

HOUSE BILL No. 5340

October 25, 2001, Introduced by Reps. Woodward, Dennis, Bovin, Whitmer, McConico, Kolb, Gielegem, Schauer, Jacobs, Bogardus, Neumann, Basham and Waters and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1249.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1249. (1) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDI-
2 ATE SCHOOL DISTRICT SHALL PROVIDE THAT EACH SECONDARY SCHOOL
3 TEACHER IN THE DISTRICT MAY REVIEW A COPY OF THE OFFICIAL TRAN-
4 SCRIPT OF EACH PUPIL THE TEACHER TAUGHT.

5 (2) EXCEPT AS PROVIDED IN THIS SECTION, THE BOARD OF A
6 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT SHALL NOT PERMIT
7 ANY BOARD MEMBER, SUPERINTENDENT, ASSISTANT SUPERINTENDENT, PRIN-
8 CIPAL, ASSISTANT PRINCIPAL, GUIDANCE DIRECTOR, TEACHER, OR ANY
9 OTHER PERSON TO CHANGE A GRADE GIVEN TO A PUPIL BY A TEACHER
10 UNLESS THE TEACHER WHO GAVE THE GRADE TO THE PUPIL IS INFORMED OF

1 1 OR MORE REASONS WHY THE GRADE SHOULD BE CHANGED AND THE TEACHER
2 CONCURS IN THE GRADE CHANGE.

3 (3) IF THE TEACHER WHO GAVE THE GRADE DOES NOT CONCUR IN A
4 GRADE CHANGE PROPOSED UNDER SUBSECTION (2), A TEACHER IN THE
5 SCHOOL, A COUNSELOR IN THE SCHOOL, OR, SUBJECT TO SUBSECTION (4),
6 THE PRINCIPAL OF THE SCHOOL, AFTER CONSULTING WITH THE TEACHER
7 WHO GAVE THE GRADE AND THE PROPONENT OF THE GRADE CHANGE, MAY
8 CAUSE A REVIEW PANEL DESCRIBED IN SUBSECTION (5) TO CONVENE TO
9 CONSIDER A GRADE CHANGE. A PERSON CAUSING A REVIEW PANEL TO CON-
10 VENE SHALL FILE A NOTICE TO THAT EFFECT WITH THE BOARD, AND THE
11 REVIEW PANEL SHALL MEET TO CONSIDER THE PROPOSED GRADE CHANGE
12 WITHIN 20 DAYS AFTER THE NOTICE IS FILED WITH THE BOARD. AFTER
13 EVALUATING THE REASONS FOR THE PROPOSED GRADE CHANGE, THE REVIEW
14 PANEL, BY A MAJORITY OF ITS MEMBERS, MAY APPROVE, DISAPPROVE, OR
15 MODIFY THE PROPOSED GRADE CHANGE. THE REVIEW PANEL SHALL NOT
16 APPROVE A PROPOSED GRADE CHANGE, OR APPROVE A PROPOSED GRADE
17 CHANGE AS MODIFIED BY THE REVIEW PANEL, UNLESS THE REVIEW PANEL
18 FINDS THAT THE PROPONENT OF THE GRADE CHANGE HAS MET THE BURDEN
19 OF ESTABLISHING THAT THERE WAS NO RATIONAL BASIS FOR THE CHAL-
20 LENGED GRADE UNDER THE TEACHER'S ESTABLISHED GRADING PROCEDURES.

21 (4) A PRINCIPAL SHALL NOT CAUSE A REVIEW PANEL TO CONVENE
22 UNLESS THE PROPONENT OF THE GRADE CHANGE SUBMITS A REQUEST FOR
23 THE GRADE CHANGE TO THE PRINCIPAL IN WRITING SETTING FORTH THE
24 REASONS FOR THE GRADE CHANGE WITHIN 30 DAYS AFTER THE PUPIL
25 RECEIVED THE GRADE. IF THE PRINCIPAL DECIDES TO CAUSE THE REVIEW
26 PANEL TO CONVENE, HE OR SHE SHALL DO SO NOT LATER THAN 30 DAYS

1 AFTER HE OR SHE RECEIVES THE WRITTEN REQUEST FOR THE PROPOSED
2 GRADE CHANGE.

3 (5) A REVIEW PANEL CONSIDERING A GRADE CHANGE UNDER THIS
4 SECTION SHALL BE COMPOSED OF 3 TEACHERS SELECTED BY THEIR BAR-
5 GAINING UNIT, 1 BOARD MEMBER SELECTED BY THE BOARD, AND THE DIS-
6 TRICT SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE. IF A
7 MEMBER OF THE REVIEW PANEL IS INVOLVED IN A PROPOSED GRADE
8 CHANGE, THAT MEMBER SHALL BE REPLACED ON THE REVIEW PANEL BY AN
9 ALTERNATE FOR CONSIDERING THAT PROPOSED GRADE CHANGE. THE PERSON
10 WHO CAUSES THE REVIEW PANEL TO CONVENE SHALL NOT SERVE AS A
11 MEMBER OF THE REVIEW PANEL.

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

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

23 (8) THE PUPIL AND THE PUPIL'S PARENT OR GUARDIAN AND THE
24 TEACHER WHO GAVE THE GRADE SHALL BE INFORMED OF A DECISION ON A
25 PROPOSED GRADE CHANGE MADE PURSUANT TO THIS SECTION.

26 (9) A REVIEW OF A GRADE CHANGE PROVIDED FOR IN THIS SECTION
27 SHALL COMPLY WITH SECTION 444 OF SUBPART 4 OF PART C OF THE

1 GENERAL EDUCATION PROVISIONS ACT, TITLE IV OF PUBLIC LAW 90-247,
2 20 U.S.C. 1232G, COMMONLY REFERRED TO AS THE FAMILY EDUCATIONAL
3 RIGHTS AND PRIVACY ACT OF 1974.

4 (10) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
5 DISTRICT SHALL ESTABLISH AND ENFORCE A DISCIPLINARY PROCEDURE TO
6 BE INVOKED IF A PERSON VIOLATES THE GRADE CHANGING PROCEDURE
7 DESCRIBED IN THIS SECTION.

8 (11) IF A PUPIL'S GRADE IS CHANGED BY A REVIEW PANEL OR
9 SCHOOL BOARD UNDER THIS SECTION, A NOTATION SHALL BE MADE IN THE
10 PUPIL'S RECORD THAT THE GRADE CHANGE WAS MADE BY A REVIEW PANEL
11 OR SCHOOL BOARD.

12 (12) THIS SECTION DOES NOT PREVENT A SCHOOL DISTRICT FROM
13 ADOPTING OR MAINTAINING A LOCAL POLICY OR PROCEDURE THAT PERMITS
14 A PUPIL REQUESTING A GRADE CHANGE OR THE PUPIL'S PARENT OR LEGAL
15 GUARDIAN TO ATTEND A REVIEW PANEL MEETING CONVENED FOR CONSIDER-
16 ING THE PROPOSED GRADE CHANGE OR TO MAKE AN ORAL OR WRITTEN PRE-
17 SENTATION TO THE REVIEW PANEL.

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