

## SUPREME COURT OF TENNESSEE

# Christian Heyne et al. v. Metropolitan Nashville Board of Public Education

380 S.W.3d 715 (Tenn. 2012) · No. M2010-00237-SC-R11-CV · Decided September 27, 2012

### SUMMARY

The Tennessee Supreme Court reviewed a public high school student's challenge to a ten-day suspension imposed after he injured another student with his automobile on school property. The Court addressed the scope of judicial review under a common-law writ of certiorari and the student's procedural due process claims concerning alleged bias and combined prosecutorial and decision-making roles. The Court affirmed the Court of Appeals' judgment upholding the disciplinary decision.

### CASE DETAILS

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| COURT                 | Supreme Court of Tennessee                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | William C. Koch, Jr.; Cornelia A. Clark, C.J.; Janice M. Holder; Gary R. Wade; Sharon G. Lee                                                                                                                                                                                                                                                                                                                                                                                      |
| JURISDICTION          | Tennessee                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| DECIDED               | September 27, 2012                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| DOCKET                | M2010-00237-SC-R11-CV                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | The Tennessee Supreme Court granted permission to appeal under Tennessee Rule of Appellate Procedure 11 from the Court of Appeals' reversal of a chancery-court judgment in a common-law writ of certiorari proceeding challenging a public-school disciplinary decision.                                                                                                                                                                                                         |
| STANDARD OF REVIEW    | Review of a trial court's decision to grant or deny a common-law writ of certiorari is for abuse of discretion. The underlying question whether an administrative record contains material evidence supporting the agency decision is reviewed de novo without a presumption of correctness. A common-law writ proceeding does not permit reweighing evidence, redetermining facts, or substituting the reviewing court's judgment for that of the administrative decision-maker. |
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## PARTIES

Christian Heyne, William Heyne, Robin Heyne v. Metropolitan  
Nashville Board of Public Education

## QUESTIONS PRESENTED

1. Whether Heyne's procedural due process rights were violated because Fran Perry participated in investigating and initiating the disciplinary charges, presided over the disciplinary hearing, and participated in deliberations.
2. Whether school officials' alleged bias and partiality rendered the disciplinary proceeding fundamentally unfair and violated procedural due process.
3. Whether material evidence supported the finding that Heyne's conduct constituted reckless endangerment under the Student-Parent Code of Conduct and Handbook.
4. Whether the trial court had authority to award Heyne and his parents attorneys' fees and costs.

## HOLDINGS

1. The combination of functions performed by a school disciplinary official does not, by itself, violate procedural due process. Because the record did not establish additional circumstances creating an intolerably high risk of actual bias, Perry's dual role did not invalidate the disciplinary proceeding.
2. The evidence was insufficient to overcome the presumption that school officials acted in good faith or to establish that the risk of actual bias was intolerably high. The disciplinary proceeding therefore was not constitutionally invalid on bias grounds.
3. Material evidence supported the school officials' finding that Heyne's conduct constituted reckless endangerment, and the disciplinary decision was therefore not arbitrary or illegal.
4. Because the Heynes failed to establish a constitutional violation, they were not entitled to recover attorneys' fees or costs under 42 U.S.C. § 1988.

## KEY QUOTATIONS

*“due process requires, in connection with a suspension of 10 days or less, that the student be given oral or written notice of the charges against him and, if he denies them, an explanation”* (at 17)

## FACTUAL BACKGROUND

Christian Heyne drove his automobile forward toward a group of freshman football players in a confined school parking area, after previously swerving toward two freshmen. The students scattered, but the automobile's tire pinned one student's foot and caused a contusion and ankle sprain; Heyne then drove over the student's backpack. School officials charged Heyne with several disciplinary offenses, and a hearing board ultimately found that he committed reckless endangerment and upheld a ten-day suspension and probation.

## PROCEDURAL HISTORY

A school principal suspended Christian Heyne for ten days after he drove his automobile toward a group of students and injured one student. A hearing board, the director's designee, and the school board upheld the

discipline. The chancery court found procedural due process violations, vacated the suspension, ordered expungement, and awarded attorneys' fees and costs. The Court of Appeals reversed, and the Tennessee Supreme Court affirmed the Court of Appeals and remanded for further proceedings.

#### **DISPOSITION**

affirmed

#### **REMAND INSTRUCTIONS**

The case was remanded to the trial court for any further proceedings consistent with the opinion. The Court taxed the costs of the appeal to William and Robin Heyne and their surety.