

Franklin Special Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Disciplinary Hearing Authority	Descriptor Code: 6.317	Issued Date: 08/11/14
		Rescinds: 6.317	Issued: 03/10/08

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 to the DHA
3 which shall consist of three (3) members, (maximum number must not exceed total membership of
4 Board) at least one (1) 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.

6 The director of schools shall appoint a chairman of the DHA from the members appointed by the Board.
7 The chairman shall perform the following duties:
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- 9 1. Identify the members of the DHA assigned to hear each individual case;
- 10 2. Set the time, place and date for each hearing;
- 11 3. Maintain order and structure during each hearing; and
- 12 4. Prepare, sign, and disseminate the minutes of each meeting.

13 Upon receiving notification of the request to appeal the suspension decision, the DHA shall provide
14 written notification to the parent or guardian of the student, the student, and any other appropriate person
15 of the time, place and date of the hearing. The hearing must be held no later than ten (10) days after the
16 beginning of the suspension.¹

17 The DHA may take the following disciplinary actions:²

- 18 1. Affirm the decision of the school principal;
- 19 2. Order removal of the suspension unconditionally;
- 20 3. Order removal of the suspension upon such terms and conditions as it deems reasonable;
- 21 4. Assign the student to alternative program; or
- 22 5. Suspend the student for a specified period of time.*

23 Within five (5) days of the DHA rendering a decision, the student, principal, principal-teacher or assistant
24 principal may request a review by the Board, and the Board shall review the record. Following the review,
25 the Board may grant or deny the request for a hearing or affirm or overturn the decision of the DHA with
26 or without a hearing. The Board shall not impose a more severe penalty than that imposed by the DHA
27 without first providing an opportunity for a hearing before the Board.³

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

* Note: Zero-tolerance offenses set forth in statute 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)(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