

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Mark Langlois,

FINAL DECISION

Complainant

Docket #FIC84-165

against

February 13, 1985

Board of Education of the
Town of Winchester,

Respondent

The above captioned matter was heard as a contested case on November 26, 1984 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. On July 23, 1984 a "special committee" of the respondent held an executive session in the home of its chairman to discuss the school superintendent's performance evaluation goals.
3. By letter of complaint filed with the Commission on August 21, 1984 the complainant alleged that holding a meeting in the chairman's private home was not proper and that the discussion was not one properly held in executive session.
4. Attending the July 23, 1984 meeting were three members of the special committee, including the board chairman, and two reporters, one of whom was the complainant.
5. The complainant did not allege that notice of the July 23, 1984 meeting was not provided, that persons wishing to attend the meeting were turned away or discouraged from attending, or that the location of the chairman's house made attendance physically more difficult.
6. It is found that the chairman's house is marked both by a house number and a name on the mailbox and that, if necessary, approximately 25 persons could have been accommodated.
7. It is found that, under the specific circumstances herein, the convening of the July 23, 1984 meeting at the home of the chairman of the respondent did not deny the public access to such meeting.

8. It is found that on July 19, 1984 the superintendent of schools, whose employment with the school system began July 1, 1984, submitted a list of performance objectives to the respondent. The superintendent's list formed the basis of the July 23, 1984 discussion in executive session.

9. It is found that the July 23, 1984 executive session did not concern the appointment, employment, performance, evaluation, health or dismissal of the superintendent or of any other public officer or employee within the meaning of §1-18a(e)(1), G.S.

10. While convened in executive session the members of the special committee drafted a document in response to the superintendent's proposals, which document was to be reviewed later by the full membership of the respondent.

11. The respondent claims that the creation of the "draft document" was a proper purpose for the executive session and that opening the meeting to the public would have stifled the discussion process.

12. It is found that the respondent failed to prove that the document created at the July 23, 1984 meeting was a preliminary draft or note within the meaning of §1-19(b)(1), G.S.

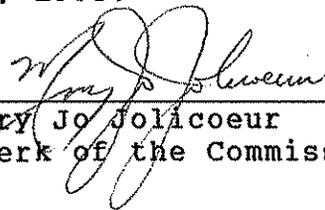
13. The respondent also failed to prove that the July 23, 1984 discussion, if held open to the public, would have resulted in the disclosure of any public record exempted from disclosure by §1-19(b), G.S. or the information contained in any exempt record.

14. It is concluded that the July 23, 1984 executive session was not held for a proper purpose within the meaning of §1-18a(e)(5), G.S.

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

1. Henceforth the respondent shall convene in executive session only for one or more of the purposes specified at §1-18a(e), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of February 13, 1985.



Mary Jo Jolicoeur
Clerk of the Commission