



## Grade Change Appeals Process

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
- 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 Chief Instructional Officer, District 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 your House Office for a copy of the ***Grade Change Appeal Form*** and the ***Procedure for Contesting a Final Grade***.



## Grade Change Appeal Form

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.

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Signature of Parent/Guardian: \_\_\_\_\_



## Procedure for Contesting a Final Grade

### Communication with the Instructor

1. Any request for a grade change must first be made in writing to the classroom teacher who assigned the grade. A parent must make the request to the teacher within thirty (30) school days ("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. 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. 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.
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. 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.

### Communication with the Principal/House Principal

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.
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.
4. Following the meeting with the principal, the principal will discuss the appeal with the teacher. The principal shall inform the parent of the teacher's decision regarding the grade. If it is decided that the grade will be changed, the grade change shall be effected through administrative channels within the Central Office.



## Definitions

**Bad Faith** – A finding of Bad Faith should be supported by evidence that the instructor harbored ill-will or discriminatory intent, which motivated the instructor to assign a student a grade lower than the grade the student should have earned based on objective criteria.

**Mistake** – A finding of Mistake should be supported by evidence that the final grade assigned by the instructor was derived from a miscalculation while compiling the final grade.

**Fraud** – A finding of Fraud should be supported by evidence that the instructor deliberately sought to misrepresentation the truth or a fact used to determine the final grade.

**Incompetence** – A finding of Incompetence should be supported by evidence that the instructor be found in lack of ability, qualification, fitness, or performance.

## Relevant California Education Code: Section 49066

(a) When grades are given for any course of instruction taught in a school district, the grade given to each pupil shall be the grade determined by the teacher of the course and the determination of the pupil's grade by the teacher, in the absence of clerical or mechanical mistake, fraud, bad faith, or incompetency, shall be final.

(b) The governing board of the school district and the superintendent of such district shall not order a pupil's grade to be changed unless the teacher who determined such grade is, to the extent practicable, given an opportunity to state orally, in writing, or both, the reasons for which such grade was given and is, to the extent practicable, included in all discussions relating to the changing of such grade.