

# Hamilton County Board of Education

Monitoring:  <b>Review: Annually, in April</b>	Descriptor Term:  <b>Procedural Due Process</b>	Descriptor Code: <b>6.302</b>	Issued Date: <b>12/16/04</b>
		Rescinds:	Issued: <b>05/11/23</b>

Prior to the enactment of procedural due process, notice of the rules, regulations, and penalties are provided to students and parents. Electronic access to this policy is found on the HCS website.

Before school authorities administer disciplinary measures, reasonable inquiry shall be made to determine the truth of what happened.<sup>1</sup> The nature of this inquiry will vary in degree with the seriousness of the offense and the consequence attached thereto.<sup>2</sup>

For minor offenses where corrective measures are taken by the classroom teacher, no formal procedure is required. An inquiry into the incident to ensure that the offender is accurately identified, that he/she understands the nature of the offense, and that he/she knew the consequences of the offense for which he is accused.

In case of severe offenses where there is a possibility of suspension, the student shall be advised of the nature of his/her misconduct, questioned about it, and allowed to give an explanation.

If the principal determines that the offense is of such nature that the student's continued presence would be detrimental to the school or persons within the school, he/she shall suspend the student for an appropriate number of days.<sup>3</sup>

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## Legal References:

1. *Ingraham v. Wright*, 430 U.S. 651 (1977)
2. *Goss v. Lopez*, 410 U.S. 565, (1975)
3. TCA 49-6-3401

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## Cross References:

Interrogations and Searches 6.303  
Discipline Procedures 6.313  
Disciplinary Hearing Authority 6.317