

**72-134. Same; appeals; procedure; duties of appeal board.** (a) In accordance with such procedures as the board of directors shall prescribe, any student, the parent or guardian of any student, or any member school aggrieved by any decision of the board of directors or the executive board of the association, or any of its officers or employees, may appeal the decision by notifying the executive director of the association who shall arrange for a hearing before the appeal board of such association. The appeal board shall hear the appeal within 10 days after notification of the appeal has been filed unless the 10-day period is extended for an additional period of time as specified and agreed upon by the parties to the hearing.

(b) In the case of an appeal from a decision of the board of directors, notification of the appeal shall be filed within 30 days from the date of publication of such decision. The appeal board shall render a written opinion not later than five days after the close of the hearing, setting forth its findings of fact and recommendation as to the determination of the issues. The appeal board may recommend that the decision of the board of directors be sustained or that such decision be reconsidered and revoked, modified or amended. The appeal board may recommend to the board of directors proposed amendments or modifications of such decision, but the board of directors shall not be bound by the recommendations of the appeal board. The recommendations of the appeal board shall be submitted to the board of directors which, after considering the recommendations, shall make a final determination of the matter.

(c) In the case of an appeal from a decision of the executive board or any officer or employee of the association, notification of the appeal shall be filed within 30 days from the date on which notice of such decision is received. The appeal board shall render a written decision not later than five days after the close of the hearing, setting forth the reasons for its decision and the decision of the appeal board shall be final.

(d) The hearing provided for in this section shall be an open hearing unless the appellant requests that the hearing be closed. A quorum of five members of the appeal board shall be required for the purpose of hearing any appeal under this section and a majority vote of the members present for such hearing shall be required for any action of the appeal board. No member of the appeal board, in the member's capacity as such member, shall participate in the hearing of any appeal or act upon any matter which involves or will affect any school with which such member is associated by reason of employment or the holding of the position of board of education member.

**History:** L. 1955, ch. 341, § 5; L. 1957, ch. 375, § 4; L. 1969, ch. 311, § 5; L. 1977, ch. 239, § 5; L. 1993, ch. 245, § 2; July 1.