



**House  
Legislative  
Analysis  
Section**

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## GRADE CHANGING PROCESS

House Bill 4016 with committee  
amendment  
First Analysis (5-26-93)

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 by counselors without the teachers being consulted or even informed to allow the students to enter the military. Other concerns had been 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 at least 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 in several ways the School Code's provisions regarding the process required before teacher-assigned grades can be changed. (See BACKGROUND INFORMATION for the current process.) The principal changes include (1) permitting a proponent of a grade change to appeal a decision of a review panel convened to evaluate the case for a grade change (as a teacher already can); and (2) specifying that the kinds of "grade" covered by the process are those given for a final examination or given at the conclusion of a marking period, semester, or term.

Under the bill, if a teacher did not concur in a proposed grade change, a teacher, counselor, or principal at the school could cause a review panel to convene after consulting with the teacher and grade change proponent. The person causing the panel to convene would have to file a notice with the board, and the panel would have to meet to consider the proposed grade change within 20 days after the filing of the notice. After evaluating the reasons for the proposed grade change, the review panel could, by majority vote, approve, disapprove, or modify the proposed grade change. No change could be approved, however, unless the panel found that the proponent of the grade change had met the burden of establishing that there was no rational basis for the challenged grade under the teacher's established grading procedures. (Under current law: a panel can approve or disapprove a grade change but is not specifically authorized to modify a proposed change; there is no standard specified for the review panel to follow; and it is not specified who is able to cause a review panel to convene.)

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A principal would not be able to convene a review panel unless the proponent of a grade change submitted a written request stating the reasons for the change within 30 days after the student received the grade. If the principal decided to convene a review panel, he or she would have to do so not later than 30 days after receiving the request.

The teacher or the proponent of a grade change could appeal the decision of a review panel to the school board, which could approve or disapprove the review panel's decision. The school board's decision would be final. If there was no timely appeal to the school board (within 30 days of the decision), then the review panel's decision would be final. (Currently, a teacher can appeal a review panel's decision but no one else.)

The composition of the review panel would remain as it is currently, but the bill would specify that an alternate would replace any panel member involved in a specific proposed grade change, and that the person who caused the panel to convene could not serve on the panel.

If a student's grade was changed by a review panel, that fact would be noted in the student's record. The code currently requires that a student be informed of any grade change. The bill would say a student or the student's parent or guardian and the teacher must be informed of any decision on a proposed grade change.

The bill also would specify that it did not intend to prevent a school district from adopting or maintaining a local policy or procedure permitting students requesting grade changes (or their parents or guardians) to attend a review panel meeting or to make an oral or written presentation to the panel.

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. (4-29-93)

### **ARGUMENTS:**

#### ***For:***

The bill would make the grade-changing process fairer by allowing for an appeal of a review panel's grade change decision when the decision went against the student. Teachers currently can appeal review panel decisions to the local school board but students or parents cannot. This will even things out and provide students protection against "block voting" by teachers on the panel in favor of the teacher's point of view in the dispute. The bill also would clarify the grade-change process somewhat, by specifying who can cause a review panel to meet; setting forth the basis on which a review panel can agree to a grade change; and spelling out which "grades" are subject to the process. The grades in question are those that appear on a student's record or transcript, such as final exam grades, end-of-marking period grades, term grades, or semester grades. It was never the purpose of this section of the School Code to allow specific test, homework, or project grades to trigger the review panel process (although there have been reports of this happening).

#### ***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. An act that was intended to protect the integrity of teacher-assigned grades should not be used to weaken the authority of teachers to grade their students and turned into a "students' rights" law.

***Against:***

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

***POSITIONS:***

The Michigan Association of School Boards supports the bill. (5-25-93)

The Michigan PTA supports the bill. (5-25-93)

The president of the Garden City School Board testified in favor of the bill. (5-25-93)

The Michigan Education Association has indicated its opposition to the bill. (5-25-93)