

Marion County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Disciplinary Hearing Authority	Descriptor Code: 6.317	Issued Date: 07/19/01
		Rescinds: 6.317	Issued: 12/15/97

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 of the DHA
3 which shall consist of _____ members, (maximum number must not exceed total membership of Board)
4 at least two (2) of which shall be licensed employees of the board, appointed to one (1) year terms and
5 subject to reappointment. Board members shall not serve on the DHA.

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

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10 1. Identify the members of the DHA assigned to hear each individual case;
11 2. Prepare and disseminate the minutes of each meeting;
12 3. Set the time, place and date for each hearing;
13 4. Notify appropriate persons of each meeting within forty-eight (48) hours of receiving notification
14 of the suspension/expulsion; and
15 5. Sign and maintain a copy of minutes of meeting.

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17 Each hearing shall be conducted by at least three (3) members of the DHA, one of which must be a licensed
18 employee of the Board. The hearing must be held, a decision must be rendered, and notification of the
19 decision must be provided to the parents and/or student and the principal no later than ten (10) days
20 after the beginning of the suspension/expulsion. Notification of the decision shall include a statement
21 of the right of either party within five (5) days after receiving the decision to request a review by the
22 Board.

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24 The DHA may take the following disciplinary actions:

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26 1. Affirm the decision of the school principal;
27 2. Order removal of the suspension/expulsion unconditionally;
28 3. Order removal of the suspension/expulsion upon such terms and conditions as it deems reasonable;
29 4. Remand the student to alternative placement; or
30 5. Suspend/Expel/Remand the student for a specified period of time.*

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32 If a review of the hearing is requested by either the student or principal, the Board shall either review
33 the record or grant a second hearing.

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35 If the Board chooses to review the record it shall:

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37 1. Affirm the decision of the hearing authority; or
38 2. Modify the decision to a lesser penalty*; or
39 3. Grant a hearing before the Board.
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If the Board chooses to grant a hearing, it may:

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

*** Note: Zero-tolerance offenses set forth in statute (firearms, drug possession and battery upon a school employee) 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)

Cross References:

- Procedural Due Process 6.302
Suspension/Expulsion/Remand 6.316