

LEGAL MAILBAG – MAY 28, 2026



By Attorney Thomas B. Mooney, Neag School of Education, University of Connecticut

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 love reading your mail bag. I am a school administrative assistant, and I have a question for you.

We recently had a 3rd grade field trip, and one parent chaperone showed up reeking of marijuana and was clearly under the influence. The principal’s response was: “It’s legal now.”

Should she have been allowed to chaperone? Thank you in advance.

Signed,
Harshing Her Mellow?

Dear Harshing:

Sometimes we confront situations that are not clearly regulated by legal principles, but rather involve the exercise of judgment. This is such a situation.

As a threshold matter, mandated reporters have a duty that may be relevant to this situation, as described in Conn. Gen. Stat. § 17a-101a:

Any mandated reporter, as described in section 17a-101, ***who*** in the ordinary course of such person's employment or profession ***has reasonable cause to suspect or believe that any child*** under the age of eighteen years (A) has been abused or neglected, as described in section 46b-120, (B) has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child, or (C) ***is placed at imminent risk of serious harm . . . shall report or cause a report to be made*** in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive. (Emphasis added).

As we read in the emphasized words, there can be situations in which a mandated reporter observes that a child is placed at imminent risk of serious harm, and in those situations the mandated reporter must make a report to DCF.

You do not describe a situation in which one or more students is directly subjected to imminent risk of serious harm, but the principle is the same – mandated reporters (and other responsible people) should not stand by when they observe that a child is being placed at risk of serious harm. Rather, given the importance of protecting children, we expect people to step up and do something.

Legal Mailbag would need to know more before making a judgment on whether the chaperone should have been excluded from the field trip. Legal Mailbag duly notes your observations that the parent was “reeking of marijuana” and “was clearly under the influence.” What was the basis for your judgment that the parent was “under the influence”? What did you and the principal observe at the time? Was the parent coherent? Was the parent alert? Other than the odor of marijuana, what were the other indications that the parent was impaired? What responsibilities would the parent have as a chaperone?

The situation you describe, sadly, is not limited to concerns about chaperones. School officials can have similar concerns when a parent comes to pick up a child from school and exhibits signs of possible impairment from alcohol, marijuana, or another substance. In the situation that you describe and these other situations, school officials must decide whether to intervene, and such judgments must be based on student safety.

When a parent presents as impaired, Legal Mailbag recommends that school officials engage the parent in a discussion of his or her condition, such as “I note that you are unsteady, and I smell alcohol/marijuana. Are you sure you are OK to drive?” Based on the person’s response, the school official may be reassured or the concerns may grow. When a school official has serious concerns that a parent picking up a child is not fit to drive, it may be necessary to intervene, even in the face of angry protestations by the parent. Hopefully, it would be a rare circumstance, but when the concern is profound, the school official may have to tell the parent that, in the interest of student safety, he or she will not be releasing the student to that parent.

The chaperone situation is relatively easy – if a school official is not comfortable with a person acting as a chaperone, the school official can simply inform the person that he or she will not be

permitted to serve as chaperone. When a potentially impaired parent is picking up his or her child, however, the situation is more challenging.

The parent may drive off with the student over the objections of the school official, and as a mandated reporter, the school official must then decide whether to make a report to DCF under the provision quoted above. That judgment should be based on the level of impairment observed, including whether one sees any odd behavior (*e.g.*, weaving, driving over curbs) as the parent drives away.

If the parent pushes back but does not drive away with the child, the school official will have the opportunity to assess the situation further, and he or she may decide to release the child. However, given the overarching interest in student safety, in extreme cases the school official may insist that the parent may not leave with the child because the parent is obviously impaired. If the parent persists in objecting, Legal Mailbag further suggests that the school official treat the situation as a police matter and call the police to help sort out the situation.

There are no certainties in such situations, other than school officials must act in good faith in making such determinations. A parent denied access to his or her child in such a situation could possibly prevail in a claim that the school official interfered with his or her parental rights. However, school officials are indemnified against liability when they act in good faith in deciding whether to release a student to a parent who may be impaired. Legal Mailbag would rather defend a school official who took unauthorized action in the interest of student safety than defend a school official after a child is injured because the school official was negligent in releasing a child to a parent who is obviously impaired.