

Hardeman County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Disciplinary Hearing Authority	Descriptor Code: 6.317	Issued Date: 08/14/14
		Rescinds: 6.317	Issued: 11/08/07

1 A Disciplinary Hearing Authority (DHA) shall conduct appeals for students who have been suspended
2 for more than ten (10) school days. ¹ The Board shall appoint members to the DHA which shall consist
3 of nine (9) 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. Identify the members of the DHA assigned to hear each individual case;
- 9 2. Prepare, sign, and disseminate the minutes of each meeting.
- 10 3. Set the time, place and date for each hearing; and
- 11 4. Maintain order and structure during each hearing

12 At the conclusion of each meeting, the chairman shall sign and maintain a copy of the minutes of the
13 meeting.
14

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

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

26 The DHA may take the following disciplinary actions:

- 27 1. Affirm the decision of the school principal;
- 28 2. Order removal of the suspension/expulsion unconditionally;
- 29

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

6 If the student, principal, principal-teacher or assistant principal requests a review, then the Board shall
7 either review the record or grant a second hearing.

8
9 If the Board chooses to review the record it shall:

- 10
- 11 1. Affirm the decision of the hearing authority; or
- 12 2. Modify the decision to a lesser penalty*; or
- 13 3. Grant a hearing before the Board.
- 14

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

- 16
- 17 1. Affirm the decision of the hearing authority;
- 18 2. Modify the decision in any manner*; or
- 19 3. Impose a more severe penalty than that of the hearing authority.

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

23 * Note: Zero-tolerance offenses as set forth in statute require mandatory calendar year expulsion or
24 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)(D)(10)
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