

# The Dual Roles and Responsibilities of Local and Regional Boards of Education

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## Issue

When are local and regional board of education members considered “agents of the state” in Connecticut? Do local and regional boards of education have latitude when implementing state-mandated policies? What authority do boards of education have to make educational policy on their own?

## Summary

In Connecticut, a local board of education serves the dual roles of being (1) a locally elected board of residents who serve a particular town (or group of towns if a regional board) and makes local public school policy and (2) obligated by state law to carry out the education interests of the state. Local and regional board of education members are considered “agents of the state” when they are fulfilling the legal duty of providing public education that the state has delegated to the municipalities.

Connecticut courts have determined state agent status encompasses many functions of local and regional boards of education. These boards and their members are not considered state agents when they (1) are acting under municipal authority as delegated by statute or (2) do not follow state guidelines or fail to comply with their own policies.

The Connecticut Supreme Court has held that boards of education exercise local control on budgetary matters (even here the state minimum budget requirement statute limits their discretion, see below). Nevertheless, local and regional boards of education occupy a place where they (1)

maintain significant statutory power to develop educational policy while also (2) are statutorily required to develop statements of educational goals, school curriculum committees, school management plans, student sanction programs, and drug and alcohol policies, among others, and hire staff including teachers and a superintendent. These programs and actions must comply with state law.

## **Overview: The State Constitution and the Educational Interests of the State**

The Connecticut Constitution guarantees that “There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation” ([Article Eighth, § 1](#)). The legislature, through the general statutes, has delegated most educational responsibilities to local and regional boards of education and much of this responsibility is designated directly to the boards and does not involve the rest of town government.

[CGS § 10-240](#) provides that “Each town shall through its board of education maintain the control of all the public schools within its limits and for this purpose shall be a school district and shall have all the powers and duties of school districts, except so far as such powers and duties are inconsistent with the provisions of this chapter.”

The educational responsibilities overseen by local and regional boards of education are broadly statutorily defined as the “educational interests of the state.” These interests are equal opportunities for students to receive a suitable educational program as required under law, funding as required under the statutory minimum budget requirement, educational opportunities for students to interact with students of other racial, ethnic, and economic backgrounds, and that school districts comply with all education-related statutes ([CGS § 10-4a](#)). The State Board of Education oversees local and regional implementation of the educational interests of the state.

## **Court Decisions on Board Members as “Agents of the State”**

Occasionally, the dual local and state roles of boards of education have led to confusion and litigation. The state Supreme Court has held that the process of approving local education budgets is a completely local matter (*Board of Education v. Town and Borough of Naugatuck*, 268 Conn. 295 (2004)). But in many other aspects, local and regional boards serve as state agents within their respective communities. Since furnishing public education is a constitutionally outlined state function – although one that is delegated to local and regional boards of education – local and regional boards act as agents of the state when they are fulfilling these duties (*Town of Cheshire v. McKenney*, 182 Conn. 253, 257-258 (1980)). For example, local boards of education possess

authority to employ and dismiss local schoolteachers under laws specific to teacher hiring and tenure ([CGS §§ 10-151 to -151c](#)). However, because boards derive their specific teacher employment authority from statute, they are acting as state agents when making those employment decisions.

The key factor courts must consider in evaluating a board or board member's actions is whether the board or board member is executing duties under the authority of the town or the state (*Graham v. Friedlander*, 334 Conn. 564, 597 (2020)). If the member is executing duties that are under state authority, the member is acting as an agent of the state. If the member is not, they are acting as an agent of the town.

In *Graham*, the employees at the center of the case were performing special education duties, which are duties required by the state. But the issue at hand was the school board's general powers to hire staff including verifying credentials and qualifications. The court found verifying staff qualifications is a general authority delegated to school boards to operate school districts ([CGS § 10-240](#)). Therefore, regarding the failure to adequately check qualifications, the employees were not acting as agents of the state.

In *Palosz v. Town of Greenwich*, 184 Conn. App. 201 (2018), the state Appellate Court held that state agent status extends to local implementation of state-mandated safe school climate plans ([CGS § 10-222d](#)). The court reasoned that climate plan mandates did not encroach upon local boards' statutory control. When local officials fail to comply with state mandates, or policies created by local officials, they are acting as agents of the municipality, not the state. Similarly, the court held in *Norris v. Town of Trumbull*, 187 Conn. App. 201 (2019) that an employee of a regionally operated special education center was not acting as a state agent in a negligence action where the employee failed to take precautions to properly supervise and ensure students' safety. The court determined that the legislature did not intend for the facility in question to be treated as a state agency under [CGS §§ 10-66a to -66t](#) with respect to the supervision of children attending its schools or programs.

The state Supreme Court further ruled that local town charter provisions can be binding upon local boards of education when the local charter provisions "are not inconsistent with or inimical to the efficient and proper operation of the educational system otherwise entrusted by state law to the local boards," (*Local #1186, AFSCME v. New Britain Board of Education*, 182 Conn. 93 (1980)). The question in this case was whether the town charter allowed the board of education to test and hire school custodians and secretaries (instead of the town civil service commission) and if the board violated state law, as well as the charter and a collective bargaining agreement. The court ruled the charter gave hiring authority to the school board and did not violate state law. According

to Thomas Mooney’s Connecticut School Law (Ninth Edition, 2018), the courts have generally found that charter provisions are binding as long as they do not interfere with the local board of education’s duty to provide education to the students who reside in the board’s town.

## **Authority and Responsibilities of Local and Regional Boards of Education to Develop and Implement Policy**

While local and regional boards of education are not the primary developers of educational policy, they do maintain substantial policy developing and implementing authority. Local and regional boards’ policy-making authority is primarily derived from [CGS §§ 10-220](#) and [10-221](#). (Regional boards of education have the same statutory duties as local boards of education ([CGS § 10-47](#).)

Under [CGS § 10-220](#), local boards must maintain good public elementary and secondary schools, give all children of the district nearly equal advantages as may be practicable, and provide an appropriate learning environment for all students that includes, among other things, adequate books, supplies, and material, and an equitable allocation of resources among schools. Also under [CGS § 10-220](#), local boards must, “with the participation of parents, students, school administrators, teachers, citizens, local elected officials and any other individuals or groups” deemed appropriate by the board, “prepare a statement of educational goals” for the school district. Statements of educational goals must comply with state law and include goals for the integration of principles and practices of social-emotional learning and restorative practices in the program of professional development for the school district, as well as career placement for students who do not pursue an advanced degree immediately after graduation.

Additionally, local boards must annually establish student objectives for the school year that directly relate to the statement of educational goals. The section further requires local boards to establish a school district curriculum committee that recommends, develops, reviews, and approves all curriculum for the local or regional school district.

Pursuant to [CGS § 10-221](#), local boards must prescribe

rules for the management, studies, classification and discipline of the public schools and, subject to the control of the State Board of Education, the textbooks to be used; shall make rules for the control, within their respective jurisdictions, of school library media centers, including Internet access and content, and approve the selection of books and other educational media therefor, and shall approve plans for public school buildings and superintend any high or graded school in the manner specified in this title.

[CGS § 10-221](#) additionally allows local boards to impose sanctions against students who damage or fail to return textbooks, library materials, or other educational materials. Statutorily listed sanctions include charging for damages and withholding grades, transcripts, or report cards. The section also requires local boards to develop written youth suicide prevention and parent-teacher communication policies. Moreover, boards must create policies in accordance with state law governing student use, sale, or possession of alcohol or controlled drugs on school property. These policies must also prescribe cooperation with law enforcement officials.

Furthermore, [CGS § 10-221](#) requires local boards to develop, adopt, and implement written policies concerning homework, attendance, promotion, and retention. In *Campbell v. Bd. Of Educ. Of Town of New Milford*, 193 Conn. 93, 100 (1984), the Connecticut Supreme Court reaffirmed [CGS § 10-221](#) and stated that local school boards have the authority to create policy and delegate responsibility for imposing academic sanctions on students for nonattendance. The court also acknowledged that local school boards can instruct schoolteachers to consider class participation in assigning grades.

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