



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 82-10

State Board of Education Member Doing Substitute Teaching

The Ethics Commission has been asked whether a member of the State Board of Education may serve as a substitute teacher in public schools in the State. The member has served on the Board for a number of years. Now retired from work, he wishes to teach academic subjects, as a substitute teacher, in the public schools in his hometown and in some of the State vocational-technical schools.

Considering the manner of their appointment and the State authority they are authorized under Title 10, General Statutes, to exercise, Board members are public officials. Section 10-1, subsection 1-79(j), General Statutes. The State Board of Education has general supervision and control of the educational interests of Connecticut, provides leadership to education in the State, technical assistance to educators, and protects the interests of the State by enforcing education law. Section 10-4, General Statutes. It assesses the adequacy and efficacy of the educational programs offered by public schools, the condition of the schools, and the amount and quality of instruction in them. Id. With the advice of local and regional boards of education, school administrators, teachers, parents, students, and the appropriate individuals and groups the Board prepares and updates annually a five-year comprehensive plan for elementary and secondary education and specifies action plans and target dates for achieving the goals and objectives of the plan. Id. Among other specific duties, the Board approves, prioritizes, or redistributes various operating and capital funds and grants and, under Sections 10-145a and 10-145b, General Statutes, issues and revokes certificates of qualification to teach in the public schools in the State. The State Board of Education also acts as the board of education for the State vocational-technical and other vocational schools. Chapter 164, Part VI, General Statutes.

No one may teach in a public school in Connecticut unless he holds an appropriate State certificate. Section 10-145, General Statutes. To serve as a substitute teacher, one must hold either a teaching certificate issued by the State Board or a substitute's permit. Section 10-145a-65, Regulations of Connecticut State Agencies. A substitute's permit, good for 40 days of teaching, is issued at the request of the superintendent of a town's schools and is valid only in that town. Section 10-145a-66, id. In the case of the vocational-technical schools, it is issued at the request of a director. A unit of the Department of Education has a role in the authorization of a substitute's permit. Id. The Department of Education is the administrative arm of the Board. Section 10-3a, General Statutes.

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When a member of the State Board of Education teaches in a local school systems, even on a substitute basis, it presents opportunities for conflicts of interest which should be avoided. Authorization of the Board member's substitute's permit is validated by the administrative arm of the Board. It could be very difficult for a unit of the Board's administrative arm to find a Board member unqualified for a substitute's permit. The Board member might be unable to prevent his office from influencing the issuance of the certificate allowing him to teach in a local school system. Were he compensated for his teaching this could be a violation of subsection 1-84(c), General Statutes, even though unintentional. Additionally the authority he has as a State Board of Education member would permit him to exercise considerable power over the local board of education under which he teaches. The Board has some discretion over the allocation of various grants and funds. Members of the administrative hierarchy of the local school system must have certificates issued by the Board's administrative arm to hold their positions. Section 10-145a-1, Regulations of Connecticut State Agencies. He would be in a position to sway the local system to retain him as a substitute teacher even though not competent, or to revise procedures and courses to his advantage. If he were compensated for his services as a substitute teacher, there are opportunities for violation of the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes.

The situation of teaching on a substitute basis in a vocational technical school presents even more problems under the Code. The State Board of Education appoints and removes the directors of the vocational-technical schools and is given significant power to control the operation and expenditures of the schools. Chapter 164, Part VI, General Statutes. The director of a vocational-technical school is the one who requests issuance of a substitute's permit to someone who wishes to teach on a substitute basis at the school. The director could, if he wished, influence the number of times a person was called in to substitute, favoring one on the substitute list over the others. There are opportunities for a member of the State Board of Education, which serves as the board of education for vocational-technical schools, to use his office as a Board member to affect his financial interests as a substitute teacher. No matter how proper and circumspect the Board member may have been, a director might be influenced in his actions toward the substitute teacher by the fact that the teacher was a member of the body which serves as his employer. A member of the State Board of Education should not teach in a vocational-technical school, even on a substitute basis, for compensation. Cf. Public Act No. 81-310.

There are advantages to a member of the State Board of Education teaching in the school system operated under the leadership of the Board. Current practical experience with the State's educational system should make a person a more knowledgeable and effective Board member. Nevertheless, he should not accept compensation for his teaching, to ensure that his office and his official action do not affect his personal financial interests.

By order of the Commission,


Lucille E. Brown, Chairperson

Dated