

McNairy County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Disciplinary Hearing Authority	Descriptor Code: 6.317	Issued Date: 11/08/07
		Rescinds: 6.317	Issued: 02/08/01

1 A Disciplinary Hearing Authority (DHA)¹ will conduct hearings for students who have been suspended
2 expelled/remanded for more than ten (10) school days. The Board shall appoint members of the DHA
3 which shall consist of seven (7) members, (maximum number must not exceed total membership of
4 Board) at least two (2) of which shall be licensed employees of the board, appointed to one (1) year
5 terms and subject to reappointment. Board members shall not serve on the DHA.
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7 The director of schools shall appoint a chairman of the DHA from the members appointed by the Board.
8 The chairman shall perform the following duties:
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- 10 1. Identify the members of the DHA assigned to hear each individual case;
- 11 2. Prepare and disseminate the minutes of each meeting; and
- 12 3. Set the time, place and date for each hearing.

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14 At the conclusion of each hearing, the chairman shall sign and maintain a copy of the minutes of the
15 meeting.
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17 The DHA shall notify the parent or guardian of the student, the student, and any other appropriate per-
18 son of the time, place and date of the hearing within forty-eight (48) hours of receiving notification of
19 the suspension/expulsion. The notice of the hearing shall include a statement that, unless the student's
20 parent or guardian requests an open hearing in writing within five (5) days of receipt of the notice, any
21 hearing will be closed to the public.
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23 Each hearing shall be conducted by at least three (3) members of the DHA, one of which must be a
24 licensed employee of the Board. The hearing must be held, a decision must be rendered, and notifica-
25 tion of the decision must be provided to the parents and/or student and the principal no later than ten
26 (10) days after the beginning of the suspension/expulsion. Notification of the decision shall include a
27 statement of the right of either party within five (5) days after receiving the decision to request a review
28 by the Board.
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30 The DHA may take the following disciplinary actions:
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- 32 1. Affirm the decision of the school principal;
- 33 2. Order removal of the suspension/expulsion unconditionally;
- 34 3. Order removal of the suspension/expulsion upon such terms and conditions as it deems reason-
35 able;
- 36 4. Remand the student to alternative placement; or
- 37 5. Suspend/Expel/Remand the student for a specified period of time.*
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39 If the student, principal, principal-teacher or assistant principal requests a review, then the Board shall
40 either review the record or grant a second hearing.
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If the Board chooses to review the record it shall:

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

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

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

*** Note: Zero-tolerance offenses set forth in statute (firearms, drug possession and battery upon a school employee) require mandatory calendar year expulsion or assignment to alternative placement for a calendar year unless modified by the director of schools.**

Legal Reference:

- 1. TCA 49-6-3401(c)(4)

Cross References:

- Procedural Due Process 6.302
- Suspension/Expulsion/Remand 6.316