

Greene County Board of Education

Monitoring: Review: Annually, in May	Descriptor Term: Student Disciplinary Hearing Authority	Descriptor Code: 6.317	Issued Date: 06/28/18
		Rescinds: 6.317	Issued: 09/22/16

1 A Disciplinary Hearing Authority (DHA) shall conduct appeals for students who have been
2 suspended for more than ten (10) school days.¹ However, the hearing must be requested by the
3 parent or guardian, student, or any licensed teacher in the school system (at the request of the
4 student). The Board shall appoint members to the DHA which shall consist of six (6) members,
5 (maximum number must not exceed total membership of Board) at least two (2) of whom shall be a
6 licensed employees of the board, and such appointments are for one (1) year terms and subject to
7 reappointment. Board members shall not serve on the DHA.

8 The director of schools shall appoint a chairman of the DHA from the members appointed by the
9 Board. The chairman shall perform the following duties:

- 10 1. Identify the members of the DHA assigned to hear each individual case;
- 11
- 12 2. Set the time, place and date for each hearing;
- 13
- 14 3. Maintain order and structure during each hearing; and
- 15
- 16 4. Prepare and disseminate the minutes of each meeting.

17 At the conclusion of each hearing, the chairman shall sign and maintain a copy of the minutes of the
18 meeting.

19 Upon receiving notification of the request to appeal the suspension decision, the DHA shall provide
20 written notification to the parent or guardian of the student, the student, and any other appropriate
21 person of the time, place and date of the hearing. Each hearing shall be conducted by at least three (3)
22 members of the DHA, one of which must be a licensed employee of the Board. The hearing must be
23 held, a decision must be rendered, and notification of the decision must be provided to the parents
24 and/or student and the principal no later than ten (10) days after the beginning of the suspension.¹
25 Notification of the decision shall include a statement of the right of either party within five (5) days
26 after receiving the decision to request a review by the Board.

27 The DHA may take the following disciplinary actions:²

- 28 1. Affirm the decision of the school principal;
- 29
- 30 2. Order removal of the suspension unconditionally;
- 31

- 1 3. Order removal of the suspension upon such terms and conditions as it deems reasonable;
2
3 4. Assign the student to alternative program; or
4
5 5. Suspend the student for a specified period of time*

6 Within five (5) days of the DHA rendering a decision, the student, principal, principal-teacher or
7 assistant principal may request a review by the Board, and the Board shall review the record.
8 Following the review, the Board may grant or deny the request for a hearing or affirm or overturn the
9 *decision of the DHA with or without a hearing. The Board shall not impose a more severe penalty*
10 than that imposed by the DHA without first providing an opportunity for a hearing before the Board.³

11 The notice of the hearing shall include a statement that, unless the student's parent or guardian
12 requests an open hearing in writing within five (5) days of receipt of the notice, the hearing shall be
13 closed to the public.³

14 * Note: Zero-tolerance offenses as set forth in statute require mandatory calendar year expulsion or
15 assignment to alternative placement for a calendar year unless modified by the director of schools.

Legal References

1. TCA 49-6-3401 (c)(4)(A)
2. TCA 49-6-3401 (c) (5)
3. TCA 49-6-3401 (c)(6)

Cross References

Procedural Due Process 6.302
Suspension/Expulsion/Remand 6.316
Alternative School Programs 6.319
Student Records 6.600

Procedure References

Disciplinary Hearing Authority 6.317 Exhibit A
Notification of Discipline Appeal 6.317 Exhibit B