

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: STUDENT DISCIPLINARY HEARING AUTHORITY	Descriptor No: STU 24	Date Adopted: 1/01
	Reviewed/Revision Adopted: 11/11	

1 A Disciplinary Hearing Authority (DHA) will conduct hearings for students who have been
2 suspended, expelled, or remanded for more than ten (10) school days and who file an appeal of
3 the disciplinary decision, orally or in writing, within five (5) days after receipt of the notice. An
4 appeal may be filed by the parent or guardian, the student or any person holding a teaching
5 license who is employed by the school system if requested by the student.

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7 The Board delegates to the Director of Schools the responsibility to appoint members to a DHA.
8 The Director shall appoint no more than seven (7) members to the DHA, which shall include
9 three school system administrators and at least two (2) licensed employees of the Board. The
10 student’s principal shall not be a member of the hearing authority. The DHA must include the
11 Special Education Supervisor if the student has been verified as having a disabling condition.
12 The Director of Schools or designee shall serve as the non-voting chair person of the DHA and
13 shall be responsible for scheduling the hearing, conducting the hearing, and preparing the written
14 findings of the DHA. DHA members shall be subject to reappointment. Board members shall
15 not serve on the DHA.

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17 The chair shall perform the following duties:

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

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26 Each hearing shall be conducted by at least three (3) members of the DHA, one of which must be
27 a licensed employee of the Board. The hearing must be held; a decision must be rendered; and
28 notification of the decision must be provided to the parents and/or student and the principal no
29 later than ten (10) days after the beginning of the suspension/expulsion. The DHA shall give
30 written notice of the time and place of the hearing to the parent or guardian, the student, the
31 school official who ordered the suspension, and the MCS licensed employee who filed the
32 request for the hearing if applicable. Notification of the decision shall include a statement of the
33 right of either party within five (5) days after receiving the decision to request a review by the
34 Board.

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36 The DHA may take the following disciplinary actions:

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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 within the policies of the Board and State law;
4. Remand the student to alternative placement; or
5. Suspend/Expel the student from any school or assign to alternative placement for a specified period of time.*

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A written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the DHA.

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Only after exhausting appeal procedures, the principal, principal-teacher, assistant principal or the student (or the student’s parents) may request review by the Board of Education. The appeal to the Board must be presented to the Director in writing within five (5) days after the date of the Disciplinary Hearing Authority decision. Absent a timely appeal, the decision shall be final.

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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.

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

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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.

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

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1. Affirm the decision of the hearing authority; or
2. Modify the decision in any manner including imposing a lesser or more severe penalty than that of the DHA*.

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If the Board conducts a hearing as a result of a request for review by a student, principal, principal-teacher or assistant principal, then, notwithstanding any provision of the open meetings laws compiled in title 8, chapter 44, or other law to the contrary, the hearing shall be closed to the public, unless the student or student’s parent or guardian requests in writing within five (5) days after receipt of the written notice of the hearing that the hearing be conducted as an open meeting. If the Board conducts a hearing as a result of a request for review by a student, principal, principal-teacher, or assistant principal that is closed to the public, then the Board shall not conduct any business, discuss any subject or take a vote on any matter other than the appeal to be heard. Nothing in this policy or T.C.A. §49-6-3401(c)(6) shall act to exclude the Department of Children’s Services from the disciplinary hearings when the Department of Children’s Services is exercising its obligations under T.C.A. §37-1-140.

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The action of the Board shall be final.

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*Note: Notwithstanding anything herein to the contrary, if the student is determined to have knowingly violated the zero-tolerance prohibitions against firearms, drugs, drug paraphernalia, or assault on a school employee and has been given fair due process procedures, only the Director may modify the one calendar year suspension from school.

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 Legal Reference:

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91 T.C.A. 49-6-3401(c)(4)

92 T.C.A. 39-17-1309; 18 U.S.C. 921

93 T.C.A. 49-6-4216 (Zero Tolerance)

94 T.C.A. 49-6-4202 (Definitions of dangerous weapons, drugs, drug paraphernalia, etc.)

95 T.C.A. 49-6-3401 (Suspension of Students)

96 T.C.A. 49-6-4209

97 T.C.A. 49-6-3402