

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Judith A. McGrath, Complainant	)	Report of Hearing Officer
	)	
against	)	Docket #FIC77-92
	)	
Town of East Hartford and Board of Education of the Town of East Hartford,            Respondents	)	June 2, 1977
	)	

The above captioned matter was heard as a contested case on May 23, 1977, 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:

1. The respondents are public agencies as defined by §1-18a(a), G.S.
2. By letter of complaint filed with this Commission on May 2, 1977, the complainant alleged that the respondent board held a meeting on April 18, 1977, at which time it voted to terminate her teacher contract without first notifying her of the aforesaid meeting, in violation of the Freedom of Information Act.
3. A quorum of the respondent board did meet in executive session on April 18, 1977, at which time it decided to terminate the complainant's contract effective June 30, 1977.
4. The Complainant did not receive notice that the question of her contract termination would be considered and decided on April 18, 1977.
5. §1-18a(e)(1), G.S. states that discussions relating to the appointment, employment, performance, evaluation, health or dismissal of a public employee is a proper purpose for an executive session "... provided that such individual may require that discussion be held at an open meeting...".
6. The issue raised on the appeal herein resolves itself upon a determination of whether the above language of §1-18a(e)(1), G.S. requires a public agency to give notice to the public officer or employee who is the subject of the executive session discussion thereunder.
7. It is found that the respondent board was required under §1-18a(e)(1), G.S. to give notice to the complainant of its meeting of April 18, 1977.

8. It is concluded that the decision to terminate the contract of the complainant without affording her the opportunity to require that the discussion and vote thereon be held at an open meeting constituted a wrongful denial of her right to attend such meeting within the meaning of §1-21, G.S. and for purposes of her appeal hereunder pursuant to §1-21i, G.S.

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

1. The vote of the respondent board at its April 18, 1977 meeting concerning termination of the contract of the complainant is hereby declared null and void.

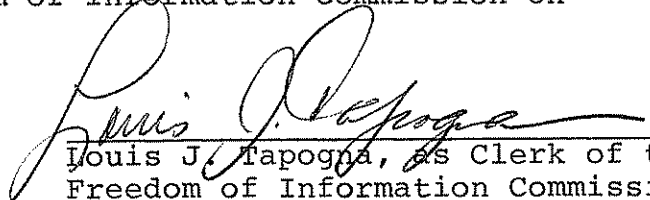
2. Henceforth, the respondent board shall provide notice to any and all employees who are the subject of its discussion under §1-18a(e)(1), G.S.



Commissioner Helen M. Eby

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
June 8, 1977.



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