

# Oneida Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term: <b>Student Disciplinary Hearing Authority</b>	Descriptor Code: <b>6.317</b>	Issued Date: <b>11/06/14</b>
		Rescinds:	Issued:

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

7 The director of schools shall appoint a chairman of the DHA from the members appointed by the  
8 Board. The chairman shall perform the following duties:

- 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  
13 written notification to the parent or guardian of the student, the student, and any other appropriate  
14 person of the time, place and date of the hearing. The hearing must be held no later than ten (10) days  
15 after the beginning of the suspension.<sup>1</sup>

16 The DHA may take the following disciplinary actions: <sup>2</sup>

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

22 Within five (5) days of the DHA rendering a decision, the student, principal, principal-teacher or  
23 assistant principal may request a review by the Board, and the Board shall review the record.  
24 Following the review, the Board may grant or deny the request for a hearing or affirm or overturn the  
25 decision of the DHA with or without a hearing. The Board shall not impose a more severe penalty  
26 than that imposed by the DHA without first providing an opportunity for a hearing before the Board. <sup>3</sup>

1 The notice of the hearing shall include a statement that, unless the student’s parent or guardian requests  
2 an open hearing in writing within five (5) days of receipt of the notice, the hearing shall be closed to  
3 the public.<sup>3</sup>

4 \* Note: Zero-tolerance offenses as set forth in statute require mandatory calendar year expulsion or  
5 assignment to alternative placement for a calendar year unless modified by the director of schools.

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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)

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Cross References

- Procedural Due Process 6.302
- Suspension/Expulsion/Remand 6.316