

MORGAN COUNTY BOARD OF EDUCATION

Student Disciplinary Hearing Authority

Descriptor
Code:
JCCCA

Issued Date:
10-02-2000

A Disciplinary Hearing Authority (DHA)¹ will conduct hearings for students who have been suspended/expelled/remanded for more than ten (10) school days. The DHA shall be taken from a pool of members consisting of principals, assistant principals, and school administrators appointed by the Board for a one year term subject to reappointment.

The director of schools shall appoint a chairman of the DHA. The chairman shall perform the following duties:

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

Each hearing shall be conducted by at least (3) members (maximum number must not exceed total membership of Board) of the DHA, one of which must be a building principal, but not from the home school of the suspended student. The hearing must be held, a decision must be rendered, and notification of the decision must be provided to the parents and/or student and the principal no later than ten (10) days after the beginning of the suspension/expulsion. Notification of the decision shall include a statement of the right of either party within five (5) days after receiving the decision to request a review by the Board.

The DHA may take the following disciplinary actions:

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

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

If the Board chooses to review the record it shall:

1. Affirm the decision of the hearing authority; or
2. Modify the decision to a lesser penalty*; or
3. Grant a hearing before the Board.

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: ¹TCA 49-6-3401(c)(4).