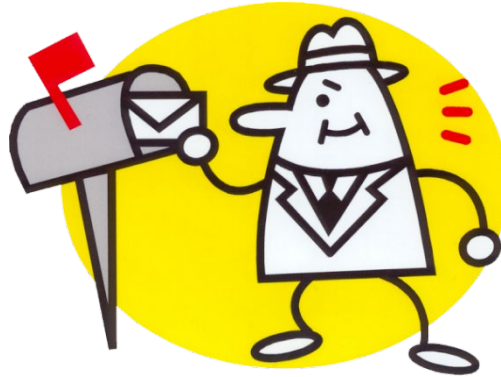


LEGAL MAILBAG – JUNE 13, 2024



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.

Dear Legal Mailbag,

The last day of school for students and teachers this year is next Monday, but a controversy is brewing over expectations for the summer. As principal of an elementary school, I am used to letting parents and students know who their teachers will be for the coming year, and simply wishing everyone a restful summer. But this year, a fourth-grade teacher in my school has seriously ruffled some feathers.

This teacher has the good of her students at heart, and she sent out a summer reading list to her incoming students and their parents. However, in the email with the summer reading list, the teacher told students that learning never takes a break and that students are required to read all the books on the list over the summer. To make matters worse, the teacher warned students that they should not put off this reading assignment until the end of the summer because students will be required to take a test on the reading the first day of school in the fall.

Since the teacher sent out that email, I have received many calls and emails from parents complaining that this teacher is “wrecking their summer vacation” and claiming that this teacher has no right to make assignments over the summer. One parent even described the teacher’s expectation that her child do this reading over the summer as “an attack on the family.”

Some parents have even contacted the Superintendent, and she is asking me whether and how I will be responding to these outraged parents. What are the legal rights of parents in this situation?

Signed,
Lazy Days of Summer No More

Dear No More:

There is no law prohibiting teachers or other school officials from scheduling activities for students over the summer. But Legal Mailbag notes that there is a difference between what school officials can do and what they should do.

Boards of education and their agents – superintendents, administrators and teachers – have discretion to schedule educational activities as they see fit. Conn. Gen. Stat. § 10-220(a) provides that “(a) Each local or regional board of education shall maintain good public elementary and secondary schools, implement the educational interests of the state, as defined in section 10-4a, *and provide such other educational activities as in its judgment will best serve the interests of the school district . . .*” (Emphasis added). Moreover, most statutory requirements that apply to school districts establish minimums (180 days in a school year, 900 hours of actual instruction, graduation requirements, and so on), not maximums.

As to educational activities over the summer break specifically, there is no statutory prohibition against establishing expectations for student work. Indeed, Conn. Gen. Stat. §§ 10-265g and 10-265i authorize boards of education to require that certain students in priority school districts attend summer school. Moreover, Legal Mailbag presumes that there is no board of education policy in your district prohibiting teachers from assigning work during school breaks, including the summer.

Having established that school officials have the authority to require students to participate in educational activities over the summer, Legal Mailbag moves on to the essential question for you – do you and the teacher want to pick this fight? Optional summer reading lists are common, as are enrichment activities. Required reading and tests are not. Accordingly, you may be able to convince the teacher that discretion is the better part of valor, and that she should reach back out to parents and students to say that the reading list is simply a recommendation and that there will not be a test on the first day of school. However, the bottom line is that the teacher is subject to your supervision, and you can direct her to do so. Legal Mailbag must leave these decisions to the teacher and to you.