

# Elizabethton City Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term: <b>Student Disciplinary Hearing Authority</b>	Descriptor Code: <b>6.317</b>	Issued Date: <b>09/18/14</b>
		Rescinds: <b>6.317</b>	Issued: <b>01/16/14</b>

1 A Disciplinary Hearing Authority (DHA) shall conduct appeals for students who have been suspended  
2 for more than ten (10) school days. <sup>1</sup> The Board shall appoint members to the DHA which shall consist  
3 of three (3) members, (maximum number must not exceed total membership of Board) at least one (1)  
4 of whom shall be a licensed employee of the board, and such appointments are for one (1) year terms  
5 and subject to reappointment. Board members shall not serve on the DHA.

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

- 8 1. Set the time, place and date for each hearing;
- 9 2. Maintain order and structure during each hearing; and
- 10 3. Prepare, sign, and disseminate the minutes of each meeting.

11 Upon receiving notification of the request to appeal the suspension decision, the DHA shall provide  
12 written notification to the parent or guardian of the student, the student, and any other appropriate  
13 person of the time, place and date of the hearing. The hearing must be held no later than ten (10) days  
14 after the beginning of the suspension. <sup>1</sup> At the conclusion of each hearing, the chairman shall sign and  
15 maintain a copy of the minutes of the meeting.

16 The DHA shall notify the parent or guardian of the student, the student, and any other appropriate  
17 person of the time, place and date of the hearing within forty-eight (48) hours of receiving notification  
18 of the suspension/expulsion.

19 Each hearing shall be conducted by at least three (3) members of the DHA, one of which must be a  
20 licensed employee of the Board. The hearing must be held, a decision must be rendered, and  
21 notification of the decision must be provided to the parents and/or student and the principal no later  
22 than ten (10) days after the beginning of the suspension/expulsion. Notification of the decision shall  
23 include a statement of the right of either party within five (5) days after receiving the decision to  
24 request a review by the Board.

25 The DHA may take the following disciplinary actions: <sup>2</sup>

- 26 1. Affirm the decision of the school principal;
- 27 2. Order removal of the suspension unconditionally;
- 28 3. Order removal of the suspension upon such terms and conditions as it deems reasonable;

- 1           4. Assign the student to alternative program; or  
2           5. Suspend the student for a specified period of time.\*

3 If the Board chooses to review the record it shall:

- 4           1. Affirm the decision of the hearing authority; or  
5           2. Modify the decision to a lesser penalty\*; or  
6           3. Grant a hearing before the Board.

7 If the Board chooses to grant a hearing, it may:

- 8           1. Affirm the decision of the hearing authority; or  
9           2. Modify the decision in any manner\*; or  
10          3. Impose a more severe penalty than that of the hearing authority.

11 The notice of the hearing shall include a statement that, unless the student's parent or guardian requests  
12 an open hearing in writing within five (5) days of receipt of the notice, any hearing will be closed to  
13 the public.<sup>2</sup>

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.

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Legal References

1. TCA 49-6-3401 (c)(4)(A)(D)(10)  
2. TCA 49-6-3401 (c) (5)  
3. TCA 49-6-3401 (c)(6)

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Cross References

- Procedural Due Process 6.302  
Suspension/Expulsion/Remand 6.316