FREED OM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

Tania Barnes,

Complainant

against Docket #FIC 2018-0265

Superintendent of Schools, Stratford Public Schools; Chairman, Board of Education, Stratford Public Schools Board of Education, Stratford Public Schools; and Stratford Public Schools,

Respondents February 13, 2019

The above-captioned matter was heard as a contested case on July 16, 2018, at which time the complainant and respondents appeared and agreed to a continuance. On July 24, 2018, this matter was consolidated with Docket #FIC 2018-0126, *Andrea Veilleux v. Janet M. Robinson et al.* Both matters were then heard on August 13, 2018, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.

2. By letter of complaint filed May 25, 2018, the complainant appealed to the Commission, alleging that the respondents denied her request for an itemized 2017-2018 budget that the respondents claimed did not exist. The complainant alleged that the Board of Education had "simply adopted an aggregate budget total based on action by the town without approving any itemized expenditure estimates whatsoever."

3. Section 1-200(5), G.S., provides:

> "Public records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded,

> printed, photostated, photographed or recorded by any other method.

4. Section 1-210(a), G.S., provides in relevant part:

> Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

5. Section 1-212(a), G.S., provides in relevant part that "[a] person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

6. It is found that Town Council of Stratford did not adopt a budget for the fiscal year 2017-2018 until December 18, 2017, approximately six months into the fiscal year, at which time it allocated $108,979,682 to the Board of Education.

7. It is found that the respondent Board of Education then at its January 22, 2018 meeting proposed to accept the Town's allocation under the following item of business:

> Proposed: Itemized Estimate of Expenditures for 2017-2018 (Administration) – The Itemized Estimate of Expenditures for FY 2017-18 in the amount of $108,979,682 was proposed for adoption to the full Board. This amount is the amount allocated by the Town of Stratford Town Council at their December 18, 2017 Special Council Mtg.

8. It is found that no actual "itemized estimate for expenditures for FY 2017-2018" existed at the time of the January 22, 2018 meeting, and that the Board merely adopted, as its budget, the total amount allocated by the Town Council.

9. It is found that, soon after the adoption of the 2017-2018 allocation, the respondents began preparing their 2018-2019 budget.

10. It is found that the Board's draft budget for 2018-2019 also contained a column for the 2017-2018 budget, which was broken down into 19 line items (salaries, fringe benefits, instructional supplies, general supplies, and so forth). The 19 line items totaled the $108,979,682 allocation.

11. It is also found that the 2018-2019 draft budget further broke down the 19 line items into sub-items for both 2018-2019 and the previous year. For example, benefits were broken down into retirees' insurance, active insurance, dental, Medicare reimbursements, and so forth.

12. It is found that the line-item breakdowns described in paragraphs 10 and 11, above, are what was sought by the complainant after she saw those breakdowns in the "previous year"

column of the 2018-2019 draft budget. The complainant believed that a detailed budget of this nature had been adopted at the Board's January 22, 2018 meeting.

13. However, it is found that, other than the gross allocation of $108,979,682, the numbers for the 2017-2018 budget were not approved at the Board's January 22, 2018 meeting. Those numbers were generated only later, in preparation for the 2018-2019 budget process.

14. It is found that the complainant made a May 2, 2018 request (repeating an April 4, 2018 request) to the respondents for "any records which are identified in the January 22, 2018 Board Minutes as 'Itemized Estimate of Expenditures, 2017-18.'"

15. It is found that the respondents replied on May 24, 2018 that the "Itemized Estimate of Expenditures" that was approved at the January 22, 2018 meeting was not in fact a line-by-line budget, and that the Board's vote at that meeting was to accept the amount allocated by the Town.

16. It is found that the respondents did not create a printed or electronic version of the 2017-2018 for public consumption (or for their own use), as they had typically done in the past, which was the document sought by the complainant. The respondents instead chose to concentrate on producing a 2018-2019 budget. The numbers used to represent the previous 2017-2018 budget as it appeared in the draft of the 2018-2019 budget seen by the complainant were generated from the school's financial data system, but there was no previously existing 2017-2018 budget document. The respondents could have generated the same numbers and created an after-the-fact 2017-2018 budget document, but that was not what the complainant was seeking—that is, the actual line item 2017-2018 budget which the minutes of the January 22, 2018 meeting erroneously suggested had been approved by the Board of Education, when only the gross allocation had been approved.

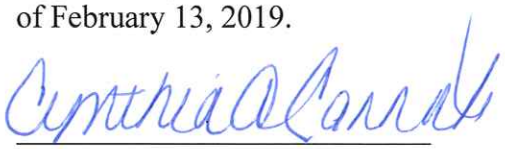
17. It is found that the record sought by the complainant does not exist.

18. It is concluded that the respondents did not violate the FOI Act as alleged.

The following order is recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 13, 2019.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

ANDREA VEILLEUX, 441 Washington Parkway, Stratford, CT 06615

JANET M. ROBINSON, SUPERINTENDENT OF SCHOOLS, STRATFORD PUBLIC SCHOOLS; TERESA LYCOUDES, EXECUTIVE ASSISTANT TO THE SUPERINTENDENT AND SECRETARY TO THE BOARD OF EDUCATION, STRATFORD PUBLIC SCHOOLS; SUSAN NICHOLSON, ACCOUNTING MANAGER, STRATFORD PUBLIC SCHOOLS; AND STRATFORD PUBLIC SCHOOLS, c/o Attorney Christopher J. Sugar, Berchem Moses PC, 75 Broad Street, Milford, CT 06460

Cynthia A. Cannata
Acting Clerk of the Commission

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