

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 30       EDUCATIONAL STANDARDS - GENERAL REQUIREMENTS**  
**PART 10           FINAL COURSE AND OTHER STUDENT GRADE CHANGES**

**6.30.10.1           ISSUING AGENCY:** Public Education Department  
[6.30.10.1 NMAC - N, 7-16-08]

**6.30.10.2           SCOPE:** This rule shall apply to school districts and charter schools.  
[6.30.10.2 NMAC - N, 7-16-08]

**6.30.10.3           STATUTORY AUTHORITY:** Sections 22-2-1, 22-2-2, and 22-13-1.1.  
[6.30.10.3 NMAC - N, 7-16-08]

**6.30.10.4           DURATION:** Permanent.  
[6.30.10.4 NMAC - N, 7-16-08]

**6.30.10.5           EFFECTIVE DATE:** July 16, 2008, unless a later date is cited at the end of a section.  
[6.30.10.5 NMAC - N, 7-16-08]

**6.30.10.6           OBJECTIVE:** The purpose of this rule is to establish minimal requirements for those school districts and charter schools that seek to permit changes to a student's final course grades, and to require that school districts and charter schools adopt written policies for any change to a student's grade. While a change in a final course grade should be the exception and not the rule once a classroom teacher has issued a final course grade, the enactment of written policies coupled with consistent application of those policies should result in the changing of grades only when warranted and should lead to increased public confidence in the process.  
[6.30.10.6 NMAC - N, 7-16-08]

**6.30.10.7           DEFINITIONS:**

- A. "Department" means the New Mexico public education department and is identified by the acronym, PED.
- B. "FERPA" means rights, pursuant to 20 U.S. Code 1232g and 34 CFR Part 99, afforded to parents and students over 18 years of age with respect to the student's education records, that include the right to inspect and review the student's education records within 45 days, the right to request amendment to the student's education records for various reasons, the right to consent or refuse to consent to disclosures of personally identifiable information in the student's records except for those records FERPA authorizes disclosure without consent, and the right to file a complaint with the U. S. department of education concerning non-compliance with FERPA.  
[6.30.10.7 NMAC - N, 7-16-08]

**6.30.10.8           REQUIREMENTS:**

- A. Nothing in this rule is intended to prevent a school district or charter school from permitting a teacher who has issued a course grade from changing or directing the changing of that grade due to clear mistake or clerical error. Such grade changes involving corrections of clerical errors should be authorized, documented and conducted in the manner determined by the district or charter school in a duly adopted written policy.
- B. Except as provided in Subsection A of Section 6.30.10.8 NMAC, no school district or charter school shall permit the changing of a student's final course grade until a course grade change policy is adopted or amended by the local school board or governing authority of a charter school as set forth below. A local school board or governing authority of a charter school that permits or seeks to permit the changing of a student's final course grade shall adopt a policy that includes the following minimum components:
  - (1) the policy permits a course grade change upon receipt of a signed written request from a student's parent(s) or legal guardian or student of legal age that states the reasons for the requested grade change;
  - (2) the policy requires a written response to the grade change request by a set deadline that states, among other things, whether the request is denied or allowed and the grade entered if allowed;
  - (3) a grade change is based on articulated reasons that are stated in the response such as extenuating circumstances, additional graded work submitted by the student, additional or make-up testing, or any other meaningful criteria that can be verified;
  - (4) a grade change is equally available to all students who are similarly situated;

- (5) the policy requires strict adherence to FERPA;
- (6) the policy requires a good faith attempt to obtain the written input of the student's classroom teacher who issued the grade in dispute, who shall state reasons to support or oppose the requested grade change and shall not be pressured into or retaliated against for making a certain recommendation;
- (7) the policy requires the final written response to be made and signed in each case by a clearly designated person or group of persons who approve(s) a final course grade change and shall bear responsibility for ensuring that the local school board or governing authority's policy was followed;
- (8) the policy requires, unless a student is still enrolled in the school district or charter at the time of the grade change request, the request to be within a reasonable period of time after the student has exited the school unless extenuating circumstances permit consideration of a longer time;
- (9) determines if course grade change documents are to be maintained in a student's permanent record or maintained in a separate file that is destroyed after the student graduates, transfers from, or otherwise leaves the school; and
- (10) in no way limits or eliminates the rights afforded to parents under federal regulations 34 CFR Sections 300.618 through 300.621 under the Individuals with Disabilities Education Act, and 34 CFR Sections 99.20 through 99.22 under FERPA, both as they relate to amendment of a student's educational records.

C. A school district or charter school can impose stricter measures than provided for in this section or elect not to permit any final course grade changes. Stricter measures may include the convening of a grade change committee or addressing verbal input from parents. Additionally, a school district or charter school that permits final course grade changes can adopt or amend their employee discipline policies to address violations of or non-compliance with those policies. Any bargaining unit agreements for adopting policies that affect conditions of employment or licensed employee discipline should be followed.

D. A local school board or governing authority of a charter school that seeks to permit the changing of a student's grade on a test or class assignment shall adopt a policy that establishes criteria to be applied and the procedures to be followed. No such policy shall permit changing any test results on statewide tests used to determine adequate yearly progress or graduation from high school. However, where there is a need to change such a grade due to a clearly clerical mistake as where a student has been misidentified, the district or charter school shall promptly notify the assessment and accountability division of the department for guidance.  
[6.30.10.8 NMAC - N, 7-16-08]

### **6.30.10.9 UNPROFESSIONAL CONDUCT:**

A. It shall be considered unprofessional conduct pursuant to Paragraph (23) of Subsection C of 6.60.9.9 NMAC for anyone holding or seeking to renew their licensure issued by the department to:

- (1) permit the changing of a student's final course grade contrary to the course grade change policy adopted by a local school board or governing authority of a charter school;
- (2) knowingly withhold material information when asked on whether a student's grade should or should not be changed; or
- (3) provide written recommendation for, or make a final written response allowing, a final course grade change knowing that a grade change under the circumstances is not warranted or that there has been a material non-compliance with the district's or charter school's grade change policy.

B. Any adverse licensure proceeding commenced by the department under this rule shall be conducted pursuant to the Uniform Licensure Act [Sections 61-1-1 through 61-1-31 NMSA 1978] together with any applicable rule of the department.  
[6.30.10.9 NMAC - N, 7-16-08]

**HISTORY OF 6.30.10 NMAC: [Reserved]**