

LEGAL MAILBAG – MAY 21, 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,

As a middle school assistant principal in a district with a great number and variety of challenging student behaviors, I am constantly working to maintain a safe and positive educational environment. When students are issued an out-of-school suspension during the school day, we often need them to be picked up by a parent, because in some cases the student continues disrupting the school environment. Sometimes when we call, however, parents will tell us that they can't pick up their kid. We've also had a few who simply say they **won't** come get them and that their kid is **our** problem.

For instance, we might have students who become so defiant that they won't listen to any staff members, including me. They curse, they yell, and they walk around the school. Maybe we get them calm enough to go to in-school suspension if the parent won't come get them. But once in ISS, they can become disruptive and defiant again. One student can put a tremendous strain on our resources and the systems we have in place. Unfortunately, this happens far too frequently.

We sometimes utilize our school resource officers, but because the student behaviors don't necessarily rise to a level that requires police intervention, calling them doesn't generally help.

What options do we have when a disruptive student also has a defiant parent who says they can't or won't come pick up their kid? What can we tell the parent? Thank you!

Signed,
At My Wits End

Dear Wits:

Legal Mailbag lives to solve problems, but the situation you describe is particularly challenging. We may hope that the uncooperative parent is the exception, but when a parent flat-out refuses to pick up a disruptive student, you do indeed have a problem.

Legal Mailbag concludes that you can and should consider the student's actions a police matter in the extreme situation you describe – a parent is uncooperative when a student continues defiant and disruptive behavior to the extent that he or she must be removed from the school setting. Therefore, if and when parents refuse to pick up children who continue to be disruptive, you may advise them that your only alternative is to call the police. That may help change the parents' minds and cause them to come to school and pick up their child.

Legal Mailbag does understand, however, that the threat of police action will not always convince a parent to come pick up a student (and indeed there may be situations when in good faith the parent simply cannot do so). In such cases, it will be necessary for you to push back on any reluctance by the SRO (or the police more generally in the absence of an SRO) to intervene. Legal Mailbag notes your comment, "We sometimes utilize our school resource officers, but because the student behaviors don't necessarily rise to a level that requires police intervention, calling them doesn't generally help." However, the question posed is not limited to whether the student's behavior per se constitutes a crime; rather, once you have suspended a student from school, the student's continued presence in school alone constitutes a crime because the student is not authorized to be on school property and thus can be considered trespassing.

Legal Mailbag understands that there are public policy concerns with overreliance on the police in the school setting, which may explain the reluctance of the police to get involved. Conn. Gen. Stat. § 10-233m requires that boards of education that have school resource officers assigned to their schools enter into a memorandum of understanding with the police department "regarding the role and responsibility of such school resource officer," and any such memorandum of understanding must "include a graduated response model for student discipline." In addition, Conn. Gen. Stat. § 10-233p now requires that a school resource office file a report with the police chief "for each investigation or behavioral intervention of challenging behavior or conflict that escalates to violence or constitutes a crime conducted by such school resource officer not later than five school days after conducting such investigation or behavioral intervention." Moreover, such reports must then be submitted to the superintendent and ultimately to the board of education. These requirements may operate to discourage police involvement. However, when you have a student disrupting the school environment and no parental cooperation, you may have no other choice. Accordingly, further conversation is advisable between you and other school officials and the police to seek agreement on when the police must get involved in such situations.

Coincidentally, last month Commissioner of Education Charlene Russell-Tucker provided guidance on this very situation. Dated April 26, 2026, the guidance from the Commissioner is found here, [In-School Suspensions, Out-of-School Suspensions and Forced Parent Pickups](#). Interestingly, this guidance contemplates the procedure you describe ("Forced Parent Pickups"), but it does not directly address the very real problem you raise. Rather, it reminds us that requiring a parent to pick a student up from school constitutes an out-of-school suspension, which triggers all the procedural antecedents related to such action:

Forced Pick-Ups The Connecticut State Department of Education (CSDE) has been notified of a practice requiring parents and guardians to pick up their students from school when behavioral issues occur. It is important to note that when a district asks a parent or guardian to pick up a student under such circumstances, it is considered an out-of-school suspension (OSS) and as such is subject to the provisions of Connecticut General Statutes (CGS) Section 10-233c. This classification means the student is not only being removed from the school environment for the day but may also need interventions or support to address the underlying behavioral issues. Schools are required to document these cases to comply with the statute, ensure proper communication and collaboration with families about the students' needs, and employ any resources that could help manage the behavior more effectively by the school.

Moreover, the guidance further emphasizes that out-of-school suspension is permitted only in limited circumstances:

The only time an OSS [out-of-school suspension] may be imposed is when the administration determines that:

- The pupil being suspended poses such a danger to persons or property or such a serious disruption to the educational process that the suspension should be an OSS; or
- OSS is appropriate for such pupil based on evidence of (1) previous disciplinary problems that have led to suspensions or expulsion of such pupil, or (2) efforts by the administration to address such disciplinary problems through means other than OSS or expulsion, including positive behavioral support strategies, have not resulted in a change in behavior.

As the Commissioner reminds us, school administrators must keep in mind the conditions for out-of-school suspension set forth in Conn. Gen. Stat. § 10-233c. However, given the description you provided of continued disruption by the student, out-of-school suspension is justified in such cases.