

LEGAL MAILBAG – AUGUST 8, 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.

Dear Legal Mailbag,

As the principal of an elementary school, I must deal with a wide range of personalities. Most of the teachers in my school can handle the occasionally-disruptive student. However, one of my teachers is fragile, and she complains all the time that students just don’t behave anymore. Last year was particularly difficult for her because one of her students suffered from oppositional defiance disorder. Rather than employing the de-escalation techniques she should use, this teacher’s demands for compliance triggered this student’s misbehavior on many occasions last year.

Apparently, this teacher heard about a statute passed in 2022 because she asked for a behavior intervention meeting of the crisis intervention team on eight different occasions last year. Conn. Gen. Stat. Section 10-236c provides that a classroom teacher may request a behavior intervention meeting of the school’s crisis intervention team whenever a student engages in “behavior [that] has caused a serious disruption to the instruction of other students, or caused self-harm or physical harm to such teacher or another student or staff member in such teacher’s classroom.” While we questioned whether the student behavior she described in making those requests met the statutory standard, we went ahead and held a behavior intervention meeting each time.

As we look forward to a new school year, some members of the crisis intervention team have already expressed concern about these meetings and frustration with this teacher. Can I tell the teacher that we have had enough of these meetings and that she should handle these student disruptions on her own?

Signed,
Just Deal With It

Dear Just:

A blanket denial of such requests is not permitted. However, you do have the right to question whether the misbehavior the teacher describes in requesting a behavior intervention meeting meets the statutory standard of being a serious disruption to the instruction of other students or caused self-harm or physical harm to someone in the teacher's classroom, as described above. That is a high standard, and you have the right to deny the teacher's request if you determine that the behavior does not rise to that level. In any event, Legal Mailbag suggests that you visit this teacher's classroom on a regular basis this coming year. If her interactions with students are triggering student misbehavior, you can send her for more training and eventually hold her accountable for her poor classroom management.

As you consider this matter, you should be aware that General Assembly significantly expanded the provisions of Section 10-236c in the last legislative session. Now, when a student engages in the behavior described above ("behavior [that] has caused a serious disruption to the instruction of other students, or caused self-harm or physical harm to such teacher or another student or staff member in such teacher's classroom"), a principal or other school administrator must notify the student's parents of that determination within twenty-four hours after such behavior occurs. The amended Section 10-236c goes on to say that "Such notice shall include, but not be limited to, informing such parent or guardian that the teacher of record in the classroom in which such behavior occurred may request a behavior intervention meeting" of the crisis intervention team.

The statute continues to provide that the classroom teacher may request a behavior intervention meeting in such cases, and, of course, you as principal can convene the crisis intervention team for that purpose on your own as you deem appropriate. In either event, the crisis intervention team must "identify resources and supports to address such student's social, emotional and instructional needs," and in accordance with amended Section 10-236c, it must now submit to the parent or guardian "a written summary of the meeting, including, but not limited to, the resources and supports identified" not later than seven days after the behavior intervention meeting is held.

These revisions to Conn. Gen. Stat. Section 10-236c are among various changes in the laws affecting school operations made in the 2024 legislative session. Given the intellectual curiosity of Legal Mailbag readers, the comprehensive [2024 Shipman Education Legislation Summary](#) prepared by the School Law Practice Group at Shipman & Goodwin may be of interest, and it is available as a courtesy. Happy reading!