

GRADE CHANGING PROCESS

House Bill 5385 (Substitute H-3)
First Analysis (3-5-92)

Sponsor: Rep. William R. Keith
Committee: Education

THE APPARENT PROBLEM:

The School Code was amended in 1988 to provide a process that must be followed if a school board is to allow the changing of a grade given to a pupil by a teacher. The process was put into statute following publicized incidents of transcript grades being changed in order to permit students to enter into military service without the teacher being consulted or even informed. There also were concerns raised about grade changes made to make students eligible for participation in athletics, to appease influential or persistent parents, and for other reasons. Representatives of teachers said teachers should have the right to be informed about grade changes and to challenge them.

Under the code, if a teacher does not initially agree to a change in a grade, a five-member review panel is established made up of three teachers, a school board member, and the superintendent or the superintendent's designee. If the teacher assigning the original grade disagrees with a grade change approved by the review panel, he or she can appeal to the school board, whose decision is final. There is, however, no similar appeal of a review panel decision available to the student or any advocate of the student's interest. A recent case in Garden City has been offered as evidence of the unfairness of this situation. A student there, according to testimony by the local superintendent, was given a failing grade in an advanced placement composition course (that allegedly led to a loss of a scholarship and honor society membership) that school administrators were willing to change. The teacher refused to agree to the grade change and the review panel, it is said, voted 3-2 to let the teacher's grade stand, with all three teachers on the panel voting to retain the grade and the two non-teacher members voting to change the grade. Attempts to appeal further on the student's behalf were rebuffed. The courts have reportedly said that the law does not permit any appeal beyond the review panel for a student. This case has led to the introduction of legislation to provide advocates of student interests in such circumstances an appeal to the school board

similar to that provided to teachers in grade change disputes.

THE CONTENT OF THE BILL:

The bill would amend the School Code's provisions regarding the process required before teacher-assigned grades can be changed to add additional opportunities for the appeal of a majority decision by a review panel to the school board and to specify that there could be no appeal for anyone from a unanimous decision of a review panel. The bill would provide that if a review panel decided by a majority vote not to change a teacher-assigned grade to the specific grade that had been requested on behalf of the student, the decision could be appealed to the school board by either the school board member who served on the review panel or the superintendent (or designee) who served on the review panel. (This means the appeal would be permitted in cases where no change in grade was made and in cases where a change was authorized but not the specific change requested on behalf of the student.)

The bill would also define the term "grade" to refer to a grade given for a final examination, upon completion of a marking period, or upon completion of a course at the end of a semester or term. The code currently requires that a pupil be informed of any grade change. The bill would say a pupil or the pupil's parent or guardian and the teacher must be informed.

MCL 380.1249

BACKGROUND INFORMATION:

Currently under the School Code, a local or intermediate school board cannot permit any board member, superintendent, assistant superintendent, principal, assistant principal, guidance director,

teacher, or any other person to change a grade except under the following conditions.

(1) The teacher who gave the grade is informed of one or more reasons why a grade ought to be changed and concurs. If a teacher does not concur, a five-member review panel is established made up of three teachers selected by their bargaining unit, one school board member, and the superintendent or the superintendent's designee.

(2) A majority of the review panel, after reviewing the reasons, approves the grade change and the teacher originally assigning the grade does not contest the decision. A teacher can appeal a review panel's decision to the school board.

(3) A majority of the school board members elected and serving approves the grade change at a meeting at which the reasons for a grade change are reviewed. The decision of the school board is final.

FISCAL IMPLICATIONS:

The Department of Education has said the bill contains no fiscal implications for the state. (2-24-92)

SUGGESTED AMENDMENTS:

House Education Committee members have requested that an attempt be made to draft a new substitute incorporating the substance of this bill into a rewriting of this section of the School Code, which is considered confusing in design.

ARGUMENTS:

For:

The bill would allow for an appeal of a grade change decision by a review panel when the decision went against the student. Teachers currently can appeal review panel decisions but not students. The bill would not let students or parents make an appeal but would allow either of the two non-teacher members of a review panel to appeal a panel's majority decision to the school board. This process will provide students an additional hearing on a grade-change case when a losing review panel member feels strongly about the issue. It provides students protection against "block voting" by teachers on the panel in favor of the teacher's point of view in the dispute. Further, the bill would only allow appeals of majority decisions by a review

panel; no one could appeal a unanimous decision. The sentiment behind this is that if a teacher who assigned the grade or the person who wants to change the grade cannot get even one person to agree with that position, it is silly to permit a school board review.

Against:

As the bill was introduced, it would have permitted a student or a student's parent or guardian to appeal a review panel's decision. Why shouldn't the student and parents have a direct right to appeal?

Response:

The origins of this section of the School Code should be kept in mind. Its aim was to provide a teacher, whose job it is to grade his or her students using professional judgment, with a guarantee that a grade would not be changed on a transcript without the teacher being informed and being given the right to object. The review panel process is only activated if a teacher refuses to go along with a change in a transcript grade. It was not intended as a means of permitting students or parents more avenues to protest grades awarded by a teacher. Transcript grades can be protested now to the teacher and beyond that to a principal or other school professional. It would be a mistake to routinely take grade protests to the school board, a political body. If there was a disagreement among professionals, under this bill, the matter of the appropriateness of a grade could go before a school board.

For:

The bill would make it clear that the grades in question in this section of the code are those that appear on a student's record or transcript, such as final examination grades, end-of-marking-period grades, term grades, and semester grades. It was never the purpose of this section to allow specific test, homework, or project grades to trigger the review panel process (although there are reports of this happening).

Against:

This kind of process is best left to be worked out at the local level and not mandated by the state.

Against:

Some people have suggested that the grade-changing provisions are confusing, particularly as regards how the process is initiated. It is being interpreted differently in different school districts. For example, can a parent's demand for a change in

transcript grades, refused by the teacher, counselor, principal, or superintendent, force the creation of a review panel? There are reports that this occurs, and yet some people would say it was not the intent of the original law to allow this but to deal with grades changed by school officials (e.g., guidance counselors, principals, etc.) without the agreement of the teachers.

POSITIONS:

There are no positions on the bill.