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Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert R. Corbin

April 2, 1982

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Mr. John T. Hestand
Deputy Pinal County Attorney
Post Office Box 887
Florence, Arizona 85232

Re: I82-049 (R82-028)

Dear Mr. Hestand:

We concur with your opinion to Mr. Alex Nader, the Superintendent of the Casa Grande Union High School District, in which you stated that the governing board of a school district may not consider the appeal of a parent who is dissatisfied with a passing grade which his or her child received.

Sincerely,

Bob Corbin
BOB CORBIN
Attorney General

BC:LPS:lm

ROY A. MENDOZA
PINAL COUNTY ATTORNEY

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OFFICE OF THE

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PINAL COUNTY
FLORENCE, ARIZONA 85232

March 1, 1982

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PROSECUTION PROGRAM

RAY R. VASQUEZ
INVESTIGATOR

TELEPHONE:
AREA CODE 602
868-5801, EXT. 271
P. O. BOX 887

EDUCATION OPINION
ISSUE NO LATER THAN

5-6-82

3-8-82 *lpc*
LOWE
R82-028

Mr. Alex Nader, Superintendent
Casa Grande Union High School District
420 East Florence Boulevard
Casa Grande, Az. 85222

Dear Mr. Nader:

You requested a County Attorney's opinion:

QUESTIONS:

1. Must the Governing Board of a School District consider the appeal of a parent who is dissatisfied with a passing grade which his/her child received?

2. May the Governing Board of a School District consider the appeal of a parent who is dissatisfied with a passing grade which his/her child received?

ANSWER: 1. No. See body of opinion.
2. No. See body of opinion.

OPINION: This opinion is based upon the following facts. The parents of a student at the Casa Grande Union High School were dissatisfied when their child received a C instead of a B in a high school class. After discussing this matter with the teacher, they were still dissatisfied and arranged to discuss the circumstances with the Superintendent. A meeting was held which was attended by the parents, the teacher and the Superintendent. The parents were still not satisfied and have requested that the Governing Board hear their appeal.

The first question concerns whether the Governing Board must hear this type of appeal. The answer is no. A.R.S. §15-341 provides:

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"The governing board shall:

.....17. Require that, if a parent or legal guardian chooses not to accept a decision of the teacher as provided in §15-521, paragraph 10, the parent or legal guardian may request in writing that the governing board review the teacher's decision. Nothing in this paragraph shall be construed to release school districts from any liability relating to a child's promotion or retention."

A.R.S. §15-342 provides:

"The governing board may..... 11. Review the decision of a teacher to promote or retain a pupil in grade in a common school or to pass, fail or withdraw a pupil in or from a course in high school. Any request including the written request as provided in 15-341, the written evidence presented at the review and the written record of the review including the decision of the governing board to accept or reject the teacher's decision shall be retained by the governing board as part of its permanent records.

A.R.S. §15-521 provides:

"A. Every teacher shall:

10. Make the decision to promote or retain a pupil in grade in a common school or to pass, fail or withdraw a pupil in or from a course in high school. Such decisions may be overturned only as provided in §15-342, paragraph 11."

The law clearly allows the governing board to review a teacher's decision to pass, fail or withdraw a student from a high school course. However, there is nothing in the statutes which mandates that the Board review a decision that does not involve a controversy over passing or failing. In the case at hand the student received a passing grade. The parents are not contending that the child should have been withdrawn or received a failing grade. Their complaint concerns the level

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of the passing grade, a C as opposed to a desired B.

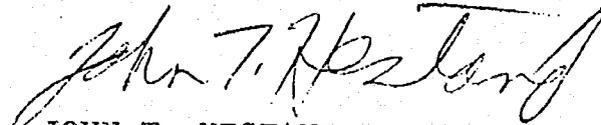
It is the opinion of this office that the Board is not required to consider such a request. The next question concerns whether the board may consider such a request.

There is no statutory provision which would specifically allow the Board to hear a parent's appeal concerning dissatisfaction with a passing grade. The general rule is that a political subdivision of the State has only the powers expressly granted or implicitly required by an expressly granted power. The legislature has specifically granted the right to consider a decision involving passing or failing. If it had intended to grant the Board the right to hear appeals concerning the type of passing grade a student receives, the legislature would have done so.

It is the opinion of this office that there is no statutory provision which grants a board the authority to change a passing grade of a C to a B. A copy of this opinion is being sent to the Attorney General's Office for its review.

Sincerely,

ROY A. MENDOZA
Pinal County Attorney



JOHN T. HESTAND
Deputy County Attorney

JTH:jc