

Franklin Special Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Procedural Due Process	Descriptor Code: 6.302	Issued Date: 08/15/00
		Rescinds: 6.302	Issued: 09/14/98

1 Before school authorities administer disciplinary measures, reasonable inquiry shall be made to determine
2 the truth of what happened.¹ The nature of this inquiry will vary in degree with the seriousness of the
3 offense and the consequence attached thereto.²

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5 For minor offenses where corrective measures are taken by the classroom teacher, no formal procedure
6 is required. An inquiry into the incident to ensure that the offender is accurately identified, that he
7 understands the nature of the offense, and that he/she knew the consequences of the offense for which he
8 is subject for the offense is sufficient.

9
10 In case of severe offenses where there is a possibility of suspension/expulsion, the student shall be advised
11 of the nature of his/her misconduct, questioned about it, and allowed to give an explanation.

12
13 If at the time of the suspension, the principal or assistant principal determines that any offense has been
14 committed which would justify a suspension for more than ten (10) days, he shall immediately refer the
15 case to the director of schools.³ The director of schools or his designee shall convene the Disciplinary
16 Hearing Authority appointed by the Board of Education consisting of at least three (3) persons, but no
17 more than the number of members of the Board. The hearing shall be held no later than ten (10) school
18 days after the beginning of the suspension. The notice of the time and place of this hearing shall be given
19 in writing to the parent and principal by the director of schools or his designee on the Hearing Authority.

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21 When the decision is determined by the Disciplinary Hearing Authority, there must be a written record
22 of the proceedings, including a summary of the facts and the reasons supporting the decision made by the
23 Hearing Authority.

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25 After the hearing, the DHA may:

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- 28 1. Order removal of the suspension unconditionally;
 - 29 2. Order removal of the suspension upon such terms and conditions as it deems reasonable;
 - 30 3. Assign the student to alternative placement;
 - 31 4. Assign the student to night school;
 - 32 5. Suspend the student for a specified period of time; or
 - 33 6. Request a review by the Board of Education.

34
35 If the suspension occurs during the last ten (10) days of any term or semester, the student may be permitted
36 to take such final examinations or submit such required work as necessary to complete the course and
37 instruction for that semester, subject to the conditions prescribed by the principal.

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39 Students found guilty of violating the zero tolerance policy implemented by the Board of Education shall
40 be subject to a one (1) calendar year suspension unless modified by the Disciplinary Hearing Authority
41 or the director of schools or the Board of Education on appeal.

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2 Within five (5) days of the decision of the Disciplinary Hearing Authority, the student or principal may
3 appeal to the director of schools (unless the director participated in the decision of the Hearing Authority).
4 In the event the director was a member of the Disciplinary Hearing Authority, the student or the principal
5 may request a review by the Board.
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7 If the appeal is to the director of schools, the director shall review the record of the Disciplinary Hearing
8 Authority and shall:
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- 10 1. Affirm the decision of the Hearing Authority; or
- 11 2. Modify the decision to a lesser penalty; or
- 12 3. Request a hearing before the Board.
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14 Within five (5) days of the decision of the director of schools (if applicable), the student or principal may
15 request the Board to review the decision of the Hearing Authority or the director of schools. The Board
16 shall review the record and shall:
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- 18 1. Affirm the decision; or
- 19 2. Modify the decision to a lesser penalty; or
- 20 3. Grant a hearing before the Board.
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22 If the Board chooses to grant a hearing, it may:
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- 24 1. Affirm the decision; or
- 25 2. Modify the decision in any manner; or
- 26 3. Impose a more severe penalty than the original decision.
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28 Absent a timely appeal, the decision of the Hearing Authority or director of schools is final.
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30 The action of the Board of Education shall be final.
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32 In the event a student receives a suspension for more than thirty (30) calendar days, the director of schools
33 shall have the authority to review the suspended student's progress under the terms of his suspension. If
34 the director determines that there is clear and convincing evidence that the suspended student is contrite
35 and the objectives of said suspension have been accomplished, the director shall have the authority to
36 suspend the remaining portion of the student's suspension from school provided that said student does not
37 commit another serious offense. In the event that said student is found guilty of another serious offense
38 (more than ten (10) days suspension) then the student will serve the remaining balance of his suspension
39 in addition to his new penalty.
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42 Legal References:

- 43 1. *Ingraham v. Wright*, 430 U.S. 651 (1977)
- 44 2. *Goss v. Lopez*, 410 U.S. 565, (1975)
- 45 3. TCA 49-6-3401(c)(4)(A)
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42 Cross References:

- 43 Interrogations and Searches 6.303
44 Student Code of Conduct 6.313
45 Disciplinary Hearing Authority 6.317
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