

LEGAL MAILBAG – OCTOBER 1, 2026



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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 a superintendent in a regional school district made up of the neighboring communities of Learnington and Scholarbury, and I have a question about the residency requirements for members of a regional board of education.

One of our current board members lives in Learnington and was elected by the people of Learnington to represent Learnington on the regional board. He is now planning to move his primary residence to Scholarbury. The wrinkle is that he will retain his property in Learnington, meaning that, while his pillow will be in Scholarbury, his tax bill will continue to arrive from both towns.

This raises a question that must have been on the day I missed CABA training: to continue representing Learnington on the regional board, must this board member actually live in Learnington, or is continuing to own property and pay taxes there enough?

Complicating matters, our regionalization plan, assuming we can ever locate it, appears to have been written sometime during the colonial era and, not surprisingly, does not seem to contemplate a board member packing up the wagon and moving from one member town to the other while retaining property in both.

If residency is required, does his seat become vacant when he establishes residence in Scholarbury, even though he remains a resident of the same regional school district? Or does his continued status as a Learnington property owner and taxpayer allow him to keep one foot, legally speaking, in each town?

We would prefer to resolve this before anyone has to determine whether board membership follows the voter registration card, the property-tax bill, or the moving van.

Signed,
Super Curious Superintendent

Dear Super:

To serve on a board of education, a person must be a resident of that town and also be an elector (*i.e.*, eligible to vote) in that town. Article sixth, section 1 of the Connecticut Constitution provides: "Every citizen of the United States who has attained the age of eighteen years, who is a bona fide resident of the town in which he seeks to be admitted as an elector and who takes such oath, if any, as may be prescribed by law, shall be qualified to be an elector." Moreover, a person may not be an elector in more than one town at the same time. *See Conn. Gen. Stat. § 9-21a.*

Ownership of property in a town does not entitle a person to vote in that town. Rather, as stated above, a person must be "a bona fide resident" to be eligible to vote in regular or special elections. As we know from school accommodations disputes, it is not always simple to define a single town of residence, but students may have a bona fide residence in two (or more) towns. By contrast, a person must not vote in Connecticut in more than one town, and accordingly, a person with property in more than one town must declare his or her primary residence for voting purposes and thus be an "elector" in that town.

Given your description of the situation you confront, Legal Mailbag presumes that the resident of Learnington moving to Scholarbury will not contest the fact that his primary residence will now be in Scholarbury. When that occurs, he will no longer be eligible to serve on the regional board of education as a Learnington representative. The statutes governing regional school boards provide that the member towns elect their representatives on the regional school board. *Conn. Gen. Stat. § 10-46.* Once the board member changes residence to Scholarbury, he will no longer be eligible to serve as the board member elected by Learnington.

As you may know, *Conn. Gen. Stat. § 10-232* prohibits a member of a board of education from being employed by that board, and the statute provides that accepting such employment makes the board member so employed ineligible to continue to serve on the board, providing: "If any member of such board is employed contrary to the provisions of this section, the office to which he or she was elected or appointed shall become vacant." Analogously here, once the board member establishes his primary resident in Scholarbury, his position as a board member elected by Learnington will become vacant.

Legal Mailbag hopes that the transition of the board member's residence and concomitant end of his service on the regional board goes smoothly without contention. However, it is possible that there will be disagreement over exactly when the board member's residence changed and his board service thereby ended. In such case, Legal Mailbag can offer some comfort by describing the "de facto officer" doctrine. That doctrine provides that the actions taken by an elected official under presumed (but mistaken) authority remain binding. This "de facto officer" doctrine assures stability in governmental actions and, applying this de facto officer doctrine here, board votes in which this board member participated prior to final resolution of his status will stand and may not be challenged on that basis.