

Franklin County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Disciplinary Hearing Authority	Descriptor Code: 6.317	Issued Date: 06/09/14
		Rescinds: 6.317	Issued: 10/11/07

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 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.

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;
- 10 3. Identify the members of the DHA assigned to hear each individual case; and
- 11 4. Prepare, sign, and disseminate the minutes of each meeting.

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's parents, and any other
15 appropriate person of the time, place, and date of the hearing within forty-eight (48) hours of receiving
16 notification of the suspension/expulsion. The notice of the hearing shall include a statement that, unless
17 the student's parent or guardian requests an open hearing in writing within five (5) days of receipt of
18 notice, any, and all, hearing(s) will be closed to the public.³

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

22 The DHA shall provide written notification to the parent or guardian of the student, the student, and
23 any other appropriate person of the time, place and date of the hearing. The hearing must be held no
24 later than ten (10) days after the beginning of the suspension.¹

25 The DHA may take the following disciplinary actions: ²

- 26 1. Affirm the decision of the school principal;
- 27 2. Order removal of the suspension unconditionally;

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

4 Notification of the decision shall include a statement of the right of either party within five (5) days
5 after receiving the decision to request a review by the Director of Schools. If a review of the hearing is
6 requested by either the parents or guardian of the involved student or the school principal, the Director
7 of Schools shall grant a second hearing.

8 The Director of Schools shall either affirm the decision of the hearing authority; or modify the decision
9 to either a lesser or greater penalty.*

10 Immediately following the hearing, the director of schools shall give his/her decision to the student and
11 parent(s) as well as the school principal; this shall include a statement that either party has five days to
12 request a review by the Board.

13 If the student, principal, principal-teacher or assistant principal requests a review, then the Board shall
14 review the record. Following the review, the Board may grant or deny the request for a hearing or
15 affirm or overturn the decision of the DHA with or without a hearing. The Board shall not impose a
16 more severe penalty than that imposed by the DHA without first providing an opportunity for a hearing
17 before the Board.³

18 * Note: Zero-tolerance offenses as set forth in statute require mandatory calendar year expulsion or
19 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