

SITE OPERATIONS CIRCULAR NO. 2028

Office of Leadership and Learning

SAN DIEGO UNIFIED SCHOOL DISTRICT

Date: February 26, 2021

To: Principals

Subject: GRADE CHANGE APPEAL PROCESS - Updated

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

Reference: AR 5121
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.

SDUSD defines the four allowable categories for a grade change as follows:

- 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.
- 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.
- 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.

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 quarter/semester following the term in which the grade was issued 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 the request to the 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 with the site principal.

- Appeals must clearly indicate which of the four allowable offenses have been violated: fraud, bad faith, incompetence, or clerical/mechanical error
 - Parents/guardians 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 not be accepted.
 - The two templates attached must be completed and submitted with "Grade Change Appeal" form:
 - Principal Declaration
 - Teacher Declaration
4. The site principal collects the Grade Change Appeal form from the parent/guardian along with all the evidence required above, and creates a Google folder with all documentation. The principal shares the Google folder and an email stating the grade change appeal form submission with Nicole DeWitt (ndewitt@sandi.net) and Veronica Ortega (vortegal@sandi.net).
 5. A review panel consisting of an Area Superintendent, and two District Administrators 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 within 30 school calendar days.

6. The determination of the appeal review panel is final.

Timeline:

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

For questions, contact Operations Specialist Veronica Ortega, Office Leadership & Learning at vortega1@sandi.net.

Nicole DeWitt
Instructional Support Officer

Approved:

Tavga Bustani
Chief, Leadership &
Learning