

# LEGAL MAILBAG – MAY 16, 2024



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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](mailto:legalmailbag@casciac.org).*

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Dear Legal Mailbag:

As a middle school principal, I was networking at the CAS-CIAC Membership Reception earlier this month (wonderful affair, by the way!), and I was lamenting over the usual end-of-year headaches. We all agreed that it is getting harder and harder to have students return their Chromebooks, textbooks, and other school equipment at the end of the school year. We have our teachers haranguing students every day about the need for them to return school property for the benefit of future students, but with little success. Moreover, some of the textbooks that students do return have been through the wringer, sometimes missing pages or even the front cover.

While I was networking, a fellow middle school principal from a different district scoffed at my sad tale. She told me that they just withhold grades until students return the school property or pay for damaged textbooks. She told me that it works wonders! But that doesn't seem right to me. A student's grades seem like a very different issue from a student's failure to return school property. Can we really do that?

Signed,  
*Many Happy Returns?*

Dear Happy:

Your teachers certainly cannot lower a student's grade for not returning school property. However, you do have the option of withholding grades and transcripts pending return of school property or payment for damaging such property. Conn. Gen. Stat. § 10-221(d) provides:

(d) Boards of education may prescribe rules to impose sanctions against pupils who damage or fail to return textbooks, library materials or other educational materials. Said boards may charge pupils for such damaged or lost textbooks, library materials or other educational materials and may withhold grades, transcripts or report cards until the pupil pays for or returns the textbook, library book or other educational material.

As you will read, withholding "grades, transcripts or report cards" is permissible, and taking such action can be particularly effective if a student wants to transfer schools or apply to college.

Legal Mailbag warns, however, that there is a catch. You cannot just decide ad hoc to withhold grades from a particular student who doesn't return school property. We read that "boards of education may prescribe rules to impose sanctions" when students damage or fail to return textbooks, library books or other "educational material" (which Legal Mailbag interprets to include Chromebooks or other property loaned to students for educational purposes). Accordingly, your district must have a "rule" to that effect. Legal Mailbag does not read the statute to require that your board of education adopt a policy on this subject, and the administration can simply adopt such a rule. However, Legal Mailbag recommends that administration adopt such a rule (if it has not already been done so) and include the rule and related consequences in student handbooks so that students are on notice of your expectations and what may happen if they do not follow through and return textbooks, laptops and other school property and/or pay for any damage they have done.

Cheer up. The end is near!