



# Appeals Committee

## Item Number 3 – Open Session

**Subject:** Education: Appeals Committee Duties, Responsibilities and Process for Consideration of Proposed Decisions

**Presenter(s):** Chris Waddell, Olson Remcho

**Item Type:** Information

**Date & Time:** September 1, 2022 – 40 minutes

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**Attachment(s):** None

**PowerPoint(s):** Appeals Committee Duties, Responsibilities and Process for Consideration of Proposed Decisions

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### **Item Purpose**

The purpose of this item is to provide the Appeals Committee with an overview relating to its duties, responsibilities and process for consideration of proposed decisions.

### **Executive Summary**

Pursuant to its committee charter, the Appeals Committee is authorized to hear and act finally on all appeals and proposed decisions pursuant to the applicable provisions of the Education Code and California Code of Regulations. To that end, the committee's responsibilities include hearing, deliberating upon and expeditiously deciding appeals of system determinations pursuant to the administrative adjudication provisions of the Administrative Procedure Act.

As reflected in Section 7.C of the TRB Governance Manual, where a hearing has been held before an Administrative Law Judge (ALJ), a proposed decision is prepared by the ALJ and then presented to the committee together with a summary and recommendation prepared by CalSTRS staff. By law, the committee may, in the alternative:

- 1) Adopt the proposed decision as its own, with or without technical or other minor changes as deemed appropriate, provided that such changes do not affect the factual or legal basis of the decision;
- 2) Reject the proposed decision and refer it back to the ALJ to take additional evidence;
- 3) Reject the proposed decision and decide the matter itself based upon the record,

including the hearing transcript; or

- 4) Reduce or otherwise mitigate the proposed penalty and adopt the balance of the proposed decision.

Mr. Waddell will provide further details regarding this process during his PowerPoint presentation.

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Strategic Plan Linkage: Goal 1 Trusted stewards - Ensure a well-governed, financially sound trust fund. (FY 2022-25 Strategic Plan)

Board Policy Linkage: [Appeals Committee Charter](#)

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