

Tennessee School Boards Association

Monitoring: Review: Annually, in April	Descriptor Term: Student Disciplinary Hearing Authority	Descriptor Code: 6.317	Issued Date:
		Rescinds:	Issued:

1 A Disciplinary Hearing Authority (DHA)¹ shall conduct appeals for students who have been suspended
2 for more than ten (10) school days. 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. 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. Set the time, place and date for each hearing;
11 2. Maintain order and structure during each hearing; and
12 2. Prepare, sign, and disseminate the minutes of each meeting.

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

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18 The hearing must be held, a decision must be rendered, and notification of the decision must be pro-
19 vided to the parents and/or student and the principal no later than ten (10) days after the beginning of
20 the suspension. Notification of the decision shall include a statement of the right of either party within
21 five (5) days after receiving the decision to appeal to the director of schools. Within five (5) days of
22 receiving the decision from the director of schools, either party may request a review by the 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 unconditionally;
28 3. Order removal of the suspension upon such terms and conditions as it deems reasonable;
29 4. Remand the student to alternative program; or
30 5. Suspend the student for a specified period of time.*

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32 Within five (5) days of the DHA rendering a decision, the student, principal, principal-teacher or assis-
33 tant principal may appeal the decision of the DHA to the director of schools. Within five (5) days after
34 receiving the decision from the director of schools, either party may request a review by the Board
35 and the Board shall review the record. Following the review, the Board may affirm or overturn the
36 decision of the director of schools or grant an appeal hearing. If the Board allows a hearing, it may
37 affirm or overturn the decision of the director of schools. The Board shall not impose a more severe
38 penalty that that imposed by the DHA.

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

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the public.²

*** Note: Zero-tolerance offenses as 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. Tenn. Code Ann. § 49-6-3401(c)(4)
- 2. Tenn. Code Ann. § 49-6-3401(c)(6)

Cross References:

- Procedural Due Process 6.302
- Suspension/Expulsion/Remand 6.316