



SAN MATEO UNION HIGH SCHOOL DISTRICT POLICY BULLETIN

ROUTING

All Employees

All Locations

Challenging Student Records

DATE: July 1, 2014

POLICY: The purpose of this bulletin is to establish a uniform policy and procedures for challenging a student's record to include grade changes.

GUIDELINES:

I. Introduction

A. Challenge of Student Records:

The custodial parent/guardian of any student may submit to the Superintendent or designee a written request to correct or remove from his/her child's records any information concerning the child which he/she alleges to be any of the following: (Education Code 49070)

- Inaccurate
- An unsubstantiated personal conclusion or inference
- A conclusion or inference outside of the observer's area of competence
- Not based on the personal observation of a named person with the time and place of the observation note
- Misleading
- In violation of the privacy or other rights of the student

B. Challenge of Student Grade: Under Education Code Section 49066, parents (which includes legal guardians or others with educational rights for the pupil) have a right to request a change of a pupil's grade only on the following grounds:

- Mistake
- Fraud
- Bad Faith
- Incompetency

C. The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a post-secondary institution

D. The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a post-secondary institution.

E. Mark for work habits and cooperation shall not be deemed grades for the purpose of this publication. Questions regarding marks for work habits and cooperation may be directed to the teacher or principal. All decisions regarding work habits or cooperation grades at the school site level are final.

F. No grade of a pupil participating in a physical education class may be adversely affected due to the fact that the pupil does not wear standardized physical education apparel when failure to wear such apparel arises from circumstances beyond the control of the pupil.

- G. When a student grade is challenged, the teacher who gave the grade shall be given an opportunity to state orally, in writing, or both, the reasons for which the grade was given. Insofar as practicable, he/she shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith or incompetency, the student's grade as determined by the teacher shall be final.

II. Notice of Process for Requesting a Grade Change

- A. At the beginning of the year and/or upon enrollment of the student, the school shall provide notice to all students and parents/guardians of the grade change appeal process. The process shall also be posted at the school. The process shall include notice that initiation of this process authorizes appropriate District personnel to review pupil record information. A sample notice form is included in (Attachment A: Notice of Grade Change Appeals Process).

B. Classroom Level

1. Any request for a grade change must first be made in writing to the classroom teacher who assigned the grade.
 - a. A parent must make the request to the teacher within thirty (30) school days (for purposes of this bulletin, "school days" are defined as days when the relevant pupil is or should be in school, excluding summer school, intersession, and Saturday school) of the date the grade report was mailed.
 - b. This request must reference the teacher's grading criteria and shall specifically allege how the teacher's grading of the pupil reflects mistake, fraud, bad faith, or incompetency in assigning the final grade.
 - c. The parent may present any relevant information, oral or written, in support of the request.
2. If the teacher agrees to change the grade, the teacher shall notify the parents in writing of the new grade and the change shall be made in the student's official records within ten (10) school days following the date the teacher received the parent's written request.
3. If the teacher does not agree to change the grade, the teacher shall notify the parent and the principal of the teacher's decision, in writing, within ten (10) school days following the date the teacher received the parent's written request. The teacher shall forward a copy of the written request and decision to the principal at the same time as the decision is provided to the parent.

C. School Site Level

1. In the event the teacher decides not to change the grade, the parent may appeal the teacher's decision to the principal. A parent must make the written request to the principal within ten (10) school days of the date of the teacher's written decision not to change the grade. Attachment B: Request for Grade Change Appeal Form provides a sample form for this request.
2. The parent's written appeal shall specifically allege how the teacher's grading of the pupil reflects mistake, fraud, bad faith, or incompetency in assigning the final grade. The parent, pupil, and teacher shall have the right to submit or present relevant documentation.

3. The principal shall schedule a meeting with the parent and shall give the teacher the opportunity to be present and/or to otherwise provide input. This meeting must be scheduled within ten (10) school days of the date the principal received the parent's written appeal.
4. Following the meeting with the principal, the principal will discuss the appeal with the teacher. Within twenty (20) school days of the school's receipt of the parent's written appeal to the principal, the principal shall inform the parent of the teacher's decision regarding the grade. Attachment C: Findings and Recommendations Form provides a template for this written decision.
5. If it is decided that the grade will be changed, the grade change shall be effected through administrative channels within thirty (30) business days of the date the Principal received the parent's written request for review.

D. District Level

1. If the issue cannot be resolved at the site level, the parent may make a written request for review by the Superintendent or designated administrator. This written request must be made within ten (10) school days of the date of the principal's written notification of the site level response. Along with the request, the parent must forward copies of documents from previous levels and decisions from those levels.
2. The written request for review shall specifically allege how the teacher's grading of the pupil reflects mistake, fraud, bad faith, or incompetency in assigning the final grade.
3. The parent, pupil, and teacher shall have the right to submit relevant documentation.
4. The Superintendent may designate an appropriate District administrator or panel of administrators to review the request.
5. Within 30 days of receiving a written request to correct or remove information from a record, the Superintendent or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegation. A sample written response form may be found in Attachment C: Findings and Recommendations Form.
6. If it is decided that the grade will be changed, the grade change shall be effected through administrative channels within ten (10) business days of the date the Superintendent made the decision to sustain the allegation.

E. Board of Trustees Level

1. If the Superintendent denies the allegations, the parent/guardian may write within 30 days to appeal the decision to the Board of Trustees.
2. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and the employee (if still employed) who recorded the information in question. The Board shall then decide whether or not to sustain or deny the allegations.
3. The decision of the Board shall be final.
 - a. If Board sustains any or all of the allegations, the Superintendent shall immediately correct or remove and destroy the information from the student's records. (Education Code 49070)]

- b. If the decision of the Superintendent or Board is unfavorable to the parent/guardian, the parent/guardian shall have the right to submit a written statement of objections. This statement shall become a part of the student's record. (Education Code 49070)

F. Appointment of Superintendent/Board Designee

Both the Superintendent and the Board have the option of appointing a hearing panel to assist in making the decision. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent/guardian consents to releasing record information to panel members. (Education Code 49070, 49071)

AUTHORITY: 20 U.S.C. Section 1232g: California Education Code Sections 31560, 49066

ATTACHMENTS:

Attachment A: Sample Notice of Grade Change Appeals Process
Attachment B: Sample Request for Grade Change Appeal Form
Attachment C: Sample Finding and Recommendations Form

ASSISTANCE: If you need further assistance, please contact:

Director of Student Services

Don Scatena
(650) 558-2257 (Office)

dscatena@smuhsd.org

Associate Superintendent, Student Services

KindyLee Mackamul
(650) 558-2205 (Office)
(951) 634-1763 (Cell)

kmackamul@smuhsd.org

For general assistance with all matters related to student services:

Deputy Superintendent, Human Resources and Instruction

Kirk Black, Ed.D
(650) 558-2259

kblack@smuhsd.org



SAN MATEO UNION HIGH SCHOOL DISTRICT STUDENT RECORDS AND ENROLLMENT POLICY

Attachment A

Notice of Grade Change Appeals Process (Sample)

Under Education Code section 49066, parents have a right to request a change of a pupil's grade on the following grounds:

- Mistake;
- Fraud;
- Bad faith; and/or
- Incompetency in assigning the grade.

When grades are earned for any course of instruction taught in the public schools, the grade earned by each pupil shall be the grade determined by the teacher of the course. In the absence of any of the grounds listed above, the grade shall be final.

Any request for a grade change must start with the classroom teacher. The next step, if not resolved with the teacher, is a written request to the principal. The final step is a written request to the Superintendent or designated administrator. At each step, the parent has the right to present information in support of the request.

If you would like additional information, please ask your principal or contact the District Office.

It is also important to note the marks for work habits and cooperation shall not be deemed grades for purposes of this bulletin.



**SAN MATEO UNION HIGH SCHOOL DISTRICT
STUDENT RECORDS AND ENROLLMENT POLICY
Request for Grade Change Appeal Form
(Sample)**

Attachment B

Name of Parent/Guardian: _____ Date of Request: _____

Name of Pupil: _____ Grade of Pupil: _____

Name of Teacher: _____ Course Name: _____

Date Grade Issued: _____ Date of Meeting with Teacher: _____

Reason(s) for Request for Grade Change Appeal:

- Mistake Fraud Bad Faith Incompetency

Pursuant to Education Code section 49066, a grade change request may only be reviewed on the basis of one of the above-noted reasons as they relate to the assignment of the grade.

Please state, in detail, specific, objective facts supporting this request for appeal. Attach any documentation in support of your request to this form. Please note that this process is for grade change appeals only. For questions or concerns regarding other issues, contact your school principal.

Signature of Parent/Guardian: _____



**SAN MATEO UNION HIGH SCHOOL DISTRICT
STUDENT RECORDS AND ENROLLMENT POLICY**

Attachment C
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**Findings and Recommendations Form
(Sample)**

Grade Change Request of: _____
(Name of Student) *(Grade)* *(School)*

For the following class: _____

Background: (Information regarding when the class was taken, name of teacher of the class, which level(s) of review has/have already been conducted, and the results of each prior level of review.)

Reason(s) for Request: (Attach copy(s) of Attachment B, Request for Grade Change Appeal Form)

Discussion of Reason(s) for Request:

Reason A: Mistake

Facts/evidence supporting the request: _____

Facts/evidence supporting the original grade: _____

Facts/evidence supporting the request: _____

Facts/evidence supporting the original grade: _____

Reason B: Fraud

Facts/evidence supporting the request: _____

Facts/evidence supporting the original grade: _____

Facts/evidence supporting the request: _____

Facts/evidence supporting the original grade: _____



**SAN MATEO UNION HIGH SCHOOL DISTRICT
STUDENT RECORDS AND ENROLLMENT POLICY**

Attachment C
(Page 2 of 2)

**Findings and Recommendations Form
(Sample)**

Reason C: Bad faith

Facts/evidence supporting the request: _____

Facts/evidence supporting the original grade: _____

Facts/evidence supporting the request: _____

Facts/evidence supporting the original grade: _____

Reason D: Incompetency

Facts/evidence supporting the request: _____

Facts/evidence supporting the original grade: _____

Facts/evidence supporting the request: _____

Facts/evidence supporting the original grade: _____

Conclusions:

Based on a thorough review of the oral and written evidence that was provided, and after careful consideration, the reviewer finds that the grade change request should be (GRANTED/DENIED).

Signed: _____
[NAME OF REVIEWER] [TITLE/POSITION OF REVIEWER]