

The Board's Quasi-Judicial Role



When You Must Act Like a Judge, Not a Policy Maker

What is "Quasi-Judicial?"

Quasi-Judicial means acting like a court. Hearing evidence, making findings of fact, and rendering decisions based on law and policy — not politics or personal opinion.

When Boards Act Quasi-Judicially

Student Matters

- Expulsion hearings
- Suspension appeals
- Special education placements
- Residency determinations

Employee Matters

- Termination hearings
- Non-renewal decisions
- Grievance appeals
- Contract disputes

Three Board Roles — Know the Difference

LEGISLATIVE (Policy)	OVERSIGHT (Accountability)	QUASI-JUDICIAL (Judge)
Making rules for everyone	Monitoring superintendent	Applying rules to one case
Forward-looking	Present-focused	Backward-looking
Community input welcome	Data and reports	Evidence from hearing ONLY
Can advocate your views	Hold superintendent accountable	Must be completely impartial
<i>Example: Adopt discipline policy</i>	<i>Example: Review discipline data</i>	<i>Example: Hear expulsion appeal</i>

Critical Requirements for Quasi-Judicial Hearings



Due Process

- Proper notice given
- Right to be heard
- Present evidence
- Impartial decision-maker
- Decision on record



Impartiality

- No ex parte contact
- No prejudging
- No independent investigation
- Disclose conflicts
- Rescuse if biased



Evidence-Based

- Hearing record only
- Apply law & policy
- Written findings
- Ignore outside pressure
- No personal knowledge

The Board's Quasi-Judicial Role



In quasi-judicial hearings: Be impartial. Follow procedures. Base decisions on evidence. Ensure fairness.

Board Members Must:

- Keep an open mind until all evidence is heard
- Base decision ONLY on evidence at the hearing
- Apply policy consistently to the facts
- Ask clarifying questions (not advocacy questions)
- Treat all parties with respect
- Maintain confidentiality throughout
- Recuse yourself if you cannot be impartial
- Issue written decision with findings of fact

Board Members Must Not:

- Discuss the case with parties before the hearing
- Investigate facts independently
- Make up your mind before hearing all evidence
- Consider information outside the hearing
- Base decisions on politics or community pressure
- Use personal knowledge about the parties
- Advocate for one side during the hearing
- Discuss confidential details publicly after

Common Mistakes That Violate Due Process



Ex Parte Contact

Discussing case with one party outside hearing.



Prejudging

"I've already decided" or making public statements beforehand.



Playing Detective

Investigating the facts yourself before hearing.



Outside Info

"I heard..." or using info not in the hearing.

Same Board, Different Hats

Policy Maker

"Zero tolerance for weapons."

Overseer

Policy enforced consistently?

Judge

What does the evidence show?

When to Recuse Yourself

- Personal relationship with parties
- Financial interest in outcome
- Prior involvement in the incident
- Cannot be impartial
- Had ex parte contact

If in doubt, recuse!

Consequences of Getting it Wrong



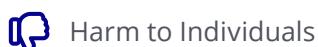
Decision Overturned



Loss of Credibility



Lawsuits & Legal Fees



Harm to Individuals

Questions?

Contact AASB or your board attorney for training and support.

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