

# LEGAL MAILBAG – NOVEMBER 14, 2024



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](mailto:legalmailbag@casciac.org).*

-----  
Dear Legal Mailbag,

The father of one of the students in my school is a pain in my butt. He is always complaining to me as principal about his son’s experiences at my school. “The homework is too hard!” “The activities in physical education class should be less strenuous!” “The other students are not inviting his son to their birthday parties!” It never ends!

His latest complaint is about the bus stop for his fourth-grade son. In adjusting the bus routes this year, we had to relocate his son’s bus stop. Previously, the parent could sit inside his house and keep an eye on his son waiting for the bus. However, now the bus stop is around the corner out of sight. He has called repeatedly to ask that the bus stop be moved back (or that we add a stop for his son in front of his house). I keep telling him that his son is perfectly capable of walking to the bus and waiting on his own, and that we will not be moving the bus stop back (or creating a new bus stop just for him).

Yesterday, he escalated. Citing some law that I never heard of, the father is demanding either that we move the bus stop or give him a chance to make his case to the board of education in a hearing. Can I tell him that “no” is “no”?

Signed,  
*No Mas*

Dear No:

You don't have to move the bus stop, but the father does have the right to a hearing before your board of education. Make sure that you forward that request to your superintendent promptly because the board of education has a limited time in which to schedule the hearing.

The situation you face does sound ridiculous. However, in other situations such a hearing may be reasonable. The law you never heard about is Conn. Gen. Stat. Section 10-186, the school accommodations statute. That law provides that a parent or guardian (or student who is eighteen or older) who is denied school accommodations may request a hearing before the board of education over that denial. The statute further provides that the board of education must hold the hearing within ten calendar days of the request, and it even permits a parent or guardian aggrieved by a decision of the board of education to appeal that decision to a state-appointed hearing officer, and then even to court.

You may wonder how a bus stop could be the subject of a school accommodations hearing. Conn. Gen. Stat. § 10-186(a) sets forth the duty of boards of education in Connecticut to provide school accommodations as follows:

Each local or regional board of education shall furnish, by transportation or otherwise, school accommodations so that each child five years of age and over and under twenty-one years of age who is not a graduate of a high school or technical education and career school may attend public school . . . .

As you read, transportation can be an essential element of providing school accommodations. Moreover, the same statute goes on to provide that a parent or guardian who feels that his or her child has been denied school accommodations has the right to a hearing before the board of education within ten days of the request.

Typically, board policy dictates when students are entitled to transportation, either on the basis of walking distance (graduated by age) or safety. When a student is eligible by board policy for transportation, the school district must assure that the designated bus stops do not expose students to undue risk. In your case, it may seem ridiculous that this parent could demand a hearing over a bus stop that is just around the corner. However, Legal Mailbag has been in hearings in which any reasonable person would have legitimate concerns about the safety of the assigned bus stop. Since that judgment can be subject to dispute, the statute permits parents or guardians to request review of a bus stop at a school accommodations hearing.

Finally, Legal Mailbag has a little good news to share. As noted above, a parent or guardian can appeal a board of education decision in a school accommodations hearing to the State Department of Education, which will then appoint a hearing officer to hear the matter again. When the question is whether the student is a resident of the district, that hearing is *de novo*,

which means that the hearing officer hears the matter “new” without deference to the board of education decision below. By contrast, when the question is whether the board of education has provided appropriate school accommodations (including transportation and where bus stops are established), the statute provides that the finding of the board of education “shall be upheld unless it is determined by the hearing board that the finding was arbitrary, capricious or unreasonable.” Against that standard, the parent in your case has little chance of success on appeal when your board of education decides that the placement of the bus stop is reasonable and denies the parent’s request.