

California Western School of Law

Frequently Asked Questions Regarding the Grade Curve

At California Western, the Academic Policies set forth the criteria for grading. These policies can be found at: http://www.cwsl.edu/content/student_handbook/Academic%20Policies.pdf.

This FAQ document does not supersede the Academic Policies. It is offered for informational purposes only. Questions about the Academic Policies or the grade curve should be directed to the Office of the Vice Dean.

1. What is the grade curve?

The grade curve is a set of grade distribution ranges that apply to each course offered at California Western. The curve requires the assignment of grades in different grade ranges to reflect different levels of academic performance. These ranges were developed by the faculty based on historic patterns of student performance. The Academic Policies require faculty to distribute grades in their classes according to the grade curve.

The curve only applies to individual courses and does not distribute grades across sections or across entering classes.

2. Is the grade curve identical for all courses?

No. There are different grade curves that apply depending on the class year or the size of the class. The first year curve is different from the curve in the upper division. In addition, the first year grade curve is different between the first and second trimesters and is also different for Legal Skills courses. In the upper division, the grade curve is different based on the size of the class. (A copy of the Grade Distribution Ranges is included at the end of this document.)

3. Do other law schools use a grade curve?

Most law schools use a grade curve as part of a systematic approach to grading student performance. Indeed, the use of a grade curve is common in many institutions of higher education.

4. What is the purpose of the grade curve?

The grade curve serves two functions: grade normalization and performance assessment.

5. What is the purpose of grade normalization?

Grade normalization assures that the grades in one section or course are roughly equivalent to the grades in all other sections or courses having a similar number of students engaged in similar activities. The curve normalizes grades given by different professors and eliminates the possibility of unfairness caused by aberrational grading. A curve assures that professors must spread their grades in a normalized manner.

6. What is the purpose of performance assessment?

Performance assessment offers a measurement of student knowledge and skill in a particular course. It offers an assessment of the degree to which a student has attained competence in the subject matter of that course.

Significantly, the American Bar Association requires law schools to regularly assess student performance. Moreover, ABA Standard 303 (c) provides that “[a] law school shall not continue the enrollment of a student whose inability to do satisfactory work is sufficiently manifest so that the student’s continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students.”

7. Why does California Western disqualify students who fail to achieve a grade point average of 2.00 or above at the end of the first year?

Virtually all law schools have minimum grade point average requirements. At any of these schools, students will be dismissed if their grade point average falls below a certain minimum standard. The same is true, of course, in other professional degree programs, graduate schools, and undergraduate schools. At California Western, the granting of a diploma is a declaration that the graduate has attained competence in the study of law.

Statistics suggest that students who cannot achieve a 2.00 grade point average after completion of the first year are not likely to pass the California Bar examination on their first attempt. Moreover, the employment possibilities for someone performing at this level are equally challenging.

It is not a disservice to dismiss students when their academic performance is so low. Indeed, we owe a duty to our students to deal with them honestly. Law school is very expensive and

takes several years. It is better for students to be disqualified at the end of the first year than to be allowed to graduate with little prospect for success on the bar examination or in the legal profession.

Dismissal does not mean that the student is a “bad” or less talented person. Rather, it suggests the student has not demonstrated the qualities and skills necessary for success at lawyering. Or, dismissal may have occurred because personal circumstances affected the student’s ability to perform at the required level for law school. Many students who are dismissed from law school go on to successful careers in other disciplines.

8. Does the grade curve require that a percentage of students be disqualified at the end of the first year?

No. The curve only applies to individual courses. It does not regulate student GPAs or require a percentage of students to advance or be disqualified at the end of the first year.

It is important to distinguish the curve, which measures and assesses student performance in individual courses, from the requirement of students to achieve a 2.00 or greater GPA at the end of the first year. There is no academic policy that requires a percentage of the first year class to achieve a 2.00 or greater GPA at the end of the first year. In other words, there is no academic policy that requires a percentage of the first year class to be disqualified.

Typically, students who do not advance into the upper division have multiple grades below C. On the other hand, a student could underperform in one class, do well in other classes, and advance into the upper division.

9. Why do we use the grade curve in upper division courses?

The importance of grade normalization takes on special significance in the upper-level curriculum. Without a grade curve, many students may opt for courses given by professors who give higher grades and will avoid courses given by professors who give lower grades. This means that some students may select their courses based on whether they will get a good grade rather than whether the course will prepare them for the practice of law.

The normalization feature of the grade curve deters students from making class choices based on whether the professor grades high or low. Without a grade curve, students would be confronted with the distasteful choice of taking a course that they need only at the risk of a low grade or taking a course they do not need only because it assures them a high grade.

In the upper division, the curve also provides for performance assessment. It offers an assessment of the degree to which a student has attained competence in the subject matter of that course.

10. What happens if faculty believe the grade curve does not allow for an accurate reflection of student performance?

Faculty who believe the grade curve does not offer them an accurate reflection of student performance may request a variance from the Academic Affairs Committee. To obtain a grade curve variance, a professor must submit a written justification to the Vice Dean for Academic Affairs. The petition is then reviewed by the Academic Affairs Committee.

Dated: May 15, 2014

Grade Distribution Ranges

	<u>Grade</u>	<u>Allowable Range</u>
I. First Trimester of first year.	90-95	5-10%
	85-89	5-15%
	80-84	10-20%
	74-79	30-60%
	69-73	15-20%
	50-68	10-15%
	II. Second Trimester of first year.	90-95
85-89		5-15%
80-84		10-20%
74-79		30-60%
69-73		15-20%
50-68		5-10%
III. Upper Division Classes of more than 40.		90-95
	85-89	10-20%
	80-84	20-30%
	74-79	30-60%
	50-73	0-20%
	IV. Upper Division Classes of less than 40 but more than 15.	90-95
85-89		10-30%
80-84		20-40%
74-79		20-60%
50-73		0-20%
V. Legal Skills I and II (as 1st year course).		90-95
	80-89	30-45%
	74-79	30-40%
	69-73	5-15%
	50-68	0-5%
	VI. Upper Division Classes of 15 or fewer & STEPPS.	More grades of B's or below than A's.