

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
John F. Greene, Susan Healy,
William J. Hamilton and
Pamela C. Hamilton,

Report of Hearing Officer

Docket #FIC81-162

December 4, 1981

Complainants

against

The City and Town of Milford and
the Board of Education of the City
and Town of Milford,

Respondents

The above captioned matter was heard as a contested case on November 16, 1981, at which time the complainants and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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

1. The respondent board of education is a public agency as defined by §1-18a(a), G.S.
2. On September 1, 1981 the respondent board held a regular meeting.
3. At that meeting, the respondent board considered and voted on a motion relating to "sex education" in the Milford public schools, which motion had previously been voted upon by the respondent board at a prior meeting.
4. On September 21, 1981 the complainants filed a complaint with the Commission alleging that reconsideration of the motion referred to in paragraph 3, above, had not appeared on the agenda for the September 1, 1981 meeting and that a 2/3 vote had not been taken to act upon such motion as new business not included in such agenda.
5. At the hearing on this matter the respondent city and town of Milford moved to dismiss the complaint insofar as it named such city and town as a respondent, which motion was granted.
6. It is found that reconsideration of the motion referred to in paragraph 3, above, did not appear as an item on the agenda for the respondent board's September 1, 1981 regular meeting.

7. It is found that one item on the agenda for the respondent board's September 1, 1981 regular meeting was "Committee Reports... Chairman's Report...Committee to Study P.T.A. Report on Family Life and Human Sexuality (discussion of approved recommendations)"

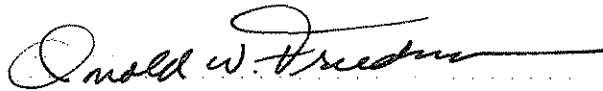
8. It is found that the agenda item referred to in paragraph 7, above, did not give adequate notice to the public that the motion referred to in paragraph 3, would be reconsidered at the September 1, 1981 regular meeting of the respondent board.

9. It is also found that at its September 1, 1981 regular meeting the respondent board did not vote to reconsider and act upon the motion referred to in paragraph 3, as business not included in the agenda filed for such meeting.

10. It is therefore concluded that the respondent board violated §1-21, G.S., when it reconsidered and voted upon the motion referred to in paragraph 3, at its September 1, 1981 regular meeting.

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

1. All actions taken by the respondent board of education at its September 1, 1981 regular meeting concerning the motion referred to in paragraph 3 of the findings, above, are hereby declared null and void.



Commissioner Donald W. Friedman
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of February 24, 1982.



Mary Jo Jolicœur
Clerk of the Commission