

Legal Responsibilities of Boards of Education

Powers, duties and responsibilities of Connecticut Boards of Education originate from state statutes. The Board of Education has responsibility for district education and for maintaining a good public elementary school; implementing the educational interest of the state as defined in section 10-a and complying with orders from the Commission of Education arising from hearings held under 10-4b (on complaints alleging failure or inability of the Board to implement the educational interests of the state); providing all children of the school district as nearly equal advantages as may be practicable; and providing such other educational activities as in its judgment will best serve the interest of the district. Other specific Board of Education responsibilities enumerated in state statutes include:

1. preparation of an annual budget (10-222);
2. monitoring and directing budget expenditures and prevention of over expending the total appropriation to the Board by the town (10- 222);
3. provisions for each resident child of school age to attend public day school for the period required by law (10-222);
4. insuring that each child five years of age and over and under eighteen years of age attends schools in accordance with state requirements (10-220) (10-184);
5. provision of at least one hundred eighty days of actual school sessions each year; a minimum of nine hundred hours of actual school work in grades 1-12 and at least four hundred fifty hours of actual school work in kindergarten (10-15)(10-16);
6. determination of the number, age, and qualifications of the pupils to be admitted into each school (10-220);
7. acting as a body corporate with powers to sue and be sued; to purchase, receive, hold and convey real and personal property for school purposes; to build, equip, purchase and rent schoolhouses and make major repairs on them, and to supply them with fuel, furniture, and other appendages and accommodations; to establish and maintain schools of different grades; to establish and maintain a school library; to make agreements and regulations for establishing and conducting of schools consistent with regulations of the town; to employ teachers in accordance with section 10-151 or authorize the Superintendent of Schools to employ teachers; as a school district through its Board of Education, the town is authorized to pay taxes and borrow money for educational purposes and to make agreements and regulations (10-241);

8. provision of textbooks, supplemental books, and library books, supplies, materials, and equipment handed and furnished to pupils free of charge subject to the Board and Superintendent rules of care and Use (10-228); approval of new textbook adoptions by at least a two- third vote of the Board, notice of such potential adoption having been given at a meeting at least one week previous to the vote (10-229);
9. establishment of school attendance areas (10-220);
10. provisions for reasonable and desirable student transportation to school (10-220)(10-220c) and equivalent transportation for students in grades K-12 attending nonpublic nonprofit schools within school district boundaries when a majority of such students attending the nonprofit nonpublic schools are residents of Connecticut (10-281);
11. employment and dismissal of certified personnel in accordance with state statutes and board policies (0-220)
12. continuing. study of the need for school facilities and a long-term school building program and from time to time making recommendations to the town (10-220);
13. care, maintenance, and operation of buildings, lands, apparatus and other property used for school purposes (10-220);
14. insuring all buildings and all capital equipment against loss in an amount not less than eighty percent of replacement cost (10-220);
15. provision of in-service training for certified teachers, administrators and other personnel (10-22a);
16. provision of United States flags for each schoolroom to be displayed therein each school day, a U.S. flag of silk or bunting not less than four feet in length and a suitable flagpole on which such flag may be displayed on school grounds. (10-230);
17. saving harmless Board members, teachers, or other employees from financial loss and expense, including legal fees and costs, arising from any claim, demand, suit, or judgment by reason of alleged negligence or other act resulting in accidental bodily injury or death of any person or accidental damage or destruction of property including, but not, limited to, infringement of a person's civil rights which result in any injury as long as employee actions are not wanton, reckless, or malicious and are, at the time of such acts, acting in the discharge of his or her duties or within the scope of employment or under the direction of the Board (10-235);
18. saving harmless Board members and employees from financial loss and expense,

including payment of reasonable medical expenses or other services, as a result of an assault while the employee was acting in the discharge of his or her duties or within the scope of employment or under the direction of the board, when expenses are not paid by an employee's insurance, workers' compensation, or any other source not involving an expenditure by the employee (10-236a);

19. conducting a public hearing on any issue specified in a written petition within three weeks of receiving the petition signed by one per cent of district voters, or fifty voters whichever is greater; such public hearing shall be held at a time and place designated by the Board of Education (10-238);
20. granting the use of any school facility, for voting whether or not school is in session, subject to reasonable restrictions the Board of Education may impose (10-239);
21. submission of required reports to the Commission of Education or State Board of Education including:
 - a. not later than September 1st each year, of all receipts, expenditures, and statistics required by the Commissioner on such forms, with such documentation and in accordance with instructions of the Commissioner (10-227); such report to be certified not later than December of the same year by an independent public accountant (7-392);
 - b. each five years, in a manner prescribed by the Commissioner, (1) statement of educational goals for the public schools developed with parents, students, school administrators, teachers, citizens, local elected officials, and any other groups or individuals the Board determines, such goals to be consistent with statewide goals of the State Board of Education (10-220), and (2) a five year plan for the ongoing and systematic assessment and improvement of teacher evaluation and professional development related to student needs (10-151b)(10-220a).
 - c. each year at such time and in such manner as the commissioner prescribes, attestation that the district's educational program offerings and instruction are based on stated educational goals previously developed and submitted as described in "b" above (10-220).
 - d. by May 1st of each year, in a format as required by the CSDE, strategic school profiles for each school (10-220).
 - e. prior to each October 1st, the name, address of employment, and contractual annual salary of all certified employees (10-226).
 - f. the name and address of a new Superintendent of Schools within seven days after his or her employment (10-226).
 - g. at such time and in a manner prescribed by the State Board of Education, data on racial minorities in district schools (10-226a).

- h. annually, through enumeration or other means approved by the Commissioner of Education on the form prescribed, a report of the number of children of compulsory school age (10-249).

22. Development of written policies, procedures, rules on:

- a. management, studies, classification, discipline of the schools; textbooks, rules for school library and media centers, books and educational media; approval of plans for school buildings, and school oversight (10-221)
- b. student conduct and notification to parents of pupil suspension and expulsion; and promulgation of rules at least annually to students (10-221) (10-233e);
- c. homework, attendance, promotion, and retention (10-221);
- d. student truancy (10-198a)
- e. use, sale, or possession of alcohol or controlled drugs by students on school property (10-221)
- f. youth suicide prevention and youth suicide attempts (10-221);
- g. reporting complaints re school transportation safety and reporting of accidents at school bus stops (10-221);
- h. school district use of repayments and insurance proceeds in the year of loss from or damaged textbooks, library materials, or other materials (net of any costs the Board of Finance incurred, if any, for replacing such lost, damaged or stolen books or materials) (10-222a)
- i. protection of children from abuse (17a-101—17a-106)
- j. Bullying/Cyberbullying Policy # 6141.9 & 5131.9

23. Under permissive powers, the Board of Education may:

- a. establish and maintain summer schools on a voluntary basis and charge children a reasonable fee not to exceed the cost of programs, provided the board may waive any charges for good and sufficient reason (10-74a);
- b. authorize administrators to suspend pupils, out of school or in school, and from bus privileges and recommend expulsion of pupils whose conduct endangers persons or property or is seriously disruptive of the educational process or violative of a publicized Board policy (10-233c);
- c. insure against liability imposed by sections 10-220 and 10-235 (10-236);
- d. upon request, for not less than one semester's use, of nonpublic school pupils, or their parents/guardians, residing in and attending a nonpublic in the district, free loans of current district textbooks (10-228a);
- e. provide intergroup relations, teacher training and select a coordinator of intergroup relations, provide for workshops and training in

intergroup relations, evaluate and recommend textbooks and curriculum materials concerning racial and cultural minorities, and introduce and implement programs of intergroup relations in the schools (10-226 & 10-227).

- f. establish and maintain school activity funds (10-237).
- g. provide for use of any room, hall, schoolhouse, school grounds, or other school facility for nonprofit educational or community purpose (10-239).
- h. appoint and prescribe duties of licensed dental hygienists (10-213).
- i. regardless of whether school is in session or not, grant temporary use of the school facility for public, educational, or other purposes or for political discussions when school is not in session (10-239).
- j. take by eminent domain, upon approval of the legislative body, land for a site, or addition to a site, for a public school building (10—241a).
- k. provide out **of district transportation** to a non-profit Connecticut elementary nonpublic school approved by the State Board of education (10-280a).
- l. provide services of a school psychologist, remedial speech, school social worker, and special language teachers for non- English speaking students to children attending private nonprofit schools within the town (10-217a).
- m. operate student savings programs with savings banks (36-108) S&L associations (36-183).
- n. exchange professional personnel and students with institutions of other states and other countries and conditions for such exchanges (10-27).
- o. provide sanctions against pupils who damage or fail to return textbooks, library materials, or other educational materials (10- 221).

24. Compliance with all provisions of:

- a. section 1-13 through 1-21k Freedom of Information Act on public records and meetings;
- b. sections 4-166 through 4-189 of the Uniform Administrative Procedure Act on hearings;
- c. sections 7-391 through 7-396a -Municipal Audits;
- d. section 7-421 political activities of classified municipal employees for elective office. Leaves of absences. Service on governmental bodies of the town in which the employee resides;
- e. sections 7-467 through 7-479 - negotiations with non-certified (municipal) employees;
- f. section 7-479 - conflicts of interest for board of education members;
- g. section 8-24 - municipal and school district improvements and municipal planning commissions;
- h. section 9-185 through 9-206a - election of municipal officers and members of Boards of Education;

- i. sections 10-14m through 10-14r - educational evaluation and remedial assistance programs;
- j. section 10-15b parental or guardian access to student records;
- k. section 10-1Sc - prohibition of public school discrimination among children;
- l. section 10-16a - silent meditation;
- m. section 10-16b - prescribed courses of study;
- n. 10-16c through 10-16f - family life education;
- o. section 10-17 - English language as the medium of instructing in all public elementary schools with exceptions made for bilingual programs;
- p. sections 10-17e through 10-17f - required bilingual programs;
- q. section 10-18 - required courses in United States history, government and duties and responsibilities of citizenship;
- r. section 10-18a - multicultural interests in selection of textbooks;
- s. section 10-18c- firearm safety programs and exemptions from participation;
- t. sections 10-19 through 10-19b - teaching about alcohol, nicotine, or tobacco; drugs and acquired immune deficiency syndrome and training of personnel; substance abuse prevention teams and advisory councils on drug abuse prevention;
- u. sections 10-21b through 10-21a - programs offered by employers, programs offered jointly by Boards of Education and business firms, and school business forums;
- v. sections 10-29a through 10-29b - school observances of special days proclaimed by the Governor of Connecticut.
- w. sections 10-66a through 10-66n - regional educating service centers;
- aa. sections 10-76a through 10-76e – special education;
- ab. sections 10-94f through 10-94k - surrogate parent programs
- ac. section 10-145 - employment of properly certified professional personnel
- ad. section 10-151a - access of teachers to personnel files;
- ae. section 151b - evaluation of certified staff employed by the Board of Education;
- af. section 151c -confidentiality of teacher evaluations;
- ag. section 153 -prohibition of discrimination among professional employees on the basis of marital status;
- ah. section 10-153 through 10-153r - certified employee negotiations;
- ai. section 10-157 - Superintendents: relationship to local or regional Board of Education; verification of certification status; written contract of employment; evaluation of Superintendent by Board of Education;
- aj. section 10-155f - prohibition of residency requirements for teachers;
- ak. section 10-156d - reemployment of certified employees after military leave;
- al. section 10-158 - cooperative arrangements among towns: "Teacher" defined for purposes of this section;

- am. sections 10-183b through 10-183nn - teacher retirement;
- an. section 10-186 through 10-193 - Boards of Education/pupil attendance;
- ao. section 10-204 and 10-204a - vaccination and required student immunizations;
- ap. section 10-203 - school sanitation;
- aq. sections 10-205 and 10-207 - appointment and duties of school medical advisers;
- ar. sections 10-206, 10-206a, 10-206b, 10-208, 10-208a, 10-209, 10-210 - student health assessments;
- as. section-12 - appointment of school nurses and nurse practitioners;
- at. section 10a - administration of medicines by school personnel;
- au. section 10-214 - vision, audiometric, and postural screenings: when required; notification of parents re defects; and record of results;
- av. section 10-214a - eye protection for students;
- aw. section 10-214b - compliance reports by Boards of Education;
- ax. section 10-215 - lunches, breakfasts and other feeding programs for public school children and employees;
- ay. section 10-217a - Boards to provide the same health services for children in private nonprofit schools within the town as for local public school children;
- b. sections 10-217c, 10-217d, 10-217e, 10-217f, 10-217g - warning labels on art or craft materials of toxic substance, carcinogens, and a statement of safe use and storage for such materials; restricting purchases of art or craft materials by local or regional school districts without such labeling;
- ba. section 10-231 - requirement for monthly fire drills in each building;
- bb. section 10-282 through 10-292 - school building projects;
- bc. sections 14-212 through 14-292 - operation, drivers markings, etc. of school buses.
- bd. sections 16a-38 - energy utilization and conservation and life cycle cost analyses for new school construction;
- be. sections 17a-101 through 17a-107 - protection of children from abuse;
- bf. sections 19a-332 through 19a-332d - carcinogens, asbestos abatement;
- bg. Sections 20-412a through 20-412c - speech pathologists and audiologists;
- bh. section 22a-449h - replacement of underground storage systems;
- bi. section 29-313 - Regulations and prohibitions on use of certain fire extinguishers on school buses;
- bj. sections 29-381 through 29-389 - safety of public buildings;
- bk. sections 31-23 and 31-24 -protection of employees and certain prohibitions on employment of minors;
- bl. sections 46a-58 through 46a-62 - prohibition of discriminatory employment practices;
- bm. sections 46a through 46b-150b - juvenile matters, families with service needs, emancipation of minors, etc;

- bn. sections 47-47 - prohibition against barbed wire around public buildings;
- bo. sections 2-57 through 2-572 - statutory right of action and defenses including the “good Samaritan law” as applicable to school personnel;
- bp. sections 53-392a through 53-392e - academic crimes;
- bq. sections 53a-18 - use of reasonable physical force.
- br. Public Act 93-263 An Act Improving Educational Quality and Diversity;
- bs. Public Act 93-304 An Act Prohibiting Smoking in Public buildings

Legal Reference:

Connecticut General Statutes

1-13 through 1-21k re public records and meetings and FOI requirements

4-166 through 4-189 Uniform Administrative Procedure Act on hearings:

7-391 through 7-396a regarding municipal audits.

7-421 re political activities of classified municipal employees.

7-467 through 7-479 re municipal employee collective bargaining.

7-479 conflicts of interest.

8-24 re municipal and school district improvements and municipal planning commissions.

9-185 through 9-206a re election of municipal officers and members of Boards of Education.

10-14m through 10-14r re educational evaluation, remedial assistance.

10-15 Towns to maintain schools.

10-15b Access of parent or guardian to students'

records. Inspection and subpoena of school or student records.

10-15c Discrimination in public schools prohibited. School attendance by five year-olds.

10-16 Length of school day.

10-16a Silent meditation.

10-16b Prescribed courses of study.

10-16c through 10-16f re family life education.

10-17 re English language as the medium of instruction

in all public elementary schools with exceptions for bilingual programs.

10-18 re required courses in United States history, government and duties and responsibilities of citizenship.

10-18a re selecting of multicultural textbooks.

10-18c re firearm safety programs and exemptions from participation.

10-19 through 10-19b re teaching about alcohol, nicotine, or tobacco; drugs and acquired immune deficiency syndrome and training of personnel; substance abuse prevention teams and advisory councils on drug abuse prevention.

10-21b through 10-21e re programs offered by employers, programs offered jointly by Boards of Education and business firms and school

business forums.

10-27 Exchange of professional personnel and students.

10-29a through 10-29b re school observances of special days proclaimed by the Governor of Connecticut.

10-33 through 10-36 re high school operations and tuition.

10-39 through 63t re regional school districts.

10-64 through 10-66n re regional educational service centers.

10-67 through 10-73 re adult education.

10-76a through 10-76ee re special education.

10-94f through 10-94k re surrogate parent programs.

10-97 transportation to vocational schools.

10-145 certificate necessary to employment. Forfeiture for noncompliance.

10-151 employment of teachers. Definitions. Notice and hearing on failure to renew or termination of contract. Appeal.

10-151a re access of teachers to personnel files.

10-151b re evaluation of certified Board of Education employees by Superintendent of Schools.

10-151c re confidentiality of teacher evaluations.

10-153re prohibition of discrimination among professional employees on the basis of marital status.

10-153a through 10-153r re certified employee negotiations.

10-155f residency requirement prohibited.

10-156d reemployment after military leave.

10-156e re employees of Boards of Education permitted to serve as elected officials: exception.

10-157 re Superintendents: relationship to local or regional Board of Education; verification of certification status; written contract of employment; evaluation of Superintendent by Board of Education.

10-15 re cooperative arrangements among towns. "Teacher" defined for purposes of this section.

10-186 re duties of local and regional Boards of Education re school attendance. Hearings. Appeals to State Board. Establishment of Hearing Board.

10-198a re policies and procedures concerning truants.

10-203 re sanitation.

10-204 and 10-204a re vaccination and required student immunizations.

10-205 re appointment of school medical advisers.

10-206, 10-206a, 10-206b, 10-208, 10-208a, 10-209 re student health assessments.

10-207 re duties of school medical advisers.

10-212 re school nurses and nurse practitioners.

10-212a re administration of medicines by school personnel.

10-214 re vision, audiometric and postural screenings.

10-214a re eye protective devices.

10-214b re compliance report by local or regional Board of Education.

10-215 re lunches, breakfasts and other feeding programs.
10-217a re health services for children in private nonprofit schools and payments from state, towns and private nonprofit schools.
10-217e re purchase of art or craft materials by school districts.
10-220 re duties of Boards of Education.
10-220a re in-service training for certified personnel.
10-220 re Boards of Education to prescribe rules.
10-221a re High School graduation requirements.
10-221b re Boards of Education to establish written uniform policy re treatment of recruiters.
10-221c re policy for reporting complaints re school transportation safety. Reporting of accidents at school bus stops.
10-222a re Boards to have use of funds from repayment and insurance proceeds for school materials.
10-227 re returns of receipts, expenditures and statistics to State Board. Verification mandated. Penalty.
10-228 re free textbooks, supplies, material and equipment .
10-228a re free textbook loans to pupils attending nonpublic schools.
10-3\230 re flags for schoolrooms and school.
10-231re fire drills.
10-233a re definitions. Re pupil suspension and expulsion.
10-233b re removal of pupils from class.
10-233c re suspension of pupils.
10-233d re expulsion of pupils.
10-233e re notice as to disciplinary policies and action.
10-233f re in-school suspension of pupils.
10-233g re Boards to report school violence. Reports of principals to police authority.
10-235 re indemnification of teachers, Board members and employees in damage suits; expenses of litigation.
10-236a re indemnification of educational personnel assaulted in the line of duty.
10-237 re school activity funds.
10-238 re petition for hearing by Board of Educations.
10-230 re use of school facilities for other purposes.
10-239a re et seq. re demonstration scholarship programs.
10-240 re control of schools.
10-241 re powers of school districts.
10-241a re taking of site by eminent domain.
10-249 re enumeration of children of compulsory school age in school districts.
10-250 re report showing number of children.
10-280a re transportation for pupils in nonprofit private schools outside school district.
10-281re transportation for pupils in nonprofit schools within school district

10-281 rough 10-292 re school building projects.
14-212 through 14-292 re bus operation drivers, markings, etc.
16a-38 re energy performance standards and life cycle cost analysis for state buildings. Alternative energy systems included in design proposals. Approval.
17a through 17a-106 re protection of children from abuse. Reports required of certain professional persons. When child may be removed from surroundings without court order. Reporting policy school district.
19a-332 through 19a-332d re carcinogenic substances and asbestos abatement.
20-412a through 20-412c re speech pathologists and audiologists.
22a-449h re extension of time to replace underground storage tanks.
29-313 re fire extinguisher. Regulations
29-381 through 29-389 re safety of public buildings.
31-23 through 31-24 re protection of employees and certain prohibitions on employment of minors.
36-108 and 36-183 re student savings programs in savings banks and savings and loan associations.
46a-58 through 46a-62 re prohibition of discriminatory employment practices.
46b-120 through 46b-150d re juvenile matters, families with service needs, emancipation of minors, etc.
47-47 re prohibitions against barbed wire around public buildings.
48-12 re condemning land. Re right of eminent domain and procedures.
52-57 through 52-572 re statutory right of action and defenses.
53-392a through 53-392e re academic crimes.
53a-18 re use of reasonable physical force.
PA 93-3252 re an Act Concerning Religions Freedom.
PA 93-2623 re an Act Improving Educational Quality and Diversity.
PA 93-304 re an Act Prohibiting Smoking in Public Buildings.
PS 93-328 re an Act Concerning Applicants. requires criminal record checks and fingerprinting.
PA 95-259 re an Act Concerning Minor Revision to the Education Statutes.
PA 95-304 re an Act Concerning School Safety.
PA 95-182 re an Act Concerning a Reduction of Education Mandates.

Adopted: 5/15/12