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May 19, 2015

James Caterbone  
Co-Chairman, Parks & Recreation Committee  
Stamford Board of Representatives  
888 Washington Boulevard  
Stamford, CT 06905

Dear Mr. Caterbone:

You have requested a legal opinion clarifying whether the Board of Representatives (“BOR”), through its Parks and Recreation Committee (the “Committee”), has any control over the Board of Education’s field use policies. The Parks and Recreation Committee is a BOR standing committee. (BOR Rules of Order, § IV(A)(1)). According to the City’s website, which you have cited as the possible source of the Committee’s authority to regulate policy for the Board’s playing fields, the Committee “has primary responsibility for monitoring activities that fall under the Director of Parks and Recreation.<sup>1</sup> The Parks and Recreation Committee considers and makes recommendations to the full Board on: maintenance and improvement projects at all parks and beaches; recommended Parks and Recreation Commission policies and fees; *city policies regarding use of City and Board of Education playing fields*<sup>2</sup>; fees at beaches, parks, gold course, ice rink, marinas and city recreation programs.... (<http://www.boardofreps.org/parks-and-recreation-.aspx>). The City’s Charter provides, however, that the Superintendent of Parks and Recreation shall be responsible for, *inter alia*, “the control, direction, and supervision of all public activities at parks and public recreation areas, and *whenever the Board of Education consents thereto*, school playgrounds, stadia, and school buildings and grounds.” (Charter § C5-30-5(4)). (emphasis added). The Charter language clearly reflects that the Board of Education has control over school property and only grants control over such property to the City’s Superintendent of Parks when the Board consents.

A review of the relevant statutory law provides additional support that the Board of Education has sole legal authority to control and set policies for the use of school property. Connecticut General Statutes § 10-220 reads in relevant part: (a) Each local or regional board of education shall maintain good public elementary and secondary schools, implement the educational interests of the state, as defines in section 10-4a, and provide such other educational activities as in its judgment will best serve the interests of the school district;...shall have the

<sup>1</sup> The position of Director of Parks and Recreation does not exist at this time. (Code of Ordinances § 40-51).

<sup>2</sup> This is one of the duties assigned to the Superintendent of Parks and Recreation. (Charter Section C5-30-5).

care, maintenance and operation of buildings, lands, apparatus and *other property used for school purposes*....

Moreover, Connecticut General Statutes § 10-240 confers authority to the local board of education to maintain control of all public schools within its limits. Similarly, Connecticut General Statutes § 10-239 authorizes the Board of Education to permit temporary use of school property and/or grounds to third parties.<sup>3</sup> Therefore, I must conclude that neither the City's BOR nor the Committee has any legal authority to set and/or override the Board's field use policies.

Please do not hesitate to contact me if you have any additional questions.

BY: \_\_\_\_\_

Vikki Cooper  
Deputy Corporation Counsel

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<sup>3</sup> Sec 10-239. Use of school facilities for other purposes. (a) Any local or regional board of education may provide for the use of any room, hall, schoolhouse, school grounds or other school facility within its jurisdiction for nonprofit educational or community purposes whether or not school is in session. (b) *Any local or regional board of education may grant the temporary use of rooms, halls, school buildings or grounds or any other school facilities under its management or control for public, educational or other purposes... at such time when the school is not in session....*