

Millington Board of Education

Monitoring: Review: Annually	Descriptor Term: Student Disciplinary Hearing Authority	Descriptor Code: 6.317	Issued Date: 07/24/14
		Rescinds: 6.317	Reviewed/Revised: 07/02/18 12/03/18

A Disciplinary Hearing Authority (DHA) shall conduct appeals for students who have been suspended for more than ten (10) school days.¹ The Board shall, upon recommendation of the Director of Schools, appoint a pool of five (5) members to the DHA. ~~which Each DHA appeal~~ shall consist of three (3) members, at least one (1) of whom shall be a licensed employee of the board, and such appointments are for one (1) year terms and subject to reappointment. Board members shall not serve on the DHA.

The director of schools shall appoint a chairman of the DHA from the members appointed by the Board. The chairman shall perform the following duties:

1. Set the time, place and date for each hearing;
2. Maintain order and structure during each hearing; and
3. Prepare, sign, and disseminate the minutes of each meeting.

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

The DHA may take the following disciplinary actions:²

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

Within five (5) days of the DHA rendering a decision, the student, teacher, assistant principal or principal may request an appeal to the Director of Schools. Within five (5) days of the Director of Schools rendering a decision, the student, principal, principal-teacher or assistant principal may request a review by the Board, and the Board shall review the record. Following the review, the Board may grant or deny the request for a hearing or affirm or overturn the decision of the DHA and the Director of Schools with or without a hearing. The notice of the board 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 shall be closed to the public.³ The Board shall not impose a more severe penalty than that imposed by the DHA and the Director of Schools without first providing an opportunity for a hearing before the Board.³ * **Note: Zero-tolerance offenses as set forth in statute**

- 1 *require mandatory calendar year expulsion or assignment to alternative placement for a calendar*
- 2 *year unless modified by the director of schools.*

Legal References

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