

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Journal Inquirer, Complainant) Report of Hearing Officer
against) Docket #FIC 76-25
Town of South Windsor and the) April 9, 1976
Board of Education of the Town
of South Windsor,
Respondents)

The above captioned matter was heard as a contested case on March 12, 1976, at which time the complainant and the respondent appeared, stipulated certain facts, and presented exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondents, the Town of South Windsor and its Board of Education, are public agencies.
2. In compliance with P.A. 75-342, the respondent board voted to go into executive session on February 10, 1976 to discuss the non-renewal of the contracts of certain undisclosed teachers.
3. By letter dated February 17, 1976, the complainant brought the present complaint claiming deprivation of access to the record of any vote taken at the February 10, 1976 executive session, including the names of the teachers involved and the votes of the members of the respondent board.
4. On a date subsequent to the filing of the complaint, minutes of the executive session in question were published. In these minutes, the names of the members of the respondent board who were present are disclosed. It is also disclosed that two motions were introduced and passed unanimously concerning the non-renewal of the contracts of two teachers whose names were omitted from the minutes as disclosed. The parties stipulated that these minutes were now part of the personnel files of the teachers concerned.
5. In light of the publication of these minutes, the complainant now seeks only the names of the teachers whose contracts were not renewed.
6. The complainant further contends that the votes at the executive session must be made public within 48 hours of such executive session.

7. The respondent board contends that it need not comply with the 48-hour requirement of section 6 of P.A. 75-342 in that section 10-151, General Statutes, gives to teachers whose contracts are not renewed the right to a private hearing; and in that early publication of such a vote might jeopardize the meaningful exercise of such right.

8. Section 10-151, General Statutes, confers the right to a private hearing only on teachers whose contracts have been renewed for four or more years.

9. There was no evidence proffered as to the number of years the teachers in question were employed by the respondent. It is consequently found that there is no statutory basis for non-compliance with the 48 hour requirement of section 6 of P.A. 75-342 to the extent that respondents rely on section 10-151, General Statutes.

10. The argument against disclosing the names of the teachers whose contracts were not renewed centers around the assertion that such disclosure will invade the privacy of the teachers concerned. The respondents contend that because the minutes are part of the personnel file of the two teachers, their names are exempt from disclosure pursuant to section 2(b)(1) of P.A. 75-342. The mere act of placing a copy of these minutes in the personnel records of the two teachers does not, in itself, make the minutes exempt from disclosure, as required by section 6 of P.A. 75-342.

11. It is found that the names of the teachers involved are an essential part of the votes that occurred in executive session and must be disclosed in accordance with section 6 of P.A. 75-342.

12. It is found that the discussion preliminary to such votes is exempt from disclosure. While the privacy of the teachers involved may be invaded to a limited extent by disclosure of their names, any harm to the teachers that follows from non-renewal of their contracts results from this fact and not from its disclosure.

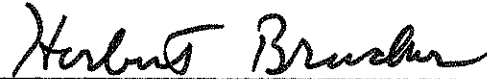
13. The intent of P.A. 75-342 is to prevent public agencies from making secret decisions disposing of the public's business, including the hiring and firing of public personnel.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondent board of education is ordered to comply with section 6 of P.A. 75-342 by reducing to writing the votes of each of its members upon any issue on which it acts in executive session and by making that record available to the public within 48 hours of the executive session.

2. The respondent board of education is ordered forthwith to amend the minutes of its February 10, 1976 executive session by including, in the written record of the votes there taken, the names of the teachers whose contracts the board declined to renew.

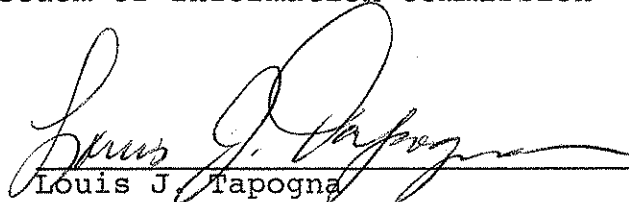
3. Following their amendment, the minutes of the executive session of February 10, 1976 are ordered to be made available to the complainant and to the public in accordance with section 6 of P.A. 75-342.



Commissioner Herbert Brucker

as Hearing Officer

Approved by order of the Freedom of Information Commission
on April 14, 1976.



Louis J. Tapogna
Clerk of the Commission