

LEGAL MAILBAG – OCTOBER 31, 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:

Given that it is Halloween, I have a scary story to tell. A student recently moved into our district and enrolled in my school. The parents are lovely people, but they have strong feelings about what we can teach their child, who is in the fourth grade. They have asked us for copies of the curriculum, which they zealously monitor, and they have exercised their right of excusal from various activities as much as they can.

These parents stopped by my office unannounced this morning to complain bitterly that their son’s teacher had violated their rights. It seems that the teacher found an old copy of “Scary Stories” in the school library, and in anticipation of Halloween, he had the class read two of his favorite stories aloud. It wasn’t the best choice, to be sure, because the stories he had the students read were pretty gruesome. But now I have to deal with two demands the parents have made.

First, the parents want me to reprimand the teacher in writing for exposing their son to the Scary Stories thereby violating their rights as parents because the stories deal with the supernatural. Second, they want a copy of that reprimand.

I don't have a problem in reprimanding the teacher for his poor judgment, though I don't know what rights of theirs he violated. But I don't plan to give the parents a copy of that reprimand. Any reprimand would be a confidential personnel matter, and I don't want to violate the teacher's rights. Does Legal Mailbag agree with my approach?

Signed,
Boo Who?

Dear Boo:

It has been a long time since Legal Mailbag was in the fourth grade, and Legal Mailbag must defer to you on whether the teacher should be reprimanded for having the students read the scary stories. But Legal Mailbag can put your mind to rest as to the parents' claim.

Parents have rights to excuse their children from specific areas of the curriculum, as specified in the following Connecticut laws:

- Acquired immune deficiency syndrome instruction. Conn. Gen. Stat. § 10-19(b).
- Family life education. Conn. Gen. Stat. § 10-16e.
- Firearm safety programs. Conn. Gen. Stat. § 10-18c.
- Sexual abuse and assault awareness. Conn. Gen. Stat. § 17a-101q(c).
- Dissection. Conn. Gen. Stat. § 10-18d.

In each of these provisions for excusal, the parent or guardian must simply request excusal in writing.

Here, you report that these parents have exercised all of these rights of excusal. Under these circumstances, these parents do not have a further legal right to shield their children from other classroom activities (except perhaps when religious accommodation may be required for, say, holiday celebrations, which is a separate topic). Therefore, the exposure of this child to the scary stories that the teacher had students read aloud did not violate their rights. The courts have repeatedly held that school officials establish the curriculum, and that parents may not insist on restricting exposure of their children in school to ideas with which parents (or their children) disagree.

If you determine that this teacher exercised poor judgment, you do have the right to write him up. However, if you do, these parents have the right to receive a copy upon their request. Under Conn. Gen. Stat. § 10-151c, "records of performance and evaluation" are confidential. However, the same statute provides that "records of the personal misconduct of a teacher shall be deemed to be public records and shall be subject to disclosure pursuant to" the Freedom of Information Act. Given this statutory provision, school administrators create public records when they issue written reprimands to teachers (or other employees) for their misconduct. Accordingly, these parents will be entitled at their request to receive a copy of any reprimand you write. Legal Mailbag hopes that this news does not frighten you.