



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 88-1

State Board of Education Member Employed by
State University

A member of the State Board of Education has agreed to accept a part-time, paid position at a state university as an assistant athletic coach. He has asked what legal and ethical restrictions are imposed upon him by being both a Board member and a part-time State employee.

The Board member is subject to the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes, in both his capacities -- public official and State employee. Subsections 1-79(j), 1-79(k), General Statutes. The Commission's advice concerning legal restrictions is confined to those imposed by the Code of Ethics in the situation which has been presented. Subdivision 1-81(a)(3), General Statutes.

The Board of Education's major charge is general supervision and control of the educational interests of the State, including preschool, elementary, and secondary education, special education, vocational education, and adult education. Oversight of the State's system of higher education, including the state universities, is vested in the Board of Governors of Higher Education. Section 10a-6, General Statutes. There is, nevertheless, one interrelationship between the Board of Education and any college or university which offers a teacher preparation program. Completion of teacher training equivalents required by the State Board of Education is one of the prerequisites for being granted a provisional teaching certificate by the Board of Education. Subsection 10-145b(d), General Statutes. No teacher may be employed in a school of any local or regional board of education without holding an appropriate State certificate, section 10-145, General Statutes, as amended, of which the provisional teaching certificate is one. Teacher training equivalents can be earned in teacher preparation programs. The state university employing the Board member part time conducts a teacher preparation program.

Phone: (203) 566-4472

97 Elm Street (rear) • Hartford, Connecticut 06106

An Equal Opportunity Employer

The Code of Ethics for Public Officials states in various ways that a public official or State employee may not use his State authority and position, or confidential information gained in and through it, for the financial benefit of himself, members of his family, or a business with which he is associated. Subsections 1-84(a), 1-84(c), 1-84(d), and 1-84(i), General Statutes. If he is required to take official action which will affect a consequential financial interest of his, of his family member, or of his business, a member of the executive branch of State government must excuse himself or be excused. Section 1-86, General Statutes. The state university is not a "business with which he is associated". Subsection 1-79(a), General Statutes.

It does not seem possible for a member of the State Board of Education, which has jurisdiction over a very narrow, specific part of a state university's program, to take action which would affect his financial interests as a part-time assistant coach at the state university.

On the other hand, it would be possible for the Board member to be suspected of having his independence of judgment impaired when evaluation of the teacher preparation program at the state university which employs him occurs. It might be difficult, or appear to be difficult, for him to participate objectively in the evaluation not only of the program of the state university which is providing him compensation and perhaps other benefits, but in the evaluation of competing programs. Accepting employment which will impair a public official's or State employee's judgment as to his official duties is a violation of subsection 1-84(b), General Statutes.

Since agreeing to accept part-time employment the Board member has refrained from voting on any matter subject to review under section 10-145d-5, Regulations of Connecticut State Agencies, which prescribes the procedures for approval of teacher preparation programs. That should minimize possible violations of the Code of Ethics in the only area of the Board of Education's duties in which the member's State employment could lead to violations of the Code. If he were to abstain from taking any action with regard to any aspect of the process for approving teacher preparation programs, he should avoid, in his role as a Board of Education member, even the appearance of violation of the Code of Ethics occasioned by his State employment. Abstention should include refraining from suggesting the names of persons to serve on the lists from which visiting teams and visiting teams of experts are drawn, declining participation in the appointment of review committees, and taking no action concerning the approval, disapproval, or

withdrawal of approval of any teacher preparation program conducted by any public or private college or university in Connecticut. To be most effective his decision to abstain from acting, officially or informally, in any way in any area of the process of approving teacher preparation programs should be conveyed formally to the Board of Education and recorded in the minutes of that body. By avoiding participation in the one area of the Board's responsibilities which relates to institutions of higher education, he can participate in almost all the areas of Board responsibilities without his paid employment by a state university creating ethical problems for him as a Board of Education member.

It does not appear that he need take any special action as a part-time athletic coach to avoid conflicts of interests arising from his membership on the State Board of Education.

By order of the Commission,



William A. Elrick
Chairperson

Dated

1/4/87

