



**Key points:**

- **Alternative assignment should be meaningful, corollary to original activity**
- **If necessary, establish benchmarks for alternative activity**
- **Provide opportunity for student to earn full credit**

≤ **Train staff to recognize discriminatory grading practices**

When a student with a Section 504 plan complained that she could earn only three out of four points each time she submitted alternative assignments in her physical education class, OCR opened an investigation into the district's [grading policies](#) and practices.

Before the end of the investigation, [Eastmont \(Wash.\) School District No. 206](#) agreed to recalculate the student's PE grade, revise district policies on grading, and train all staff on examples of impermissible grading practices. The voluntary resolution agreement is reported at [114 LRP 42762](#).

In general, teachers should not grade students with disabilities any differently than students without disabilities.

If a student is provided an alternative assignment for disability reasons, the student should have the opportunity to obtain the same grades as her peers, said Dean Eggert, a school attorney with New Hampshire-based [Wadleigh, Starr & Peters, PLLC](#).

"Students with disabilities should have the full opportunity to get both the highest and lowest grades in the alternative assignment that are available in the curricular assignment," Eggert said.

An educator may need to develop an objective benchmark to ensure that she grades an alternative assignment with the same standard as she grades other student's assignments, he said.

Train all staff and administrators on how to avoid discriminatory grading practices with these tips:

**Try accommodations before alternative assignment.** As a general rule, try to accommodate a student with a disability so that he can participate in the same activity as his peers, Eggert said. However, "if you've exhausted all of your possible accommodations, then you might look at providing a different opportunity such as an alternative assignment," he said.

Alternative assignments should be given only in the rare circumstance when the student is unable to participate in an activity with supplementary aids or accommodations, agreed Ryan L. Everhart, a school attorney with [Hodgson Russ LLP](#) in Buffalo, N.Y.

Take the example of a student with paralysis, Everhart said. "First, ask about whether you can provide adaptive PE as opposed to a different assignment," he said. "Consider all your options for arranging a way that the child can participate with extra help or create a parallel physical activity that the child can do, before looking at alternative ways, to make sure the child can progress and obtain credit," he said.

Such an approach might be necessary if a student with an allergy to a specific plant is involved in an agricultural science class, Eggert said. "If you're reaching the threshold where you can't, through safe accommodation, provide access to that experience, that's a circumstance where you might provide an alternative assignment that is as close to replicating the original assignment as possible," he said.

The educator should have the latitude to determine the activity, Eggert said. "I don't believe curricular choices and the specific assignment choices should be team-based decisions," he said

**Train staff to apply grading standard neutrally to alternative assignment.** An educator might need to create a separate benchmark to grade an alternative assignment, Eggert said. For example, a PE teacher wouldn't borrow the time sequence for a running activity and apply it to an alternative form of physical activity or to a writing assignment, he said. "You need to be careful that your grading standards are also set to the right benchmarks," Eggert said.

Of course, the student is still expected to demonstrate that he met the standard, Everhart said. "If the child doesn't meet the requirements, or does so in a haphazard manner, then you have a basis to say they don't meet the requirement and they don't earn full credit," he said.

**Discuss potential discriminatory grading practices.** As a best practice, stay away from noting on a student's grade that she used an accommodation or alternative assignment, Eggert said. Any arbitrary grading practice that is not mentioned in a student's 504 plan, such as inflating or reducing a grade, likely is discriminatory, he said.

Also, explain that any hesitancy from a teacher to accommodate a student should be discussed with the student's team, he said. In the same vein, an educator shouldn't penalize a student for submitting an alternative assignment, Eggert said.

If the teacher thinks the assignment dilutes the curriculum or provides an unfair advantage, she needs to discuss appropriate alternative activities with the student's team, Eggert said.

"This is not a situation where the educator can use a grade to pass judgment on the quality of the plan," he said.

*See also:*

- [Don't automatically disqualify students with disabilities from academic awards](#) (March 12, 2013)
- [Be cautious when individualizing grading systems](#) (April 16, 2009)
- [SmartStart: Grades and Awards Under Section 504](#)

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