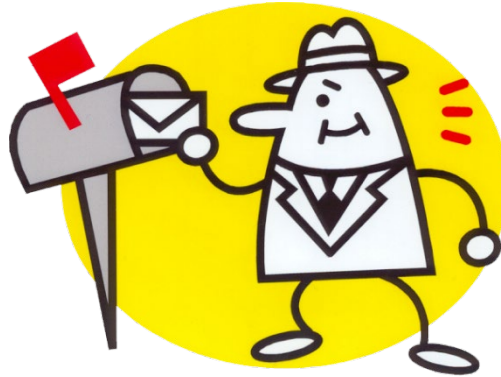


LEGAL MAILBAG – JANUARY 8, 2026



By Attorneys Dori Pagé Antonetti and Jessica Richman Smith, Shipman & Goodwin LLP – GUEST COLUMNISTS

The “Legal Mailbag Question of the Week” is a regular feature of the CAS Weekly NewsBlast. We invite readers to submit short, law-related questions of practical concern to school administrators. Each week, we will select a question and publish an answer. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors. Please submit your questions to: legalmailbag@casciac.org.

Dear Legal Mailbag,

I am an assistant principal at a high school, and like many educators across Connecticut, I have been working to understand the requirements and intentions of our state’s new challenging behavior legislation. My colleagues and I are committed to compliance, but we are struggling with how broadly these rules apply in day-to-day school discipline.

Specifically, we are unsure whether the challenging behavior documentation requirements extend to routine disciplinary matters. For example, when a student is suspended for any reason, such as vaping, skipping a Saturday detention, or other straightforward code-of-conduct violations, are we obligated to complete the state’s challenging behavior documentation form just because they are suspended and removed from their educational setting? Some districts seem to interpret the law as requiring a form for *every* suspension, while others believe the legislation is intended only for situations involving persistent or escalating behaviors that significantly impede learning or safety.

Before we overburden staff with unnecessary work, we are hoping you can clarify the legislative purpose. Was the challenging behavior statute truly designed to cover ordinary disciplinary offenses, or should it in fact be used exclusively for behaviors that reflect deeper emotional or behavioral dysregulation within classrooms?

Signed,
Drowning in Forms

Dear Drowning:

Legal Mailbag wants to assure you that if you have one (or fifty) questions about the new school climate laws, you are not alone! Whether intended or not, the new requirements to address “challenging behavior” have come with many challenges of their own. We hope our guidance will help keep you and your colleagues afloat as you revise your procedures to reflect these statutory changes. While this may not be the response you were hoping for, Legal Mailbag concludes that the challenging behavior statute applies to all incidents of challenging behavior, even behaviors that are not especially serious. The good news, however, is that school employees are not *required* to report challenging behavior to the School Climate Specialist if the behavior does not result in disciplinary action. The further good news is that even when a report is required, using a specific form is not.

As you may know, boards of education have been required to adopt plans to address school climate since 2002, and over the years, the law has been revised many times. This time, the legislature not only redefined bullying but included a new term, “challenging behavior,” thereby broadening the types of behavior that school districts must monitor and address.

In the first instance, it is important for school districts to understand that challenging behavior is broadly defined as “behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student or the safety of a school employee”. Fortunately, school employees need not report every incident of challenging behavior to the School Climate Specialist; many of these behaviors will likely be handled through classroom management techniques and established instructional practices. However, under the new law, school employees *must* notify the School Climate Specialist of any incidents of challenging behavior *that result in student discipline*, which is defined under state law to include removal from the classroom, in-school suspension, out-of-school suspension, or expulsion. This holds true whether a student is being disciplined for “straightforward code-of-conduct violations” (to use your description), or infractions that seem more directly related to a serious disruption of school climate.

The law does not, however, require school employees to fill out a form for every disruption that involves challenging behavior when discipline is not imposed. Employees have discretion in referring the matter to the School Climate Specialist when an incident does not result in discipline and has been addressed through classroom management.

Legal Mailbag further notes that the law does not mandate the use of any particular form even when a challenging behavior referral is required. Districts can adopt regulations or procedures that outline how school employees may notify the School Climate Specialist of challenging behavior incidents. That process might involve using a complaint form, such as the uniform challenging behavior and/or bullying complaint form developed by the Social and Emotional Learning and School Climate Advisory Collaborative, but that is not a legal mandate. Indeed, Legal Mailbag understands that some districts have sought to avoid unnecessary additional paperwork by adapting their current disciplinary referral forms to include checkboxes or creating similar “user-friendly” formats for school employees to report challenging behavior involving discipline.

That said, once the School Climate Specialist is notified of challenging behavior – whether through a checkbox on a disciplinary referral form, a formal complaint submitted by a student, parent, or school employee, or some other process – the School Climate Specialist must assess the facts, severity, and intentionality of the behavior. This is where the seriousness of the infraction comes into play. In some circumstances, this assessment will be quick (and may result in a finding that appropriate supports, interventions, and/or restorative practices already have been implemented). In other circumstances, the School Climate Specialist may have to do a more thorough investigation, including but not limited to following procedures outlined in other applicable Board policies (e.g., policies regarding non-discrimination or sexual harassment).

Finally, as to your question about legislative intent, Legal Mailbag cannot purport to know what state legislators had in mind when drafting this new law, other than to emphasize the importance of creating and maintaining a positive school climate. However, Legal Mailbag is hopeful that if your district (1) adopts regulations or procedures to streamline reporting and (2) helps school employees understand when they have discretion to report, responding to challenging behavior will be less challenging than it has proven to be so far!