



HOUSE BILL No. 4016

February 2, 1993, Introduced by Rep. Keith and referred to the Committee on Education.

A bill to amend section 1249 of Act No. 451 of the Public Acts of 1976, entitled as amended
"The school code of 1976,"
as added by Act No. 232 of the Public Acts of 1988, being section 380.1249 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1249 of Act No. 451 of the Public Acts
2 of 1976, as added by Act No. 232 of the Public Acts of 1988,
3 being section 380.1249 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 1249. (1) The board of a school district or intermedi-
6 ate school district shall provide that each secondary school
7 teacher in the district may review a copy of the official
8 transcript of each pupil the teacher taught.

1 (2) ~~The~~ EXCEPT AS PROVIDED IN THIS SECTION, THE board of a
2 school district or intermediate school district shall not permit
3 any board member, superintendent, assistant superintendent, prin-
4 cipal, assistant principal, guidance director, teacher, or any
5 other person to change a grade given to a pupil by a teacher
6 unless ~~if of the following occurs. (a) The~~ THE teacher who gave
7 ~~a~~ THE grade to the pupil is informed of 1 or more reasons why
8 the grade should be changed and the teacher concurs in the grade
9 change.

10 ~~(b) If a teacher who gave a grade to the pupil does not~~
11 ~~concur in the grade change, a majority of a review panel, after~~
12 ~~evaluating the reasons for a requested grade change, approves the~~
13 ~~grade change and the teacher involved does not appeal the panel's~~
14 ~~decision. The panel described in this subdivision shall be com-~~
15 ~~posed of 3 teachers selected by their bargaining unit, 1 board~~
16 ~~member, and the superintendent of schools or the superintendent's~~
17 ~~designee.~~

18 ~~(c) If the teacher involved appeals the decision of the~~
19 ~~review panel described in subdivision (b) to the board, and a~~
20 ~~majority of the board members elected and serving approve the~~
21 ~~grade change at a meeting of the board at which the reasons for~~
22 ~~changing the grade are reviewed. A decision of the board on the~~
23 ~~merits of the grade change shall be final.~~

24 (3) IF THE TEACHER WHO GAVE THE GRADE DOES NOT CONCUR IN A
25 GRADE CHANGE PROPOSED UNDER SUBSECTION (2), A TEACHER, A COUNSEL-
26 OR, OR, SUBJECT TO SUBSECTION (4), THE PRINCIPAL OF THE SCHOOL,
27 AFTER CONSULTING WITH THE TEACHER WHO GAVE THE GRADE AND THE

1 PROPONENT OF THE GRADE CHANGE, MAY CAUSE A REVIEW PANEL DESCRIBED
2 IN SUBSECTION (5) TO CONVENE TO CONSIDER A GRADE CHANGE. A
3 PERSON CAUSING A REVIEW PANEL TO CONVENE SHALL FILE A NOTICE TO
4 THAT EFFECT WITH THE BOARD, AND THE REVIEW PANEL SHALL MEET TO
5 CONSIDER THE PROPOSED GRADE CHANGE WITHIN 20 DAYS AFTER THE
6 NOTICE IS FILED WITH THE BOARD. AFTER EVALUATING THE REASONS FOR
7 THE PROPOSED GRADE CHANGE, THE REVIEW PANEL, BY A MAJORITY OF ITS
8 MEMBERS, MAY APPROVE, DISAPPROVE, OR MODIFY THE PROPOSED GRADE
9 CHANGE. THE REVIEW PANEL SHALL NOT APPROVE A PROPOSED GRADE
10 CHANGE, OR APPROVE A PROPOSED GRADE CHANGE AS MODIFIED BY THE
11 REVIEW PANEL, UNLESS THE REVIEW PANEL FINDS THAT THE PROPONENT OF
12 THE GRADE CHANGE HAS MET THE BURDEN OF ESTABLISHING THAT THERE
13 WAS NO RATIONAL BASIS FOR THE CHALLENGED GRADE UNDER THE
14 TEACHER'S ESTABLISHED GRADING PROCEDURES.

15 (4) A PRINCIPAL SHALL NOT CAUSE A REVIEW PANEL TO CONVENE
16 UNLESS THE PROPONENT OF THE GRADE CHANGE SUBMITS A REQUEST FOR
17 THE GRADE CHANGE TO THE PRINCIPAL IN WRITING SETTING FORTH THE
18 REASONS FOR THE GRADE CHANGE WITHIN 30 DAYS AFTER THE PUPIL
19 RECEIVED THE GRADE. IF THE PRINCIPAL DECIDES TO CAUSE THE REVIEW
20 PANEL TO CONVENE, HE OR SHE SHALL DO SO NOT LATER THAN 30 DAYS
21 AFTER HE OR SHE RECEIVES THE WRITTEN REQUEST FOR THE PROPOSED
22 GRADE CHANGE.

23 (5) A REVIEW PANEL CONSIDERING A GRADE CHANGE UNDER THIS
24 SECTION SHALL BE COMPOSED OF 3 TEACHERS SELECTED BY THEIR BAR-
25 GAINING UNIT, 1 BOARD MEMBER SELECTED BY THE BOARD, AND THE DIS-
26 TRICT SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE. IF A
27 MEMBER OF THE REVIEW PANEL IS INVOLVED IN A PROPOSED GRADE

1 CHANGE, THAT MEMBER SHALL BE REPLACED ON THE REVIEW PANEL BY AN
 2 ALTERNATE FOR CONSIDERING THAT PROPOSED GRADE CHANGE. THE PERSON
 3 WHO CAUSES THE REVIEW PANEL TO CONVENE SHALL NOT SERVE AS A
 4 MEMBER OF THE REVIEW PANEL.

5 (6) THE TEACHER WHO GAVE THE GRADE OR THE PROPONENT OF THE
 6 GRADE CHANGE MAY APPEAL THE DECISION OF THE REVIEW PANEL TO THE
 7 BOARD NOT LATER THAN 30 DAYS AFTER THE DATE OF THE DECISION. THE
 8 BOARD SHALL CONSIDER THE APPEAL AT A MEETING OF THE BOARD AT
 9 WHICH THE REASONS FOR AND AGAINST THE PROPOSED GRADE CHANGE ARE
 10 REVIEWED. THE BOARD, BY A MAJORITY OF THE BOARD MEMBERS ELECTED
 11 AND SERVING, MAY APPROVE OR DISAPPROVE THE DECISION OF THE REVIEW
 12 PANEL. THE DECISION OF THE BOARD ON WHETHER OR NOT THE GRADE IS
 13 TO BE CHANGED IS FINAL.

14 (7) IF THERE IS NO TIMELY APPEAL UNDER SUBSECTION (6), THE
 15 DECISION OF THE REVIEW PANEL IS FINAL.

16 (8) ~~(3) A pupil~~ THE PUPIL AND THE PUPIL'S PARENT OR GUARD-
 17 IAN AND THE TEACHER WHO GAVE THE GRADE shall be informed of a
 18 DECISION ON A PROPOSED grade change made pursuant to this
 19 section.

20 (9) ~~(4) A board~~ review of a grade change provided for in
 21 ~~subsection (2)(c)~~ THIS SECTION shall comply with section 438 of
 22 subpart 2 of part c of the general education provisions act,
 23 title IV of Public Law 90-247, 20 U.S.C. 1232g, commonly referred
 24 to as the family educational rights and privacy act of 1974.

25 (10) ~~(5)~~ The board of a school district or intermediate
 26 school district shall establish AND ENFORCE a disciplinary
 27 procedure ~~which shall be enforced when~~ TO BE INVOKED IF a

1 person violates the grade changing procedure described in this
2 section.

3 (11) IF A PUPIL'S GRADE IS CHANGED BY A REVIEW PANEL UNDER
4 THIS SECTION, A NOTATION SHALL BE MADE IN THE PUPIL'S RECORD THAT
5 THE GRADE CHANGE WAS MADE BY A REVIEW PANEL.

6 (12) THIS SECTION DOES NOT PREVENT A SCHOOL DISTRICT FROM
7 ADOPTING OR MAINTAINING A LOCAL POLICY OR PROCEDURE THAT PERMITS
8 THE PUPIL REQUESTING A GRADE CHANGE OR THE PUPIL'S PARENT OR
9 LEGAL GUARDIAN TO ATTEND A REVIEW PANEL MEETING CONVENED FOR CON-
10 SIDERING THE PROPOSED GRADE CHANGE OR TO MAKE AN ORAL OR WRITTEN
11 PRESENTATION TO THE REVIEW PANEL.

12 (13) AS USED IN THIS SECTION, "GRADE" MEANS A GRADE GIVEN
13 FOR A FINAL EXAMINATION OR A GRADE GIVEN AT THE CONCLUSION OF A
14 MARKING PERIOD, SEMESTER, OR TERM.