

GEORGE C. JEPSEN
ATTORNEY GENERAL



55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Office of The Attorney General
State of Connecticut

August 8, 2014

Darlene Perez
Teachers' Retirement Board Administrator
Connecticut Teachers' Retirement Board
765 Asylum Avenue
Hartford, CT 06105-2822

Dear Ms. Perez,

You have requested this office's opinion regarding whether pursuant to Connecticut General Statutes §10-183v(b)(2) a local board of education may "reemploy" as the board's superintendent an individual who is receiving a retirement benefit from the Teachers' Retirement System ("System"). We conclude that a superintendent is statutorily authorized to be "reemployed" in a "school district identified as a priority school district" while receiving a retirement benefit from the System because the position of superintendent is included within the statutory definition of "teacher" under §10-183b(26), and a central administrative office located within a priority school district fits within the statutory definition of "public school" under §10-183b(20).

The information provided with your request indicates that a member of the System who is receiving a retirement benefit from the System will be reemployed as the interim superintendent by the Bridgeport board of education pursuant to Connecticut General Statutes §10-183v(b)(2). In addition, you state that the school district in which the interim superintendent will be reemployed has been identified as a "priority school district" pursuant to Connecticut General Statutes §10-266p. To answer your inquiry we must review the entire statutory scheme of Chapter 167a of the Connecticut General Statutes. See Foley v. State Elections Enforcement Commission, 297 Conn. 764, 793 (2010) (finding that statutes must be read as a whole "so as to reconcile all parts as far as possible").

Connecticut General Statutes §10-183v(b)(2) provides:

A teacher receiving retirement benefits from the system may be reemployed for up to one full school year by a local board of education . . . in a position . . . (2) at a school located in a school district identified as a priority school district, pursuant to section

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10-266p, for the school year in which the teacher is being employed.

There appears to be no question that the individual who has prompted your inquiry was a "teacher" who was and is "receiving retirement benefits from the system." Nor do we have any hesitation in concluding that the individual's reemployment as a superintendent also falls within the statutory definition of "teacher." Connecticut General Statutes §10-183b(26) provides in relevant part that a "[t]eacher" means any teacher, permanent substitute teacher, principal, assistant principal, supervisor, assistant superintendent *or superintendent* employed by the public schools in a professional capacity while possessing a certificate or permit issued by the State Board of Education¹ (Emphasis added.) The plain language of the statute does not exclude any category of employee for reemployment pursuant to Connecticut General Statutes §10-183v(b)(2) and clearly includes superintendents within the definition of "teacher," even though such positions typically are administrative in nature. See Mattatuck Museum-Mattatuck Historical Society v. Administrator, Unemployment Compensation Act, 238 Conn. 273, 278 (1996) (finding that when statutory language is "plain and unambiguous," courts will look no further than the words themselves because it is assumed "that the language expresses the legislature's intent").²

Thus, the individual is eligible for reemployment "*at a school* located in a school district identified as a priority school district."³ (Emphasis added.) Connecticut General Statutes §10-183v(b)(2). Therefore, it is necessary to determine whether a central administrative office is considered a "school" for purposes of Connecticut General Statutes §10-183v(b)(2) because superintendents typically work out of a central administrative office that oversees the entire school district.

¹ Although we have not been provided any information about required certificates or permits, we presume for purposes of this opinion that the individual at issue holds the appropriate credentials.

² In 1981, the term "teacher" was statutorily re-defined to include the positions of "supervisors, assistant superintendents and superintendents." See P.A. 80-300.

³ As of the date of this opinion, the State Board of Education lists the Bridgeport Public School System as a priority school district under the Connecticut Priority School District Program and the Priority School District Extended School Hours Grant. See <http://www.sde.ct.gov/sde/cwp/view.asp?a=2618&q=321612>.

Section 10-183b(20) provides in relevant part that a "[p]ublic school" means any day school conducted within or without this state under the orders and superintendence of a duly elected school committee, a board of education, the State Board of Education the board of governors or any of its constituent units . . . and *any institution supported by the state at which teachers are employed . . .*" (Emphasis added.) The most recent data available on state Education Cost Sharing ("ECS") funding shows that for the 2011-2012 academic year, the City of Bridgeport received \$164,195,344.00 in ECS funding.⁴ See <http://www.cga.ct.gov/2012/rpt/2012-R-0101.htm>. In addition, 3.93% of such ECS funding for the Bridgeport Public School System's 2011-2012 academic year was used for general administration. See <http://www.sde.ct.gov/sde/lib/sde/PDF/dgm/report1/cpse2012/funperc.pdf>. Based on the foregoing, we conclude that the Bridgeport Public Schools' central administrative office meets the "supported by the state" criteria under the definition of "public school" because the Bridgeport Public Schools' central administrative office is indeed an "institution supported by the state" for purposes of Connecticut General Statutes §10-183b(20).

Section 10-183b(20) also specifies that a "public school" includes "any institution supported by the state at which *teachers* are employed." (Emphasis added.) As previously provided, C.G.S. §10-183b(26) defines "teacher" broadly to include "any teacher, permanent substitute teacher, principal, assistant principal, supervisor, assistant superintendent or superintendent employed by the public schools in a professional capacity while possessing a certificate or permit issued by the State Board of Education" Thus, the "institution" involved here employs a "teacher" inasmuch as a superintendent himself or herself is statutorily defined as a "teacher." It is also worth noting that a number of other individuals who serve in the office of the superintendent would statutorily qualify as "teachers."⁵

⁴ Education Cost Sharing ("ECS") is the primary method of state funding for education in all localities within the state of Connecticut.

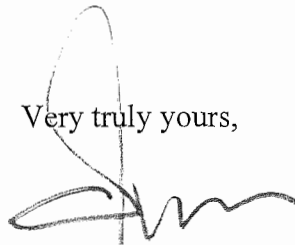
⁵ Review of the 2013-2014 Bridgeport Public Schools District Office Directory indicates that, in addition to the superintendent, the following employees are listed as working out of the Bridgeport Public Schools' central administrative office: the Executive Director/Specialized Instruction, the Director of Bilingual Education/World Languages, and the Deputy Chief Academic Officer. See [http://www.bridgeportedu.com/docs/2013-2014/SchoolDirectory\(3\).pdf](http://www.bridgeportedu.com/docs/2013-2014/SchoolDirectory(3).pdf). All of the aforementioned employees are "supervisors," and they are state-certified educators as provided by the Connecticut State Department of Education database. See <http://sdeportal.ct.gov/CECSFOI/FOILookup.aspx>. Thus, we are able to conclude that "teachers" other than the superintendent are employed at the Bridgeport Public Schools' central administrative office for purposes of C.G.S. §10-183b(20). See also Connecticut General Statutes §10-183b(26).

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Permitting the reemployment of retired "teachers" in the enumerated statutory situations serves the policy of making available to local boards of education a pool of qualified professionals to fill short-term -- but urgent -- educational needs. We have no hesitation in concluding that in advancing this policy the legislature intended to include a superintendent -- "the chief executive officer of the board," Conn. Gen. Stat. 10-157(a) -- among those who may be "reemployed" by the board, and we are aware of no relevant statutory language to the contrary.

Therefore, since employees who meet the statutory definition of "teacher" are employed at the Bridgeport Public Schools' central administrative office, and the office is state funded, it is clear that the superintendent will be reemployed "*at a school*" located in a school district identified as a priority school district...for the school year in which the teacher is being employed." (Emphasis added.) Connecticut General Statutes §10-183v(b)(2). Thus, we conclude that the superintendent may be allowed to work pursuant to Connecticut General Statutes §10-183v(b)(2) for the period specified in the statute while receiving a retirement benefit from the System.

Very truly yours,



GEORGE JEPSEN
ATTORNEY GENERAL