

Category:	Procedure:	
<b>Students</b>	<b>Procedural Due Process</b>	
Descriptor Code:	Issued Date:	Revised Date:
<b>AP-J-181</b>	<b>June 1997</b>	<b>February 1999</b>

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2 Knox County Schools, Discipline Procedures Manual.  
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4 Read policy carefully and then:  
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6 1) The principal of the school is responsible for determining if a violation of the Board policy or school  
7 rules and regulations has occurred and determining appropriate discipline in accordance with the due  
8 process procedures. The principal may delegate to the assistant principal(s) his responsibility for discipline  
9 matters and the duty to hear discipline matters under this process procedure with the consent of the  
10 Superintendent. When a suspension of more than four (4) days is to be considered, and if the principal or  
11 his designee holding the hearing is the sole person who has observed the violation, then another principal,  
12 assistant principal or administrative personnel will be designated to determine if the student has committed  
13 a violation and the appropriate discipline. (separate hearing officer from investigator)  
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15 2) If the student involved in a hearing is (a) a "handicapped" student as defined in TCA § 49-10-102 and  
16 (b) a suspension of more than ten (10) days is recommended by the principal or the suspension would  
17 result in more than ten (10) cumulative days of suspension for the student during the school year, then a  
18 multi-disciplinary team will be scheduled to determine placement and to determine final disciplinary  
19 action after the decision of the principal and before it is effective. (Reference GUIDE TO DISCIPLINE  
20 UNDER 504 AND IDEA for procedure and flow chart.)  
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22 3) Procedure for Short-Term Suspension (four days or less)  
23 If the initial hearing results in suspension of four (4) days or less, the principal shall notify the parent or  
24 guardian of the suspension, of the cause of the suspension, and of any conditions necessary for the  
25 student's readmission at the expiration of the term of suspension. The decision of the principal for a short-  
26 term suspension shall be final and is not appealable above the school level. However, the parent may  
27 request a review of the suspension record for procedural correctness. The request for review must be made  
28 to the principal within five days after the parent learns of the suspension, and the parent must sign the  
29 Request for Short-Term Suspension Review Form. The principal shall immediately forward the request  
30 form to the Superintendent's designee, who shall conduct a review of the suspension record for procedural  
31 correctness. The parent's request for review shall not delay the effective date of the suspension. The  
32 Superintendent's designee, upon completion of the review, shall notify the principal and the parents of its  
33 findings, which shall be to find the principal's procedures as either correct or incorrect. If the procedures  
34 are found to be incorrect, the Superintendent's designee may declare the suspension void and direct the  
35 principal to allow the student to make up any school work missed during the time of suspension. If a short-  
36 term suspension is extended to five (5) or more days for the same violation, the procedure for long-term  
37 suspension, including the parent's right of appeal, shall apply. Reference Student Discipline Flowchart  
38 (CI-211).  
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40 4) Hearing procedures for Short-Term Suspension (four days or less)  
41 a. The principal will inform the student of the violation and the substance of the information which  
42 supports the finding of a violation by the student.

- b. The principal will allow the student to present the student's explanation of the events the principal has presented and to present the student's version of the incident.
- c. The principal will attempt to resolve any contradictions between the facts presented supporting the violation and the student's version of the incident. The principal will impose his disciplinary decision based on his findings of the more probable version of the facts.
- d. Following the hearing, if the principal determines that the student did not commit the violation alleged, or such violation does not warrant suspension, the student will return to class with any remedial action found warranted by the principal.
- e. Following the hearing, if the principal determines that the student did commit the violation(s) alleged and suspension of some type is appropriate, the student will be suspended for no more than four (4) days or shall be otherwise less severely disciplined, which may include in-school suspension for any period of time. The principal shall notify the parent or guardian of the out-of-school suspension, and of any conditions necessary for the student's readmission at the expiration of the term of the suspension.

#### 5) Hearing procedure for Long-Term Suspension (more than four (4) days)

When the information received by the principal indicates a violation has been committed and the student involved and which, if proven, in the judgment of the principal, could justify a suspension for more than four (4) days, the principal shall notify, in writing, the student and reasonably attempt to notify orally or in writing the student's parents or guardians of the specific violations and facts which, if proven, would justify the suspension. The notice shall also contain the date, time, and place of a hearing to determine if a violation has occurred and the proper disciplinary action. The hearing shall be set at the discretion of the principal, but not less than twenty-four (24) hours from the notification of the student. The hearing may be held at an earlier time than that set in the notice upon the joint agreement of administrator and parent.

- a) At the hearing the principal shall consider the information which supports the finding of the violation by the student together with any information presented to the student to establish no involvement or violation or to deny, explain, or to justify the student's conduct. This hearing shall not be governed by formalized rules, evidence, or procedure, but will be conducted in a manner that insures a fair and complete opportunity to be heard.
- b) At the hearing the student, parents, or any legal counsel for the parents or student shall be allowed to attend and the principal may allow any staff member or other person to attend all or part of the hearing if they can provide facts or assistance to determine if a violation has occurred or the proper disciplinary action.
- c) At the hearing, in addition to providing the student the information indicating a violation has occurred, if the student denies the facts or events constituting a violation, then any staff member observing such facts shall, at the student's request, personally relate the facts observed with the student present at the hearing and the student or counsel shall be allowed to ask the staff member about the facts observed.
- d) The principal will attempt to resolve any contradictions between the information presented supporting the violation and the student's version of the incident. The principal shall impose his disciplinary decision based on his view of the more probable version of the incident.
- e) Following the hearing, if the principal determines that the student did not commit the violation alleged, or that out-of-school suspension is not appropriate, the student will return to class with any appropriate remedial action, including in-school suspension, if the principal deems appropriate.
- f) Following the hearing, if the principal finds that the student did commit the violation(s) alleged, the student will be suspended for a definite period of time or otherwise disciplined as determined appropriate by the principal.
- g) If the principal determines in his discretion that it is necessary for school discipline or because of

1 the nature of the alleged violation, a student may be placed in in-school suspension pending a  
 2 hearing under this section or an M-Team meeting (refer to Discipline under 504/IDEA manual for  
 3 process).  
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5 6) Suspension of more than Ten (10) days

6 If the principal suspends the student for a period in excess of ten (10) days or recommends expulsion, the  
 7 principal shall immediately refer the case to the Disciplinary Hearing Authority for action on his findings.  
 8 The Disciplinary Hearing Authority will confirm the recommendation and report of the principal without  
 9 further hearing unless a request for appeal is filed by the student or parent. Within five (5) days of the date  
 10 the principal renders his decision the parents or the student must notify the principal in writing of their  
 11 intention to appeal to a hearing before the Authority. A hearing, if requested, shall be held no later than ten  
 12 (10) school days after the beginning of the suspension.  
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14 7) Hearing before the Disciplinary Hearing Authority

- 15 a) The Disciplinary Hearing Authority's decision will be the final appeal. The notice of the time and  
 16 place of the hearing shall be given in writing to the student/parent and principal by the  
 17 Disciplinary Hearing Authority.  
 18 b) At the Disciplinary Hearing, the Hearing Authority shall consider the information which supports  
 19 the findings of a violation by the student together with any information presented by the student to  
 20 establish lack of the student's involvement or no violation of the policy or rules or to deny,  
 21 explain, or justify the student's conduct. This hearing shall not be governed by formalized rules of  
 22 evidence or procedure, but will be conducted in a manner that insures a fair and complete  
 23 opportunity to be heard.  
 24 c) At the hearing, in addition to providing the student the information indicating that a violation has  
 25 occurred, if the student denies the facts or events constituting a violation, then any staff  
 26 member observing any such facts shall, at the student's request, personally relate the facts  
 27 observed with the student present at the hearing and the student or counsel shall be allowed to ask  
 28 the staff member about the facts observed.  
 29 d) At the hearing the student, parents, or any legal counsel for the parents or student shall be allowed  
 30 to attend and the Authority may request any staff member or other person to attend all or part of  
 31 the hearing if they can provide facts or assistance to determine if a violation has occurred or the  
 32 proper disciplinary action.  
 33 e) A written record of the proceedings including a complete transcription of the facts and the reasons  
 34 supporting the decision shall be made by the Disciplinary Hearing Authority. The student or  
 35 principal within five (5) days of the Authority's decision may request review by the Board of  
 36 Education.  
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38 8) Hearing before the Board of Education

- 39 a) The Board of Education, based on a review of the written record, may grant or deny a request for  
 40 a Board hearing and may affirm or overturn the decision of the Hearing Authority with or without  
 41 a hearing before the Board. Whether based on the optional hearing or on the written transcript the  
 42 decision of the appeal by the Board of Education shall be made at an open meeting of the Board of  
 43 Education. The Board may not impose a more severe penalty than that imposed by the  
 44 Disciplinary Hearing Authority without first providing an opportunity for a hearing before the  
 45 Board.  
 46 b) If the Board of Education grants a hearing, notice of the place and time of the hearing shall be  
 47 given to the parent and principal by the Board of Education.  
 48 c) At the Board of Education Hearing the Board shall consider the information which supports the  
 49 findings of a violation by the student together with any information presented by the student to  
 50 establish lack of the student's involvement or no violation of the policy or rules or to deny,

1 explain, or justify the student's conduct. This hearing shall not be governed by the formalized  
 2 rules of evidence or procedure , but will be conducted in a manner that insures a fair and complete  
 3 opportunity to be heard.

4 d) At the hearing, in addition to providing the student the information indicating a violation has  
 5 occurred, if the student denies the facts or events constituting a violation, then any staff member  
 6 observing any such facts shall, at the student's request, personally relate the facts observed with  
 7 student present at the hearing and the student or counsel shall be allowed to ask the staff member  
 8 about the facts observed.

9 e) At the hearing the student, parents or any legal counsel for the parents or student shall be allowed  
 10 to attend and the Board may require any staff member or other person to attend all or part of the  
 11 hearing if they can provide facts or assistance to determine if a violation has occurred or the  
 12 proper disciplinary action. The Board of Education may issue subpoenas for attendance of any  
 13 witness at the Board hearings provided by State Law.

#### 14 9) Suspensions Occurring in the last ten days of a term

15 In the event the suspension occurs during the last ten (10) days of any term, the student may be  
 16 permitted to take such final examinations or submit such required work as are necessary to complete the  
 17 course of instruction for that term, subject to the action of the principal, or the final action of the Board of  
 18 Education upon any appeal from an order of a principal continuing a suspension.  
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#### 20 10) Rights of Appeal

21 a) The right of review will be explained to the parents and/or student at the time the principal and/or  
 22 Disciplinary Hearing Authority renders his/its disciplinary decision and a copy in writing on the  
 23 approved form will be given to the student and/or parent. An appeal of the principal's or  
 24 Disciplinary Hearing Authority's decision shall be made by notifying the principal or Disciplinary  
 25 Hearing Authority in writing within five (5) days of the date after disciplinary decision. If the fifth  
 26 day falls on a non-staff day, then the last day to appeal shall be the next school staff day or the  
 27 fifth day after the last regular school day of the year, whichever occurs first.

28 b) No request for appeal taken under the provisions of Knox County policy shall have the effect of  
 29 staying, postponing or otherwise delaying the effective date of the suspension imposed by the  
 30 principal and/or Hearing Authority, except for handicapped students (refer to 504/IDEA manual  
 31 for instruction).  
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#### 33 11) Dangerous or Disruptive Students

34 Students whose presence in school poses a continuing danger to persons or property or represents  
 35 an ongoing threat of disrupting the academic process may be immediately removed from school prior to a  
 36 hearing. The principal shall, as soon as practical, notify the student and parent/guardian of a disciplinary  
 37 hearing to be held in accordance with Knox County Board policy.  
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#### 39 12) SUGGESTED FACTORS OF CONSIDERATION IN DISCIPLINARY PROCEEDINGS:

40 In determining the appropriate discipline for a student at a hearing, the following factors with the  
 41 information about the incident and the student's previous history may be, but are not required to be,  
 42 considered:  
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44 a) The nature of the offense.

45 b) Interpretation of policy is left to the discretion of the principal. Common sense and what is  
 46 considered as "being reasonable" is strongly recommended.

47 c) The age of the student.

48 d) The level of awareness of the student and any developmental aspects of the student that could be  
 49 significant.

50 e) Any physical or medical conditions which could have a significant influence on the student's

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- actions.
- f) The prospects for rehabilitation of the student.
- g) The nature and kinds of intervention strategies which would benefit the student and/or family and school and community resources which could provide the needed services.
- h) Are you consistent in your practices?