

LEGAL MAILBAG – SEPTEMBER 26, 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 principal of a large elementary school, I understand that we must welcome all children. Some children have truly challenging behaviors, however, and, to be honest, not all of the teachers in my building are up to the challenge.

One of the fourth grade teachers is a case in point. She constantly complains about the behavior of students in her class. Some students get dysregulated easily, and they can be quite the challenge when they are triggered. But every time a student in this teacher’s classroom acts out, she calls the office to ask for help.

To make matters worse, this teacher heard all about a new statute a couple of years ago. As she was only too happy to inform me, in 2022 the General Assembly enacted Public Act 22-47, Section 19 of which confers a new right on classroom teachers: a classroom teacher may require that the school’s crisis intervention team convene a behavior intervention meeting on a specific student whenever the classroom teacher requests.

As demanded by this classroom teacher, the crisis intervention team convened five different times last year to hold behavior intervention meetings about the same student in this teacher’s classroom. With the beginning of the new school year, the members of the crisis intervention team have asked me to tell this teacher to quit requiring these meetings. Tell me, Legal Mailbag, can I do so?

Signed,
Enough Is Enough

Dear Enough:

The law you described has since been codified as Conn. Gen. Stat. §10-236c. You have not shared with Legal Mailbag the specific events antecedent to the teacher's request, but Legal Mailbag is concerned that you and your staff have not been sufficiently rigorous in your reading of the law. From its inception, the law has provided that classroom teachers can require that the crisis intervention team convene a behavior intervention meeting only if a student's behavior "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." There can be dispute, of course, over whether a student's behavior has "caused a serious disruption," but Legal Mailbag notes that such disruption must relate to the instruction of other students, or the behavior must otherwise relate to self-harm or physical harm to the teacher or another staff member or another student. In short, if the statutory standard for requiring the crisis intervention team has not been met, you can tell the teacher that the crisis intervention team will not be convening a behavior intervention meeting.

As we consider this matter, Legal Mailbag must bring to your attention the 2024 amendment to this law. Section 11 of Public Act 24-93 expands obligations under this law. Specifically, if a student engages in behavior as described in the law ("behavior [that] has caused a serious disruption to the instruction of other students, caused self-harm or caused physical harm to a teacher, another student or other school employee"), within twenty-four hours after such behavior has occurred, the school principal or other administrator must notify the parent or guardian, and such notification must "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."

The amended law retains the provision that gives the classroom teacher the right to require that the crisis intervention team hold a behavior intervention meeting in such circumstances. Moreover, the law now also provides that the crisis intervention team must notify the parent or guardian that it will hold a behavior intervention meeting (through there is no requirement in the law that the parent or guardian must be invited to any such meeting). However, if such a behavior intervention meeting is held, within seven days of the meeting the crisis intervention team must now "submit to the parent or guardian of such student, in the dominant language of such parent or guardian, a written summary of such meeting, including, but not limited to, the resources and supports identified." Nothing is simple these days!