

Hardin County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Disciplinary Hearing Authority	Descriptor Code: 6.317	Issued Date: 10/14/14
		Rescinds: 6.317	Issued: 04/07/08

1 A Disciplinary Health Authority (DHA)¹ shall conduct hearings for students who have been
2 suspended, expelled, or remanded for more than ten (10) school days. The Board shall appoint
3 members to the DHA which shall consist of three (3) members, (maximum number must not exceed
4 total membership of Board) at least two (2), and such appointments are for one (1) year terms and
5 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 and disseminate the minutes of each meeting;
- 10 3. Maintain order and structure during each hearing; and
- 11 4. Set the time, place, and date for each hearing.

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

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

17 Each hearing shall be conducted by at least three (3) members of the DHA, two of which must be a
18 licensed employee of the Board. The hearing must be held, a decision must be rendered, and
19 notification of the decision must be provided to the parents and/or student and the principal no later
20 than ten (10) days after the beginning of the suspension/expulsion.¹

21 The DHA may take the following disciplinary actions:².

- 22 1. Affirm the decision of the school principal;
- 23 2. Order removal of the suspension/expulsion unconditionally;
- 24 3. Order removal of the suspension/expulsion upon such terms and conditions as it deems
25 reasonable;
- 26 4. Remand the student to alternative placement; or
- 27 5. Suspend/expel/remand the student for a specified period of time*

28 Notification of the DHA's decision shall include a statement of the right of the parent or guardian, the
29 student, and the principal, principal-teacher, or assistant principal within five (5) days after receiving

1 the decision to request, in writing, a review by the director of schools. Absent a timely appeal, the
2 decision of the DHA is final.

3 The director of schools shall respond to the appeal within ten (10) business days. Notification of the
4 director's decision shall include a statement of the right of the parent or guardian, the student, the
5 principal, principal-teacher, or assistant principal within five (5) days after receiving the decision to
6 request, in writing, a review by the Board of Education. Absent a timely appeal, the decision of the
7 director of schools is final.

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

10 If the Board chooses to review the record it shall;

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

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

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

21 **Note: Zero-tolerance offenses set forth in statute (firearms, drug possession and battery upon a*
22 *school employee) require mandatory calendar year expulsion or assignment to alternative placement*
23 *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)

Cross References

- Procedural Due Process 6.302
Suspension/Expulsion/Remand 6.316