

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION
 Beverly Clark Docket #FIC83-72
 Complainant(s) February 8, 1984

v.

Winchester Board of
Education

Respondent(s)

The above captioned matter was scheduled for hearing August 1, 1983 with a companion case #FIC83-73. At that time the parties appeared and presented evidence and argument on the complaint. Thereafter the hearing was reconvened on September 29, 1983 for the examination of additional witnesses.

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

1. The respondent is a public agency.
2. By letter filed with the Commission the complainant alleged that the respondent had held an illegal executive session on March 8, 1983.
3. The illegality alleged concerned an executive session which was held with the administrators of the respondent school system and which was requested by the bargaining unit for the administrators, the Winchester Administrators Association.
4. The executive session was requested to permit discussion between the school administrators and the respondent board of possible changes in the administrative structure including the possible elimination of a position.

5. Two plans had been proposed: one (Plan A) required seven administrators and the other (Plan B) required six administrators.

6. All of the administrators affected by the proposed plan attended the entire executive session.

7. The administrators who attended the meeting expressed their opinions and feelings regarding the placement of the administrators, and the impact of the elimination of a position.

8. When the board returned to public session it voted 6-1 in favor of Plan A, the plan which the superintendent had proposed which would not involve the elimination of a position.

9. The respondent claimed that the executive session was permissible under the Freedom of Information law as strategy and negotiations with respect to collective bargaining which is not within the definition of meeting at §1-18a(b), G.S.

10. It is found that an exchange of feelings and opinion regarding an administrative reorganization between administrators of a school system and the school board constitutes neither strategy nor negotiations with respect to collective bargaining within the language of §1-18a(b), G.S.

11. The respondents implied that the discussion was exempt from the definition of meeting under §1-18a(b), G.S. because it was a staff meeting.

12. Section 1-18a(b) provides in relevant part that "'Meeting shall not include . . . an administrative or staff meeting of a single-member public agency."

13. It is found that the gathering in question was not a staff meeting exempt from the definition of meeting under §1-18a(b), G.S.

14. The respondents further imply that the discussion was a proper executive session under §1-18a(e)(1) which provides in relevant part that "'Executive Sessions means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (1) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting."

15. It is found that the discussion between the school board and the administrators was not a discussion within the terms of §1-18a(e)(1), G.S.

16. It is concluded, therefore, that the respondents held an illegal executive session on March 8, 1983 in violation of the open meetings requirement of §1-21, G.S.

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

1. The respondents shall henceforth comply with §1-21, G.S.

2. The Commission suggests that in the light of the provision at §1-21i(b), G.S. that the Commission may impose civil penalties up to five hundred dollars upon officials who violate the Freedom of Information Act without reasonable grounds that the respondents make a serious effort to become informed about and to comply with the law in the future.

Approved by order of the Freedom of Information Commission at its regular meeting of February 8, 1984.



Mary Jo Jolicoeur
Clerk of the Commission