

# 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.



### Playing Detective

Investigating the facts yourself before hearing.



### Prejudging

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



### 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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