

HB23-1291 Procedures For Expulsion Hearing Officers

- *Sponsors: Rep. Junie Joseph (D), Rep. Serena Gonzales-Gutierrez (D); Sen. Faith Winter (D), Sen. Rhonda Fields (D)*
 - *The bill was signed and became law on June 1.*
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Overview

The legislation introduces several modifications to laws concerning the suspension, expulsion, or denial of admission of students. Here is a summary of the key provisions:

Expulsion Hearing Procedures

- The burden of proof in expulsion hearings is placed on the school district. They must demonstrate that the student violated state law and the school district's policy and that expulsion is necessary to safeguard the learning environment for other students.
- School districts are required to provide all records to the guardians of children involved in expulsion hearings.
- A report with facts and recommendations based on the expulsion hearing must be created by the school district.
- Guardians have the right to appeal the expulsion decision.

Hearing Officers

- Hearing officers must recuse themselves if there is a conflict of interest, such as a relationship with individuals involved or prior participation in the investigation or reporting of the incident.
- Hearing officers are mandated to participate in annual training on state school discipline law, including guidance on weighing specific student factors and information on federal special education laws.

Training Program

- The Colorado Department of Education (CDE) is responsible for developing and administering an annual training program for hearing officers, focusing on best practices for expulsions. The initial training must be five hours long.
- After the initial training, hearing officers are required to complete annual training on child and adolescent brain development, restorative justice, alternatives to expulsion, biases in expulsion, and federal requirements.

- School districts have the option to create their own training programs that meet or exceed the requirements set forth in the bill.

Judicial Review

- Within five days of a Board of Education upholding an expulsion or denial of admission, the board must issue a written order.
- Students, parents, or legal guardians have the right to file for a court review of the order within 10 days.
- The courts are obligated to conduct a hearing within 21 days of the filing.

These modifications aim to provide an expedited process for judicial review.

School Impact

School districts must ensure that all hearing officers receive the annual training either developed by the CDE or the school district. This expense will be paid using a school or district's existing resources.

Districts will have additional workload and costs to provide required documentation and information to students and parents prior to a hearing within specified timelines. Hearing processes and participation by school district employees may also be adjusted under the bill. In addition, legal costs will increase for school districts to participate in any cases referred for judicial review.