

# Houston County Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term:  <h2 style="text-align: center;">Discipline Hearing Authority</h2>	Descriptor Code: <b>6.317</b>	Issued Date: <b>08/10/20</b>
		Rescinds: <b>6.317</b>	Issued: <b>05/11/15; 01/09/95</b>

A Disciplinary Hearing Authority (DHA) shall conduct appeals for students who have been suspended for more than ten (10) school days. All appeals must be filed, orally or written, within five (5) days after receipt of the notice of suspension. The Director of Schools, with authority from the Board of Education, shall to appoint the DHA. The DHA shall consist of at least three (3) members, with the maximum number not exceeding total membership of the Board. At least one (1) DHA member shall be a licensed employee of the district.<sup>1</sup>

The DHA Chair, appointed by the Director of Schools, 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, the DHA shall provide written notification to the parent(s)/guardian(s) of the student, the student, and any other appropriate person of the time, place, and date of the hearing. The hearing shall be held no later than ten (10) days after the beginning of the suspension.<sup>2</sup>

The DHA may take the following disciplinary actions:<sup>3</sup>

1. Affirm the decision of the 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 an alternative school or program; or
5. Suspend the student for a specified period of time.\*

A student may appeal the decision of the DHA, provided such appeal is within five (5) days from the receipt of the decision. Such appeal may be made to the Director of Schools on behalf of the Board of Education. Based on a review of the record, the Director, on behalf of the Board, may grant or deny a request for a Board hearing and may affirm or overturn the decisions of the DHA with or without a hearing.

Within five (5) days of the DHA 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 take the following actions.

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*Grant Request for Hearing<sup>4</sup>*

If the Board grants a hearing, it shall provide notice to the student and/or his/her parent(s)/guardian(s). The notice of the hearing shall include a statement that, unless the student or the student’s parent(s)/guardian(s) requests an open hearing in writing within five (5) days of receipt of the notice, the hearing shall be closed to the public.

The Board may affirm, overturn, or modify the decision of the DHA.

*Deny Request for Hearing<sup>4</sup>*

If the Board does not grant a hearing, it may affirm, overturn, or modify the decision of the DHA. The Board shall not impose a more severe penalty than that imposed by the DHA without first providing an opportunity for a hearing before the Board.

*\* Note: Zero-tolerance offenses as set forth in statute require mandatory calendar year expulsion unless modified by the Director of Schools.*

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Legal References

1. TCA 49-6-3401(c)(4)(C)
2. TCA 49-6-3401(c)(4)(D)
3. TCA 49-6-3401(c)(5)
4. TCA 49-6-3401(c)(6)

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Cross References

- Procedural Due Process 6.302
- Zero Tolerance Offenses 6.309
- Suspension 6.316
- Alternative Education 6.319
- Student Records 6.600