

KSHSAA APPEAL BOARD MEETING FORMAT

1. Opening statement by chairperson
2. Announce proceedings will be taped
3. Establish if the hearing is to be an open or closed hearing if requested by appellant, per KSA 72-134, sub-section (d)
4. Self introduction by Board Members and Determine spokespersons for both parties
5. Self introductions by spokesperson(s) of each party
6. Presentation of information by the parties:
 - a) Thirty minutes allotted to appellant (if more than two parties are involved, appellant is always first and KSHSAA last for opening statements.)
 - b) Thirty minutes allotted to KSHSAA representatives
 - c) Opportunity for Appeal Board members to ask questions of each other or participants in the hearing. (No cross-examination will be allowed between appellant and KSHSAA. All remarks are to be directed to the Board.)
 - d) Five-minute final statement by KSHSAA representatives
 - e) Five-minute final statement by appellant
7. Conclude presentations
8. Deliberation by Appeal Board
9. Determine decision (the same day or no later than five days from date of hearing)
***Note – (It is highly recommended a decision be reached in the presence of the participants.)
(All motions and votes occur in open session.)**
 - a) Decision shall be typed by the KSHSAA staff
 - b) Decision shall be signed by all Appeal Board members who are present for meeting
10. A written decision shall be sent to all concerned

NOTE: An Appeal Board member shall not be involved in commentary relative to the issues, either prior to or following the hearing. It is felt neutrality and fairness to all concerned can be best achieved by not becoming involved in a dialogue or attempting to justify any decision that may or has already been made.

ARTICLE VIII

Appeals

Section 1: An Appeal Board shall be responsible for conducting hearings provided for in K.S.A. 72-134, as amended.

Sec. 2: 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 KSHSAA or any of its officers or employees, may appeal therefrom by notifying the Executive Director of the KSHSAA who shall arrange for a hearing for such appeals before the Appeal Board of the KSHSAA. Said Appeal Board shall promptly and within ten (10) days hear said appeal unless said ten-day period is extended for an additional period of time as specified and agreed upon by the parties to the hearing.

Sec. 3: In the case of an appeal from a decision of the Board of Directors, notification of such appeal shall be filed within thirty (30) days from the date of publication of such decision. The Appeal Board shall render a written recommendation not later than five (5) 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 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 shall, after considering the recommendations, make a final determination of the matter.

Sec. 4: In the case of an appeal from a decision of the Executive Board or any officer or employee of the Association, notification of such appeal shall be filed within thirty (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 (5) days after the close of the hearing, setting forth the reasons for its decision and said decision of the Appeal Board shall be final.

Sec. 5: To ensure a clear record exists of the issue(s), evidence presented and the staff's decision, any appeal taken to the Appeal Board will be required to use the following procedure:

- a. Any person or entity seeking a final ruling by the KSHSAA staff on an issue of eligibility or the KSHSAA rules must submit the request in writing to the Executive Director. The request shall describe precisely the relief or decision requested and explain what the appellant believes is the basis for the relief or decision.
(Requests for non-final or advisory opinions need not follow this procedure.)
- b. Any documentary evidence the appellant relies upon must be submitted to the staff prior to the staff's final decision. (Note: Any documentary evidence not so submitted to the staff shall not be considered by the Appeal Board if an appeal is requested.)
- c. The staff shall issue a written decision after all investigation, interviews and considerations deemed necessary are completed.
- d. The written request and the written decision shall be the basis for any subsequent appeal. Issues not raised in the original request or addressed in the decision shall not be considered by the Appeal Board unless the Appeal Board finds a compelling reason to do so.

Sec. 6: The hearing shall be an open hearing unless the appellant shall request it be closed. A quorum of five (5) members of the Appeal Board shall be required for the purpose of hearing any appeal 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 shall in his or her capacity as such member participate in the hearing of any appeal or act upon any matter which involves or shall exclusively affect any school or league with which such member is associated by reason of employment or the holding of the position of board of education member.