

Expulsion Laws & Proceedings

This document summarizes Colorado state laws regarding expulsion. In addition, a district may have additional policies or processes that they have in place surrounding any expulsions or recommendations for expulsion. This document is not intended to be legal advice.

State law defines the circumstances under which an expulsion may be considered, the other options that must be considered prior to expulsion, the components of an expulsion hearing, and required training for an individual serving as an expulsion hearing officer.

What is an expulsion?

An expulsion is a form of discipline following a behavior incident in which a student is excluded from school for a certain period of time. An expulsion can last for up to 12 months.

When is an expulsion allowed to happen?

A suspension or expulsion, or a recommendation for expulsion is permitted by law for any of the following reasons.

This includes the following reasons:

- Willful disobedience or defiance
- Destruction of property
- Detrimental behavior to the welfare or safety of others, on or off school property
- Habitually disruptive
- Possession of a dangerous weapon
- Use, possession, or sale of a drug or controlled substance
- Robbery
- Repeated interference with a school's ability to provide educational opportunities to other students
- Carrying, using, actively displaying, or threatening with the use of a firearm facsimile
- Making a false accusation of criminal activity against an employee of an education entity
- Bringing or possessing a firearm in school.¹

¹ Notwithstanding any other provision of law, in accordance with the provisions of 20 U.S.C. sec. 7961, a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, shall be expelled for a period of not less than one year; except that the superintendent of the student's school district may modify this requirement for a student on a case-by-case basis if such modification is in writing.

Statute References

[22-33-105](#): Suspension, expulsion, and denial of admission

[22-33-106](#): Grounds for suspension, expulsion, and denial of admission

[22-33-108](#): Judicial proceedings

[22-33-203](#): Educational alternatives for expelled students

[22-32-109.1](#): Conduct and discipline code - safe school reporting requirements

Expulsion Resources

[CDE Dropout Prevention & Student Re-engagement Website](#)

[Expulsion Hearing Officer Training](#)

[Student Discipline Training Series for Administrators](#)

CDE Contact Information

<https://www.cde.state.co.us/dropoutprevention>



Is the expulsion process any different for students who have an Individualized Education Program (IEP)?

Yes, there are certain protections in place for students who have an IEP. If a student with an IEP is recommended for expulsion, the school district must follow the process of making a manifestation determination.

- During a manifestation determination, the special education team must determine if the conduct that resulted in the student being recommended for expulsion is a manifestation of his or her disability. A manifestation determination review meeting must take place within 10 days of the recommendation for expulsion. If the team determines that the behavior is a manifestation of the student's disability, they cannot be expelled for that behavior. If it is found that the behavior is not a manifestation of the student's disability, then the student can be expelled and the remainder of the process is the same for students with or without an IEP.

What is the process when an expulsion is recommended?

Individual districts may develop their own process for reviewing behavior and determining when an expulsion is recommended. This may include different individuals who review the reason for expulsion, compile materials that are required, and make a determination.

Before expelling a student, each school district shall consider the following:

- The age of the student
- The disciplinary history of the student
- Whether the student has a disability
- The seriousness of the violation committed by the student
- Whether the violation committed by the student threatened the safety of any student or staff member
- Whether a lesser intervention would properly address the violation committed by the student.

What is an expulsion hearing?

An expulsion hearing is a meeting that can be requested by the school district, student, or family to discuss the recommendation for expulsion. The individual that oversees this meeting is referred to in statute as an expulsion hearing officer and this position can be filled by a number of different individuals.

What to expect before the expulsion hearing

Before an expulsion hearing, the school district should provide all records intended to be used as supporting evidence for the expulsion to the student or the student's parent, guardian, or legal custodian. The records need to be provided at least two business days (when school is in session) before the expulsion hearing.

What to expect during the expulsion hearing process

An expulsion hearing will include a review of the information provided, an opportunity for the student or family to share information, and for a final decision to be shared.



What requirements are there for an expulsion recommendation or hearing?

If an expulsion hearing is requested by a school district, student, or family, the school district has the burden of proving by a preponderance of the evidence that the student violated the school district's policy.

The individual serving as an expulsion hearing officer must not have a conflict of interest regarding a student under consideration for expulsion or denial of admission, or toward any alleged victim. This includes an incident where they were involved in the investigation or where they are relative or family member to the individuals involved.

Can an expulsion be appealed?

A student who is expelled has 10 business days after the decision to appeal the decision to the local board of education. After that time, the decision to grant or deny the appeal is at the discretion of the board of education.

The appeal must include a review of the facts presented and determined at the hearing, arguments relating to the decision, and questions of clarification from the local board of education.

If the board of education upholds the determination of the executive officer to expel or deny admission to the student, the student is entitled to a review of the decision.

Judicial proceedings: If a family wishes to appeal a board of education's decision, they can do so according to the following procedure:

- Within 5 business days following an expulsion or denial of admission, the board of education must issue a written order providing notice of the decision.
- If the student or parent wants court review of an order, they must notify the board of education in writing within 5 business days of receiving the official written order.
- The board of education must provide the student or family with a statement of the reasons for the action within five business days.
- The board of education must provide a complete and accurate copy of the expulsion record to the family within 5 business days.
- Within 10 business days after receiving the expulsion record, the family may file a petition requesting that the order of the board be set aside, which needs to be added to the statement of the board of education.
- If a petition is filed, the court has to notify the board of education and has to hold a hearing on the matter within 21 calendar days.
- The court then holds a judicial review of the hearing decision.

What educational services can a student get during an expulsion?

If a student is expelled, the school district shall provide information to the family about the alternative educational options available to the student during the expulsion period. Parents have the right to accept the options offered or can choose not to.

The educational services provided must be designed to support the student in returning to the school where they were enrolled before the expulsion, to successfully complete the high school equivalency exam, or to enroll in a nonpublic school or in an alternative school.



If the district's programming for expelled students that is offered is accepted by the family, the expelling school district does not need to provide the educational services on school district property nor provide multiple options if the parent does not like the initial option offered.

If the parent or guardian chooses to provide a home-based educational program for the student, the school district shall help the parent find appropriate curricula for the student, if requested by the parent or guardian.

If a student, parent or guardian requests educational services during the expulsion period, the school district shall provide any educational services that the school district deems appropriate to prevent the student from becoming academically behind their peers during the period of expulsion.

If a student was expelled, can they transfer to a different district?

A student may transfer to a different district; however, each school district may deny admission to a student who was expelled from any school district during the last 12 months.