FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Nancy L. Turlish, Joseph A. Walsh, Jr., and Patricia J. Walsh, Complainants	Report of Hearing Officer
	Docket #FIC77-42
against	March 29, 1977
Town of Seymour and Board of Education of the Town of Seymour, Respondents	

The above captioned matter was heard as a contested case on March 24, 1977, at which time the complainants and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. The respondent board held a regular meeting on February 3, 1977 which was subsequently adjourned to February 7, 1977.

3. As part of the February 7, 1977 meeting, the respondent board voted to convene in executive session to discuss "negotiation materials, a personnel matter and school transportation".

4. By letter of complaint filed with this Commission on February 22, 1977, the complainants alleged that certain discussions and votes at the aforesaid executive session were impermissible under the Freedom of Information Act, as codified in Chapter 3 of the General Statutes.

5. The respondents moved at the hearing herein to dismiss the complaint on the ground that it fails to allege in what manner the Freedom of Information Act, as codified in Chapter 3 of the General Statutes, was violated.

6. The aforesaid motion to dismiss was denied since the complaint, along with the enclosed, annotated copy of the minutes of the respondent board's February 3 and 7, 1977 meeting, adequately sets forth alleged violations of the Freedom of Information Act, as codified in Chapter 3 of the General Statutes.

7. While §§1-18a(e)(1) and (2), G.S., provide respectively that certain personnel matters, and strategy and negotiations

with respect to pending claims and litigation, may be discussed and voted upon in executive session, school transportation is not given therein as a proper purpose for an executive session.

8. The complainants specifically allege that the discussion and the affirmative votes upon the following motions, listed on page 6 of the minutes of the respondent board's meeting of February 7, 1977, were improperly conducted in executive session:

> "MOTION: ... that the Board of Education accept the class structure for the elementary grades."
>
> "MOTION: ... that the Board of Education authorize the Superintendent to come up with contingency plans for possible staff reductions depending on budget figures."
>
> "MOTION: ... that the Board of Education send letters to our Congressman and two Senators informing them of the revitalization and the refunding of our comprehensive education and training acts. The Board currently has several positions and without funding and revitalization these positions will be eliminated."

9. In the absence of evidence demonstrating that the motions set forth in paragraph 8, above, were within any of the purposes enumerated in §1-18a(e), G.S., it is concluded that the discussion and votes upon the aforesaid motions were outside the proper scope of an executive session permissible under §1-18a(e).

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

1. Henceforth the respondent board shall convene in executive session only for those purposes specifically set forth in §1-18a(e), G.S., and shall limit any discussion and vote thereat to the stated purposes for such executive session.

2. The Commission, after reviewing the minutes of the respondent board's meeting of February 3 and 7, 1977, wishes to compliment it on the excellent and detailed form of its minutes. Such minutes reflect, in part, a sincere attempt by such board to comply with the minutes and record of vote provisions of the Freedom of Information Act and the policy of public disclosure embodied therein.

Judith A Lahey
Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on April 13, 1977.

Louis J. Tapogna, as Clerk of the
Freedom of Information Commission