

<b>ROANE COUNTY BOARD OF EDUCATION</b>	
<b>Student Disciplinary Hearing Authority</b>	Policy # <b>3.26</b>
	Date Passed <b>December 13, 2007</b>

1    **3.26 - STUDENT DISCIPLINARY HEARING AUTHORITY**

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3    The Board shall establish a Disciplinary Hearing Authority (DHA)<sup>1</sup> to conduct hearings for  
4    students who have been suspended for more than ten (10) school days. The DHA shall  
5    consist of three (3) members, at least two (2) of which shall be building principals, appointed  
6    to one (1) year terms, and subject to reappointment. Board members shall not serve on the  
7    DHA.

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9    The Director or his/her designee shall serve as chairman of the DHA and shall perform the  
10   following duties:

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

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19    Each hearing shall be conducted by at least three (3) members of the DHA, one of which must  
20    be a building principal, but not from the home school of the suspended student. The hearing  
21    must be held, a decision must be rendered and notification of the decision must be provided to  
22    the parent(s)/guardian(s) and/or student and the principal no later than ten (10) days after the  
23    beginning of the suspension/expulsion. Notification of the decision shall include a statement of  
24    the right of either party within five (5) days after receiving the decision to request a review by  
25    the Board. The notice shall include a statement that, unless the student's parent/guardian  
26    requests an open hearing in writing within five (5) days of receipt of the notice, any hearing will  
27    be closed to the public.<sup>2</sup>

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29    The DHA may take the following disciplinary actions:

- 30  
31            1. Uphold the decision of the home school principal;  
32            2. Order removal of the suspension/expulsion unconditionally;  
33            3. Order removal of the suspension/expulsion upon such terms and conditions as it deems  
34            reasonable;  
35            4. Remand the student to the Alternative Program; or  
36            5. Suspend/Expel/Remand the student for a specified period of time.\*

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38    If a review of the decision by the Director of Schools is made, the Director shall within five (5)  
39    days review the record and may affirm the decision of the hearing authority; modify the  
40    decision to a lesser penalty; or grant a hearing. If the student or principal is unsatisfied with  
41    the decision of the Director, an appeal may be made to the Board of Education for a review of

42 the record. If a review of the hearing is requested by either the student or the principal, the  
43 Board shall review the record and shall:

- 44
- 45 1. Affirm the decision of the hearing authority;
  - 46 2. Modify the decision to a lesser penalty;\* or
  - 47 3. Grant a hearing before the Board.

48

49 If the Board chooses to grant the hearing, it may:

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

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56 **\*NOTE: Zero-tolerance offenses set forth in statute (firearms, drug possession and**  
57 **battery upon a school employee) require mandatory calendar year expulsion or**  
58 **assignment to alternative placement for a calendar year unless modified by the**  
59 **Director.**

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Legal References:

<sup>1</sup> TCA 49-6-3401(c)(4)

<sup>2</sup> PC 212 (2007)

Cross Reference:

3.25 Suspensions/Expulsions/Zero Tolerance