teachers may add narrative descriptions, observational notes, and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

**Secondary Progress Reports and Semester Report Cards**

A report card for a student with a disability may contain information about their disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

A grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation. (Education Code 49066)

The Superintendent or designee shall determine the methodology to be used in calculating students' grade point average (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement, International Baccalaureate, honors, and/or concurrent postsecondary courses.

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 10060	Criteria for high school physical education programs
5 CCR 30008	Definition of high school grade point average for student aid eligibility
Ed. Code 48070	<u>Promotion and retention</u>
Ed. Code 48205	<u>Excused absences</u>
Ed. Code 48800-48802	<u>Enrollment of gifted students in community college</u>
Ed. Code 48904-48904.3	<u>Withholding grades, diplomas, or transcripts</u>
Ed. Code 49066	<u>Grades; finalization; physical education class</u>
Ed. Code 49067	<u>Mandated regulations regarding student's achievement</u>
Ed. Code 49069.5	<u>Students in foster care; grades and credits</u>
Ed. Code 51242	<u>Exemption from physical education based on participation in interscholastic athletics</u>

Ed. Code 69432.9                      [Cal Grant program; notification of grade point average](#)

Ed. Code 76000-76002                [Enrollment in community college](#)

<b>Federal</b>	<b>Description</b>
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
34 CFR 99.1-99.67	Family Educational Rights and Privacy

<b>Management Resources</b>	<b>Description</b>
Court Decision	Johnson v. Santa Monica-Malibu Unified School District Board of Education, (1986) 179 Cal.App.3d 593
Court Decision	Las Virgenes Educators Association v. Las Virgenes Unified School District, (2001) 86 Cal.App.4th 1
Court Decision	Owasso Independent School District v. Falvo, (2002) 534 U.S. 426
Court Decision	Swany v. San Ramon Valley Unified School District, (1989) 720 F.Supp. 764
CSBA Publication	<a href="#"><u>Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016</u></a>
U.S. DOE Office for Civil Rights Correspondence	Report Cards and Transcripts for Students with Disabilities, October 17, 2008
Website	<a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>
Website	<a href="#"><u>California Student Aid Commission</u></a>
Website	<a href="#"><u>CSBA</u></a>
Website	<a href="#"><u>U.S. Department of Education, Office for Civil Rights</u></a>
Website	<a href="#"><u>California Department of Education</u></a>

Cross References

<b>Code</b>	<b>Description</b>
0470	<a href="#"><u>COVID-19 Mitigation Plan</u></a>
4127	<a href="#"><u>Temporary Athletic Team Coaches</u></a>

4127	<u>Temporary Athletic Team Coaches</u>
4131	<u>Staff Development</u>
4222	<u>Teacher Aides/Paraprofessionals</u>
4222	<u>Teacher Aides/Paraprofessionals</u>
4227	<u>Temporary Athletic Team Coaches</u>
4227	<u>Temporary Athletic Team Coaches</u>
4231	<u>Staff Development</u>
4327	<u>Temporary Athletic Team Coaches</u>
4327	<u>Temporary Athletic Team Coaches</u>
5020	<u>Parent Rights And Responsibilities</u>
5020	<u>Parent Rights And Responsibilities</u>
5113	<u>Absences And Excuses</u>
5113	<u>Absences And Excuses</u>
5113.1	<u>Chronic Absence And Truancy</u>
5113.1	<u>Chronic Absence And Truancy</u>
5113.2	<u>Work Permits</u>
5113.2	<u>Work Permits</u>
5123	<u>Promotion/Acceleration/Retention</u>
5123	<u>Promotion/Acceleration/Retention</u>
5125	<u>Student Records</u>
5125	<u>Student Records</u>
5125.2	<u>Withholding Grades, Diploma Or Transcripts</u>

5125.3	<u>Challenging Student Records</u>
5126	<u>Awards For Achievement</u>
5126	<u>Awards For Achievement</u>
5127	<u>Graduation Ceremonies And Activities</u>
5132	<u>Dress And Grooming</u>
5132	<u>Dress And Grooming</u>
6011	<u>Academic Standards</u>
6020	<u>Parent Involvement</u>
6020	<u>Parent Involvement</u>
6141.2	<u>Recognition Of Religious Beliefs And Customs</u>
6141.2	<u>Recognition Of Religious Beliefs And Customs</u>
6141.5	<u>Advanced Placement</u>
6142.4	<u>Service Learning/Community Service Classes</u>
6142.7	<u>Physical Education And Activity</u>
6142.7	<u>Physical Education And Activity</u>
6143	<u>Courses Of Study</u>
6143	<u>Courses Of Study</u>
6144	<u>Controversial Issues</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6145.2	<u>Athletic Competition</u>
6145.2	<u>Athletic Competition</u>

6146.11	<u>Alternative Credits Toward Graduation</u>
6146.11	<u>Alternative Credits Toward Graduation</u>
6146.3	<u>Reciprocity Of Academic Credit</u>
6146.3	<u>Reciprocity Of Academic Credit</u>
6146.5	<u>Elementary/Middle School Graduation Requirements</u>
6152	<u>Class Assignment</u>
6152.1	<u>Placement In Mathematics Courses</u>
6152.1	<u>Placement In Mathematics Courses</u>
6154	<u>Homework/Makeup Work</u>
6155	<u>Challenging Courses By Examination</u>
6155	<u>Challenging Courses By Examination</u>
6158	<u>Independent Study</u>
6158	<u>Independent Study</u>
6162.5	<u>Student Assessment</u>
6164.5	<u>Student Success Teams</u>
6164.5	<u>Student Success Teams</u>
6172	<u>Gifted And Talented Student Program</u>
6172	<u>Gifted And Talented Student Program</u>
6173.1	<u>Education For Foster Youth</u>
6173.1	<u>Education For Foster Youth</u>
6179	<u>Supplemental Instruction</u>
6184	<u>Continuation Education</u>

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Student Board Members