

**SAN DIEGO UNIFIED SCHOOL DISTRICT**

**Date:** August 20, 2018

**To:** Principals

**Subject:** GRADE CHANGE APPEAL PROCESS

**Department and/or  
Persons Concerned:** All Administrators, Counselors and Site Techs

**Reference:** AP 4705/AR 5121 (*eff. 11/1/18*)  
Education Code 49066

**Action Requested:** Review guidelines and implement immediately

**Attachments:** Revised Grade Change Appeal Form  
Principal Declaration Checklist  
Teacher Declaration Checklist

**Brief Explanation:**

Per Education Code 49066, a grade given by a teacher shall be final and cannot be changed by others unless it was given fraudulently, in bad faith, because of incompetence or because of clerical or mechanical mistake. A grade cannot be changed unless the teacher who determined the 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 changing of such grade.

When instances of alleged fraud, bad faith, incompetency, or clerical or mechanical mistake are brought to the site principal/administrator's attention, the site principal/administrator has the responsibility of making a determination regarding the allegations. If the teacher is unwilling to change a grade after it has been determined by the site principal/administrator that fraud, bad faith, incompetency or clerical or mechanical mistake was associated with the grade, the site principal/administrator has the responsibility to change the grade. Authority vested in the Board of Education and the Superintendent pursuant to Education Code 49066(b), pertaining to changing grades, is hereby delegated to the site principal/administrator.

**Implementation:**

1. To request a grade change, parent/guardian must file a request by the end of the following semester with the student's teacher and principal. Requests filed after this deadline will not be accepted and shall constitute a waiver of the right to protest a grade.
2. The teacher discusses the grade change request with parent/guardian and provides information as to how the grade was determined; makes decision within 10 teacher calendar work/school days to change or uphold the grade; then the teacher notifies parent/guardian and site principal/administrator in writing.
3. The site principal/administrator or designee schedules a conference within 10 school days with parent/guardian if request to teacher is unresolved or not resolved to parent/guardian satisfaction; principal/administrator makes a determination within 10 school days to change or uphold grade; principal/administrator notifies parent/guardian and teacher in writing.

If parent/guardian is not satisfied, a “Grade Change Appeal” form (attached) may be filed with the Office of School Innovation and Integrated Youth Services.

- Appeals must clearly indicate which of the four allowable offenses have been violated: fraud, bad faith, incompetence, or clerical/mechanical error
  - Parents must submit their appeal along with evidence that steps 1-3 above have been completed.
  - Appeals submitted without corroborative evidence of the offense will be returned for more information.
  - The two templates attached must be completed and submitted with “Grade Change Appeal” form:
    - Principal Declaration
    - Teacher Declaration
4. The Office of School Innovation and Integrated Youth Services reviews the data/evidence submitted in conjunction with the “Grade Change Appeal” form and convenes a review panel within 30 days of receipt of appeal. Parent/guardian and student will have an opportunity to speak to the panel to present their case.
5. Review panel consisting of the Area Superintendent, and at least two present or past unbiased principals/administrators at the secondary level will convene to review all documentation and to determine whether or not the grade will be upheld. The panel will notify the parent/guardian and site principal of final decision.

If parent/guardian is not satisfied, the parent/guardian may submit an appeal to the Board of Education.

6. Board of Education receives parent/guardian request for appeal, gathers and reviews all pertinent data/evidence, including specific facts and/or allegations from parent/guardian, teacher, site principal/administrator and review panel; conducts closed session hearing within 30 days of receipt of appeal, at which parent/guardian and teacher may present their cases; the Board of Education will make a determination and notify parent/guardian within 30 school days. The determination of the Board of Education is final.

**Timeline:**

Timeline for Grade Change Appeal, exclusive to final reporting periods only (Final Quarter and Semester ONLY). Progress report grades may not be appealed.

For questions, contact Operations Specialist Veronica Ortega, Office of School Innovation at [vortega1@sandi.net](mailto:vortega1@sandi.net).

APPROVED:



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