

LEGAL MAILBAG – SEPTEMBER 10, 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,

As the principal of an elementary school, I like to keep my head down. However, that is not possible right now. Here's the story.

A parent called me up to complain that one of the teachers in my building was mean to her son, who is in the third grade. The parent told me that the teacher had commented to her son on how thin he is, and in front of the class she asked, "Don't they feed you at home?" Based on those facts, I told the parent that she had a valid concern and that I would follow up.

I spoke to the teacher about this complaint. The teacher was not at all sympathetic to the parent's concern, and she asked me rhetorically whether anyone can take a joke these days. We ended the conversation with my saying that it is now 2026 and that she should just be careful.

As I later learned to my chagrin, the teacher followed up with the student directly, telling him that she was sorry and that she would be more careful in the future so that he would not have to run home and complain to "mommy." Sadly, that is just what the student did, and the parent went ballistic. She called several board members to complain about the way I handled her complaint, and now my superintendent is telling me that the board members need to speak with me in executive session about the parent's complaint.

This whole situation seems to have nothing to do with the board of education. Do I have to attend the executive session?

Signed,
Completely Innocent

Dear Innocent:

If the board members want to speak with you, you will have to attend the meeting and answer their questions. However, there are special rules about executive session procedures and employee discipline that you should know about.

Boards of education can convene in executive session for a number of reasons as set forth in Conn. Gen. Stat. § 1-200(6), and those reasons include “Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting.” As you will note, boards of education (and other public agencies) may discuss the performance of an employee in executive session. In such case, the employee may not insist on attending the executive session when his or her performance is being discussed. Rather, the employee can only require that any discussion as to his or her performance be held in open session.

Here, you have been invited to attend the executive session, so your ability to attend the executive session in the first instance is not in question. Attendance in executive session, however, is limited to the members of the public agency (here the board members) and persons invited into the executive session whose opinion or testimony may be required, which would include you and your superintendent. If you reasonably fear that discipline may be under consideration, however, you would also have the right to union representation during the discussion, and that representative would also be allowed to attend the executive session.

In any event, the board members may want to continue the executive session discussion after you leave. That is their right, though you may require that any further discussion of your performance be held in open session (an unattractive option to be sure).

Finally, any concern you may have about potential discipline may be misguided. The board members may not be concerned about how **you** handled the situation (you are innocent, after all), but rather they may wish simply to understand the parent’s complaint. Legal Mailbag recommends therefore that you talk further with your superintendent to learn why the board members wish to speak with you.

Given that the incident involved a student, there is another option for the board of education to convene in executive session that is not related to a discussion of your performance. Executive session is also permitted for discussion of any matter that would involve the discussion of information contained in confidential records. As you know, personally-identifiable student information is confidential under FERPA. Presumably, there are some records (*e.g.*, emails or notes) about this situation that would be confidential under FERPA, and the board of education can discuss those records (and the related incident) in executive session. Here, board members may wish simply to understand the parent’s complaint. Ultimately, however, the board members must leave any related discipline of the teacher to you and your superintendent.