

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Dick Conrad and the New Haven
Register.

FINAL DECISION

Complainant

Docket #FIC84-13

against

June 13, 1984

Superintendent of Schools of the
City and Town of New Haven,

Respondent

The above captioned matter was heard as a contested case on April 3, 1984 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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 dated January 18, 1984 the complainant made a request of the respondent, Dr. John Dow, for access to inspect and/or copy the 1984 proposed school department budget as drafted by school staff under acting superintendent Charles Twyman.
3. By letter of complaint filed with the Commission on January 30, 1984 the complainant alleged that he had received no response to his January 18, 1984 request and wished to appeal such denial.
4. It is found that on December 15, 1983 the complainant discussed budget preparations with Charles Twyman and asked him for a copy of the budget when finished.
5. On January 13, 1984, which the complainant understood to be a deadline for the submission of the budget to the comptroller, he called the comptroller's office to ask for a copy and was told that the school district had requested an extension of time because the incoming superintendent, Dr. Dow, had asked to review the budget proposals prior to starting his position on January 16, 1984.

6. By letter dated January 26, 1984 the respondent informed the complainant that the document requested was "a preliminary draft of our budget request, which is definitely subject to revision by the staff" and that although he preferred not to release it at that time, once the revisions had been made and the budget request submitted to the school board for review, he would forward a copy to the complainant.

7. The budget in question was presented to the school board on February 14, 1984 and voted upon on March 5, 1984.

8. The respondent claims that the budget was not finalized until approximately one week prior to the February 14, 1984 meeting of the board of education.

9. The respondent also claims that because prior to February 14, 1984 the budget was in a preliminary stage it would have been detrimental to the public interest to present the complainant with the incomplete document.

10. At hearing the complainant was presented with a copy of the budget as it was presented to the school board on February 14, 1984.

11. It is found that the budget presented to the respondent for his review represented the completed work of the school staff on the budget proposal, subject to revisions directed by the respondent or by the school board.

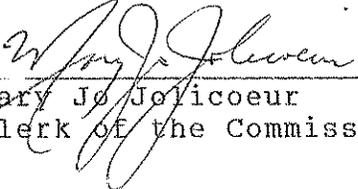
12. It is found that the budget proposal prepared by the school staff and presented to the superintendent of schools for his review was not a preliminary draft or note exempted from disclosure by §1-19(b)(1), G.S. The fact that subsequent revisions might have been suggested did not affect its disclosability.

13. It is found that the respondent failed to provide the complainant with a copy of the proposed budget upon its completion by school staff some time in January, in violation of §§1-15 and 1-19(a), G.S.

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

1. Henceforth the respondent shall act in strict compliance with the requirements of §§1-15 and 1-19(a), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of June 13, 1984.



Mary Jo Jovicour
Clerk of the Commission