

Lakeland Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Disciplinary Hearing Authority	Descriptor Code: 6.317	Issued Date: 07/14/14
		Rescinds: 6.317	Issued: 05/12/14

1 A Disciplinary Hearing Authority (DHA) shall conduct appeals for students who have been suspended for more
2 than ten (10) school days. ¹ The Board shall appoint members to the DHA which shall consist of three (3) members,
3 (maximum number must not exceed total membership of Board) at least one (1) of whom shall be a licensed
4 employee of the board, and such appointments are for one (1) year terms and subject to reappointment. Board
5 members shall not serve on the DHA.

6 The superintendent shall appoint a chairman of the DHA from the members appointed by the Board. The chairman
7 shall perform the following duties:

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9 1. Set the time, place and date for each hearing;
10 2. Maintain order and structure during each hearing; and
11 3. Prepare, sign, and disseminate the minutes of each meeting.

12 Upon receiving notification of the request to appeal the suspension decision, the DHA shall provide written
13 notification to the parent or guardian of the student, the student, and any other appropriate person of the time,
14 place and date of the hearing. The hearing must be held no later than ten (10) working days after the beginning of
15 the suspension.¹

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17 The DHA may take the following disciplinary actions: ²

- 18 1. Affirm the decision of the school principal;
19 2. Order removal of the suspension unconditionally;
20 3. Order removal of the suspension upon such terms and conditions as it deems reasonable;
21 4. Assign the student to alternative program; or
22 5. Suspend the student for a specified period of time.*

23 Within five (5) ~~working~~ days of the DHA rendering a decision, the student, Principal, Principal-Teacher or
24 Assistant Principal may request a review by the ~~Board~~ Superintendent, and the ~~Board shall review the record.~~
25 Superintendent may exercise any disciplinary authority granted to the DHA in responding to such an appeal.
26 Within (5) days of the Superintendent rendering a decision, the student, principal, principal-teacher or assistant
27 principal may request a review by the Board, and the Board shall review the record. Following the review, the
28 Board may ~~grant or deny the request for a hearing or~~ affirm or overturn the decision of the DHA ~~with or without~~
29 ~~a hearing or grant an appeal hearing.~~ The Board shall not impose a more severe penalty than that imposed by the
30 DHA without first providing an opportunity for a hearing before the Board.³

31 The notice of the hearing shall include a statement that, unless the student's parent or guardian requests an open
32 hearing in writing within five (5) ~~working~~ days of receipt of the notice, the hearing shall be closed to the public.³

33 * *Note: Zero-tolerance offenses as set forth in statute require mandatory calendar year expulsion or*
34 *assignment to alternative placement for a calendar year unless modified by the superintendent.*

Legal References

1. TCA 49-6-3401 (c)(4)(A)(D)(10)
2. TCA 49-6-3401 (c) (5)
3. TCA 49-6-3401 (c)(6)