

# Grading Practices In View Of *Falvo* And *Gonzaga*

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The 2001 term of the United States Supreme Court involved two significant cases interpreting the Family Education Rights and Privacy Act (FERPA). The first case, *Owasso Public Schools v. Falvo*, involved the much publicized issue of whether “peer grading” violated FERPA. The second case, *Gonzaga University v. Doe*, involved whether plaintiffs could sue education institutions seeking money damages for alleged FERPA violations.

The impact of both these decisions is significant. Traditional teaching and learning tools utilized educators throughout Oklahoma and the nation can now be employed without fear of violating FERPA. Teaching and learning tools utilized prior to the decision of the Tenth Circuit in *Falvo* – such as group work, student chalkboard exercises and classroom debates – are now permissible practices under the Supreme Court’s ruling in *Falvo*. Additionally, under the Supreme Court’s ruling in *Gonzaga*, there likely will be less litigation alleging violations of FERPA since a putative plaintiff can no longer seek to recover monetary damages for FERPA violations.

A number of school districts have revised their grading policies to reflect these decisions. However, many districts have not revised their grading policies in the wake of either *Falvo* or *Gonzaga*. As a result, many locally adopted grading policies limit the effective use of traditional teaching and learning tools that are now deemed permissible practices.

Members are encouraged to contact their local associations for the purpose of reviewing locally adopted grading policies and determine whether such policies should be revised in view of the recent Supreme Court decisions interpreting FERPA. Local school districts should welcome input from educators when enacting or revising existing grading policies and educators should not hesitate to offer such input into the creation or revision of such policies.