

## **MEMO ISSUING 4<sup>TH</sup> QUARTER GRADES DURING THE SHUTDOWN**

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The purpose of this memo is to provide Arizona School Risk Retention Trust (“Trust”) members with guidance regarding whether it is legally permissible for the district to refrain from issuing 4th quarter grades.

Please contact the Trust or local counsel if your District requires legal advice.

There is not a specific state law that governs this situation. Relevant state laws, policies, and regulations include:

- State law [A.R.S. § 15-767](#) requires the issuance of progress reports in the special education context. There are also applicable federal laws in this regard.
- [Governing Board Policy IKAB](#) (page 19-20 of link) requires the issuance of annual report cards as required by ADE. It states that parents will be informed four times a year about progress.
- State law [A.R.S. § 15-746](#) also discusses the issuance of annual report cards.
- The State Board of Education issued [Ariz. Admin Code R 7-2-302.11](#) (page 3 of this document) on March 31, 2020 to enact an emergency regulation changing the requirements of a minimum course of student.

Under existing State Board regulation, elementary schools are required to do as follows under the Minimum Course of Study and Competency Goals for Students in the Common Schools:

- Students shall demonstrate competency as defined by the State Board-adopted academic standards, at the grade levels specified, in the following required subject areas. District and charter school instructional programs shall include an ongoing assessment of student progress toward meeting the competency requirements. These shall include the successful completion of the academic standards in at least reading, writing, mathematics, science and social studies, as determined by district and/or statewide assessments. 1. English language arts; 2. Mathematics; 3. Science; 4. Social Studies; including civics; 5. The Arts, which may consist of two or more of the following: visual arts, dance, theatre, music or media arts; 6. Health/Physical Education.

[Ariz. Admin. Code R7-2-301](#).

The newly adopted State Board of Education regulation specifically states:

- Local education agencies shall not withhold academic credit or a high school diploma from a student solely because the student missed instructional time due to a school closure.
- When determining if a student meets the minimum course of study and competency requirements, local education agencies may consider the successful completion of educational opportunities provided to the student during the school closure.
- Local education agency may determine the student meets the minimum course of study and competency requirements if the student met or was on track to meet the minimum course of study and competency requirements prior to the school closure.

[Ariz. Admin Code R 7-2-302.11](#)

In my opinion, the districts may rely upon the flexibility authorized by the State Board's adoption of the attached regulation in altering its minimum course of study and competency requirements to exclude the computation of fourth quarter grades. The Governing Board could act to authorize the Superintendent to do so.

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## Arizona State Board of Education

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### **R7-2-302.11 Minimum Course of Study and Competency Requirements Public Health Emergency in the 2019-2020 school year**

**A.** Notwithstanding any other rule, local education agencies shall not withhold academic credit or a high school diploma from a student solely because the student missed instructional time due to a school closure issued by the Governor.

**B.** Notwithstanding any other rule, when determining if a student meets the minimum course of study and competency requirements pursuant to Article 3 in a school year that the Governor issues a school closure, local education agencies may consider the successful completion of educational opportunities provided to the student during the school closure. Educational opportunities are determined by the local education agency and may include, but are not limited to, the following:

1. Independent study provided online or through printed materials; and 2. Online instruction.

**C.** If a local education agency is unable to consider or unable to provide the educational opportunities pursuant to subsection B, the local education agency may determine the student meets the minimum course of study and competency requirements if the student met or was on track to meet the minimum course of study and competency requirements prior to the school closure. Evidence that a student was on track to meet the minimum course of study and competency requirements is determined by the local education agency and may include, but is not limited to, passing grades issued by the student's teacher or passing scores on locally or nationally administered assessments. It is the intent of the Board that all schools attempt, to the extent possible, to provide educational opportunities to students during a school closure issued by the Governor.

**D.** Local education agencies that issue academic credit and high school diplomas to students pursuant to subsections B and C shall issue transcripts and diplomas to students in the same manner as the local education agency would if there was not a school closure issued by the Governor.

**E.** This section applies only to the 2019-2020 school year and the graduating class of 2020.

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