

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Marc Ryckelynch, President,
Citizens Committee of Quality
Education,

FINAL DECISION

Docket #FIC83-133

Complainant

February 8, 1984

against

Stamford Board of Education,

Respondent

The above captioned matter was heard as a contested case on September 9, 1983, when it was continued to October 18, 1983. At such times the complainants and the respondents appeared and presented testimony, exhibits and argument on the complaint. Heard in conjunction with the above matter were FIC#83-130 and FIC#83-145, both involving the same respondent and fact situations.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. By letter of complaint filed with the Commission on June 22, 1983 the complainants alleged that a subcommittee of the respondent met, without public notice, in a series of meetings held between February, 1983 and May, 1983, to formulate a redistricting plan.
3. At hearing, the respondent moved to dismiss the allegations of the complaint dealing with meetings held more than 30 days prior to the filing of the complainants' complaint. The respondent's motion is hereby granted, pursuant to §1-21i(b), G.S.
4. It is found that the Subcommittee on Student Assignment of the Educational Planning Committee (hereinafter "Subcommittee"), submitted a redistricting plan to the respondent on May 24, 1983 entitled "Simulation 22."
5. The respondent, between May 24, 1983 and June 6, 1983, held approximately five public meetings to discuss the subject of Simulation 22. On June 7, 1983 the respondent voted to adopt Simulation 22, with minor changes.
6. No notice was given of meetings held by the subcommittee on May 20, 1983, May 21, 1983, May 23, 1983 and May 24, 1983.

7. The respondent claims that the subcommittee, which is no longer in existence, was not a public agency within the meaning of §1-18a(a), G.S. and therefore not subject to the requirements of the Freedom of Information Act.

8. The respondent also claims that the subcommittee was not a subcommittee of the respondent, but of the superintendent of schools and his staff.

9. The respondent also claims that excluding the public from the meetings of the subcommittee better served the goals of the subcommittee and eliminated unnecessary panic and confusion among members of the community.

10. Pursuant to §10-220, G.S., each local or regional board of education is required to "designate the schools which shall be attended by the various children within the school district."

11. In September, 1982, the superintendent of schools announced his intention of using an existing committee to work with him on producing a plan for redistricting.

12. To implement the superintendent's goal, a subcommittee of the so-called long-range planning committee was formed, such planning committee being composed of members of the respondent as well as of private members of the community.

13. The subcommittee, which initially was composed solely of members of the long-range planning committee, was eventually expanded to include one parent-representative from each of the 11 elementary schools in the district.

14. The subcommittee also included the assistant superintendent of schools, Dr. Norman Walsh, and two other members of the administration. Dr. Walsh prepared the criteria for the subcommittee and acted as liaison between the subcommittee and the respondent.

15. None of the parent-representatives was a member of the respondent, although members of the respondent frequently attended meetings of the subcommittee. The superintendent of schools also occasionally assigned staff members to attend the meetings of the subcommittee.

16. An effort was made to divest the subcommittee of involvement with the respondent. For example, the chairperson of the long-range planning committee stepped down upon formation of the subcommittee, believing that it would not be proper for a member of the respondent to chair the subcommittee. Other members of the respondent, Mr. Calder and Mrs. Nessen, remained on the long-range planning committee, Mrs. Nessen acting as conduit between the subcommittee and the respondent.

17. It is found that the formation of the subcommittee was initiated at the superintendent's suggestion and executed through the joint efforts of the superintendent and the long-range planning committee, its assignment being to study the issue of student assignments and to recommend to the respondent a plan for redistricting.

18. Although lacking the authority to implement its recommendations to the respondent, the subcommittee acted in an advisory capacity with respect to the issue of redistricting.

19. It is concluded that the subcommittee was a public agency within the meaning of §1-18a(a), G.S., and therefore was required to comply with the notice requirements of §1-21, G.S.

20. It is found that in spite of the involvement and interest of members of the respondent in the activities of the subcommittee, the subcommittee was not a committee or subcommittee of the respondent, but rather a separate public agency.

21. Consequently, it is concluded that the respondent is not responsible for the subcommittee's failure to post notices of its May 23, 1983 and May 24, 1983 meetings as required by §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 complaint is hereby dismissed.

2. The Commission notes that the respondent's assertion that excluding the public from the subcommittee's meetings was in the public interest indicates a basic misunderstanding of the goals of the Freedom of Information Act. Providing public access to the subcommittee's meetings would not have fostered confusion, rather, it would have promoted greater public involvement in and understanding of an issue of great importance to the community.

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



Mary Jo Jolicœur
Clerk of the Commission