



PALISADES CHARTER HIGH SCHOOL

Palisades Charter High School Request for Review of Grade

According to California Education code 49066:

“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.”

Further, the UTLA Collective Bargaining Agreement states:

Article XXV – Academic Freedom and Responsibility 3.0 Determination of Grades: The grade to be given to any individual student shall be determined in the good faith professional judgment of the teacher and shall not be changed by the District except in situations of clerical or mechanical mistake, fraud, bad faith, incompetency, or failure to comply with the then-current District grading policies, procedures and criteria adopted in accordance with Education Code Sections 49066 and 49067. A grade shall not be changed for any of the above reasons unless the responsible teacher has, to the extent practical, (a) been given prior notice and an opportunity to explain, verbally and/or in writing, the reasons for which the grade was given; and (b) been included in discussions relating to the change of grade.

Disagreement with the teacher’s instructional methods, course curriculum or the philosophy of a teacher’s grading criteria is not a basis for changing a grade.

If you do not attend your scheduled grade appeal hearing, the Grade Appeal committee will go forward with the appeal proceedings. The committee’s decision is final.

Before requesting a Review of Grade the student and/or parent must first attempt to resolve the issue with the teacher directly, by phone or by email. Describe the attempts made below and the result of these attempts:

Requests for a Review of Grade must be submitted within the first 30 school days of the semester following the one in which the grade was assigned.

Name of student: _____ Date of request: _____

Year of student (circle): 9 10 11 12 Phone or email of student: _____

Name of parent/guardian: _____ Phone or email: _____

Title of Course: _____ Period _____ Teacher: _____

Grade received: _____ Grade expected: _____

Basis for request of grade change (Mark one or more):

Mistake Fraud Bad Faith Incompetency Violation of PCHS Grading Policy

Describe the specific objective facts that support your request for a grade change. Attach any documentation and explain how these documents support your request. Use separate paper if necessary.

Student Signature: _____ Parent Signature: _____ Date: _____

Grade Appeal Process

After a student or parent/Guardian meeting with the teacher regarding a grade, if the teacher agrees that there is a reason to change the grade, the teacher must obtain a Change of Mark form from the Counseling Office, complete it and have it approved, and correct the official gradebook on file.

If an agreement cannot be made, the student and parent/guardian can complete the Request for Review of Grade form available online at <http://www.palihigh.org/counseling.aspx> or in the Counseling Office. Completed forms must be submitted to the Director of Academic Planning and Guidance Services within the first 30 school days of the semester following the one in which the disputed grade is assigned. Incomplete or late forms will not be eligible for review.

The Director of Academic Planning will contact the teacher and provide the evidence submitted with the Request for Review of Grade form. If the teacher agrees a change should be made they follow the steps above. If they disagree that a change should be made the Director of Academic Planning contacts the student or parent/guardian using the information provided on the Request for Review of Grade form.

If the student/parent/guardian wishes to proceed with an appeal before the Board of Trustees Grade Appeal Committee (GAC), the Director of Academic Planning will arrange a date for the student and/or representative to present their evidence to the committee. They will have up to 15 minutes to do so. The teacher is then given up to 15 minutes to respond with their justification of the grade. The committee members may pose questions to those present and then will excuse presenters so that they may deliberate. A decision will be made in up to 10 weekdays. The following are some clarifications of the legal language used by the committee in making their decision:

Clerical mistake is defined as a mistake in writing or copying by the writer (i.e. the teacher miswrote the grade when transferring a grade from the test page to her grade book).

Mechanical mistake is defined as a mistake having relation to, or produced or accomplished by, the use of mechanism or machinery (i.e. if there is a computer generated grade calculation and the algorithm or inaccurate data entry caused an incorrect calculation).

Fraud is defined here as some deceitful practice or willful device, resorted to with intent to deprive another of his/her right, or in some manner to do him an injury. It must be intentional. Fraud includes all acts, omissions, and concealments which involve a breach of legal or equitable duty, trust, or confidence justly reposed, and are injurious to or takes advantage of another.

Bad faith is defined as implying or involving fraud, or a design to mislead or deceive another, or a neglect or refusal to fulfill some duty or some contractual obligation, not prompted by an honest mistake as to one's rights or duties, but by some interested or sinister motive. Here, the bad faith must be in connection with the assignment of the grade.

Incompetency is defined as not properly or well qualified or capable and must be supported by evidence of specific acts (i.e. a teacher who had lost control of classroom discipline, provided inadequate instruction, and failed to correct his faults was considered incompetent). (*Perez v. Comm'n on Prof'l Competence* (1983) 149 Cal. App. 3d 1167, 1175). A teacher impaired by illness or medication when determining the grade or if the grade was determined by an unqualified assistant may be grounds for incompetency.

Violation of PCHS Grading Policy is a specific action in determining the grade that is in direct odds to a Board- approved PCHS grading policy.

Decisions will be mailed by certified mail to the address on file for the student or alternate provided at the time of the appeal committee meeting. Decision of Board Grade Appeal Committee is final.

Questions regarding this process should be directed to the Director of Academic Planning and Guidance Services in the Counseling Office.

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