

On the following pages is a high school curriculum unit dealing with Connecticut's Freedom of Information Act. This curriculum was developed under the direction of the Connecticut Foundation for Open Government and the Connecticut Freedom of Information Commission and was made possible through a generous grant from the National Freedom of Information Coalition and the Knight Foundation. The unit is most appropriate for use in civics or government classes but might also be incorporated in a United States history course.

All consumable resources are on the website as Microsoft Word documents so that they can be downloaded and modified by teachers.

Colleen M. Murphy
Executive Director,
Connecticut Freedom of Information Commission;
Member, Connecticut Foundation for Open Government,
Board of Directors



Protections in a Participatory Democracy: Connecticut's Freedom of Information Act

Protections in a Participatory Democracy:

An introduction to Connecticut's Freedom of Information Commission



Connecticut Freedom of
Information Commission
18-20 Trinity Street, Suite 100
Hartford, CT 06106

This curriculum was developed under the direction of the Connecticut Foundation for Open Government and the Connecticut Freedom of Information Commission and was made possible through a generous grant from the National Freedom of Information Coalition and the Knight Foundation.

Written by:

Kimberly Mach and Catherine Munson
Social Studies Teachers
Regional School District #13

Edited by:

Carol Luckenbach
Director of Curriculum and Professional Development

Graphic Design:

Anne Coffey



Connecticut
Foundation
for
Open
Government, Inc.

Introduction

Dear Educator,

It is with great pleasure that the Freedom of Information Commission (FOIC) and Connecticut Foundation for Open Government (CFOG) offer you this newly created Connecticut Freedom of Information curriculum. One of the FOIC's long-standing goals has been to expand its education program to some of our state's younger citizens.

The FOIC believes that it is critical that we reach out into the schools to educate our younger citizens on the importance of open, accessible and accountable government. It is the FOIC's feeling that many of our citizens enter adulthood and the public service arena without any knowledge of the Freedom of Information Act. This curriculum will help increase the numbers of those around the state who understand that "It's their right to know." We feel that it helps make our students better citizens and teaches them one of the fundamental principles of our system of government as expressed so eloquently by one of our Founding Fathers, James Madison:

"A popular government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy or perhaps both. A people who mean to be their own governor must arm themselves with the power which knowledge gives."

Through a generous grant from the Knight Foundation and the National Freedom of Information Coalition and hard work by Regional School District 13 teachers Catherine Munson and Kimberly Mach and Director of Curriculum Carol Luckenbach, and graphic designer Anne Coffey, we have created this FOI-specific curriculum for high school and possibly middle school age students that teachers can employ as part of their civics lessons during the school year.

The curriculum offers four days of detailed lessons on the subject matter at hand. There are interactive classroom activities, homework assignments that require community interaction by the students, "hands-on" activities and other components that should broaden the students' awareness of their "right to know."

As you explore this new curriculum, be advised that our education staff is ready to assist with these lessons in any way it can. Guest speakers will be provided when possible. We look forward to working with you on this exciting, new project.

Colleen Murphy, Executive Director and General Counsel
Connecticut Freedom of Information Commission and Member,
Executive Committee, Connecticut Foundation for Open Government

Protections in a Participatory Democracy

Connecticut State Department of Education Content Standard:

Civic competence in addressing historical issues and current problems requires the use of information, skills, and empathic awareness.

Grade Level Expectations

Strand 3.3:

The student will be able to apply appropriate historical, geographic, political, economic, and cultural concepts and methods in proposing and evaluating solutions to contemporary problems.

1. Evaluate a proposed solution to a contemporary political problem.
2. Use relevant evidence to prepare a report on a current issue and predict an outcome.
3. Devise a plan to resolve a local contemporary issue and take steps to act on that proposal.

Essential Understanding

Citizens have rights and responsibilities to participate in and shape public policy in order to contribute to the maintenance of democracy.

Essential Questions

1. How does the Freedom of Information Act help citizens to protect their rights and contribute to the maintenance of democracy?
2. How does a citizen monitor and influence the formation and implementation of policy through various forms of participation?
3. How would a citizen use the Freedom of Information Commission procedure to protect his rights and/ or maintain a democracy?
4. Do citizens have protection against powerful private organizations?
5. Are private organizations subject to the Freedom of Information Act?

Learning Goals: Students will . . .

1. Understand the concepts of open government and participatory democracy.
2. Know the rights guaranteed by the Freedom of Information Act.
3. Identify how Connecticut's Freedom of Information Act safeguards apply to local and state government procedures.
4. Know the procedural requirements for public meetings, boards, and commissions as articulated in the Freedom of Information Act.
5. Know how to plan and prepare a complaint on a hypothetical violation of their rights in a public meeting or in public record dispute.
6. Know when a private corporation becomes subject to the Freedom of Information Act.
7. Know the definition of a public agency.

The Concept of Open Government and the Freedom of Information Act

Essential Question

How does the Freedom of Information Act help citizens to protect their rights and contribute to the maintenance of democracy?

Student Learning Goals: Students will:

1. Understand the concepts of open government and participatory democracy.
2. Know the rights guaranteed by the Federal Freedom of Information Act.

Initiation:

Read and discuss the meaning of the following statement by James Madison
(Resources Day 1):

When the People who govern themselves have no access to information about the government meetings and votes, then the people's government is a farce and/or a tragedy.

Initiation continued....

Ask students to underline the key nouns, verbs, and adjectives in the quotation. Define the words and discuss the quotation's meaning.

Suggested questions:

- How do we make sure we have access to information about our government?
- What is a farce? Why could a democracy be called a farce if the citizens could not access information about what it is doing?
- Is there an issue in your town which citizens must know about in order to govern themselves? Suppose citizens were unable to get information about this issue? How would it affect the people's right to make good decisions? To protect their liberties?
- How could we make sure that the government has to give its citizens access to information about its meetings and procedures?

Pre-Assessment:

Place students in groups of four and pre-test students' knowledge about their rights to information in their local and state governments using the pre-assessment worksheet (Resources Day 1). Ask students to note their reasoning.

Instruction:

View and discuss the video *Your Right To Know*, narrated by Judy Woodruff.

<http://www.sunshineweek.org/files/2006foiavideo.mov>

1. Introduce the video by calling attention to the following questions that the video discusses:
 - What issues surround the concept of openness in government?
 - How did our founding fathers consider the issue?
 - What attempts were made to deal with the issue in the twentieth century?
 - What is the history of the federal government's Freedom of Information Act and why should it concern us as citizens?
2. Show the video. Discuss briefly if time permits.

Homework:

Answer the above questions raised before the showing of the video.

Resources:

James Madison quotation

Pre-assessment worksheet and answer key

<http://www.sunshineweek.org/files/2006foiavideo.mov> (used with the permission of sunshineweek.org)

When the People who govern themselves have no access to information about government meetings and votes, then the people's government is a farce and/or a tragedy.

James Madison

Name _____

Date _____

Freedom of Information Act Pre-Assessment

Directions: This is a pre-assessment; it is not to be graded. Answer the questions to the best of your ability.

1. As a citizen do you have the right to attend your town meeting?
2. As a citizen do you have the right to attend meetings for the Planning and Zoning or Wetlands Commission?
3. As a citizen do you have the right to view an agenda before a meeting takes place?
4. As a citizen do you have the right to view minutes from a meeting that you did not attend?
5. As a citizen can you get copies of minutes from a meeting and take them home with you?
6. Can a town board (such as Planning and Zoning) hold an emergency meeting without notifying citizens?
7. Do town boards need to publish or post their meeting times and locations?
8. Can citizens get a copy of town board meetings times and locations and take that copy home?
9. Where would you get minutes from a town meeting?
10. Can you demand a copy of minutes from a town meeting be given to you immediately?
11. Can a letter you write to a public agency (for example the Board of Education) become a public record?
12. How would you get minutes from a meeting if the town said they were unavailable?
13. If you are arrested is the record of that arrest a public record?
14. What does the phrase "freedom of information" mean to you?

Name _____

Date _____

Freedom of Information Act Pre-Assessment

Directions: This is a pre-test; it is not to be graded. Answer the questions to the best of your ability.

1. As a citizen do you have the right to attend your town meeting?
Yes
2. As a citizen do you have the right to attend meetings for Planning and Zoning or Wetlands Commission?
Yes
3. As a citizen do you have the right to view an agenda before a meeting takes place?
Yes
4. As a citizen you have the right to view minutes from a meeting that you did not attend?
Yes
5. As a citizen can you get copies of minutes from a meeting and take them home with you?
Yes
6. Can a town board (such as Planning and Zoning) hold an emergency meeting without notifying citizens?
Yes, but the agency must file its minutes (including the reason) within 72 hours
7. Do town boards need to publish or post their meeting times and locations?
Yes
8. Can citizens get a copy of town board meetings times and locations and take that copy home?
Yes
9. Where would you get minutes from a town meeting?
Town clerk or the agency itself, occasionally on-line
10. Can you demand a copy of minutes from a town meeting be given to you immediately?
Yes, but you may not get them, the Act states "within a reasonable amount of time"; it depends on how old and how large the document is.
11. Can a letter you write to a public agency (for example the Board of Education) become a public record?
Yes
12. How would you get minutes from a meeting if the town said they were unavailable?
Freedom of Information Commission
13. If you are arrested is the record of that arrest a public record?
Yes, and people have access to it, except in the case of a juvenile, the juvenile and the parent have access, but not the public
14. What does the phrase "freedom of information" mean to you?

Learning about Connecticut's Freedom of Information Act

Essential Question

How does a citizen monitor and influence the formation and implementation of policy through various forms of participation?

Student Learning Goals: Students will:

1. Identify how Connecticut's Freedom of Information Act safeguards apply to local and state government procedures.
2. Know the procedural requirements for public meetings, boards, and commissions as articulated in Connecticut's Freedom of Information Act.

Initiation:

Review the meaning of yesterday's video with the students using the "Crossing the Line" or Pair Share activity. (Resources Day 2)

Day 2

Instruction:

Students will complete the computer lab activity (Resources Day 2) on the Highlights of Connecticut's Freedom of Information Act. Once the activity has been completed, students should return to their pre-assessment groups from day 1 and compare their predictions with the information they have acquired. Ask groups to report on any information they learned through today's activity that was surprising to them.

Assessment:

Have students complete an exit ticket addressing the following:

1. What I knew about my right to information before the unit began.
2. What I learned about my right to information in class today.
3. What questions I still have about my right to information.

Homework:

Answer the two enrichment questions at the end of the Highlights worksheet.

Resources:

Crossing the Line activity

Pair Share Activity

Highlights of the FOIA worksheet and answer key

<http://www.state.ct.us/foi>

Crossing the Line

The purpose of this activity is to check for understanding and for students to show that they have the ability to explain their reasoning. The visual representation of students on opposite sides of the room and the kinesthetic learning style aid in student understanding of this activity.

USING the film from Sunshine Week either create three to five statements about access to information or use the suggested statements below. Statements must be worded so that students may agree or disagree; they will be asked to explain their opinions as part of the activity.

BEGIN by drawing a line down the center of the classroom (real or imaginary).

INSTRUCT all students to move to one side of the classroom.

READ the first statement and have all students who agree with the statement cross the line to the other side of the classroom. Select two or three students from each side to explain their response.

CONTINUE with the activity until all statements are completed.

Suggested Statements: Agree or Disagree

Information is the oxygen of democracy.

Liberty must give way to security in times of national crisis; hence, limiting access to information is necessary during times of threats from war or terrorism.

There is evidence that open access to information actually increases public security, even during times of crisis.

9/11 would have been prevented if information had been shared.

We are safer now than before 9/11.

Day 2

Pair Share Activity

The purpose of this activity is to check for understanding and for students to show that they have the ability to explain their reasoning. The small group portion of this activity allows students to use interpersonal skills.

USING the film from Sunshine Week students will individually respond to a series of statements about the citizen's right to access information and the role of open access to information in a democracy.

AFTER students have had ample time to complete their responses, they will share their responses with a partner. Students will compare and discuss answers and then select one to share with the class as a whole.

Suggested Statements Agree or disagree and give your reasoning

Information is the oxygen of democracy.

Liberty must give way to security in times of national crisis; hence, limiting access to information is necessary during times of threats from war or terrorism.

There is evidence that open access to information actually increases public security, even during times of crisis.

9/11 would have been prevented if information had been shared.

We are safer now than before 9/11.

Name _____

Date _____

Highlights of the Freedom of Information Act Computer Lab Assignment

DIRECTIONS: Please use the following website and answer the questions below.

<http://www.state.ct.us/foi/>

When you arrive at the site be sure to click "Highlights".

1. What types of meetings must be open to the public?

Define public meeting.

Are there some civic meetings that may never be open to the public?

2. Can an agency require citizens to register for a meeting?

3. Can meetings be recorded?

4. When must agendas be available to the public before a meeting?

Suppose a new item comes up that must be dealt with at the last minute – can it be added to the agenda?

5. When must minutes be available to the public?

6. If a public meeting included a vote on an issue of public policy, does the public have access to the individual member's votes?

7. Give some examples of public records you do not have access to.

8. If you request copies from a public agency, how much can you expect to pay?

What if you cannot afford to pay?

9. What happens if you are denied access to public records?

Extension Activity 1:

Go back to the FOIA homepage and choose frequently asked questions. Record three interesting facts from that page.

Extension Activity 2:

Search for the web page of your hometown. When viewing the page look for information on town meetings, minutes and agendas. What is available to you from the webpage?

Name _____

Date _____

Highlights of the Freedom of Information Act Computer Lab Assignment Answer Key

DIRECTIONS: Please use the following website and answer the questions below.

<http://www.state.ct.us/foi/>

When you arrive at the site be sure to click “Highlights”.

1. What types of meetings must be open to the public?
Meetings, hearings and other proceedings

Define public meeting

Any hearing or other proceeding of a public agency to discuss or act on any matter over which it has authority

Are there some civic meetings that may never be open to the public?

Personnel search committees, collective bargaining, negotiations, gatherings meant to be social occasions, administrative or staff meetings

2. Can an agency require citizens to register for a meeting?
NO!

3. Can meetings be recorded?
Yes, as long as it does not interfere with the proceedings

4. When must agendas be available to the public before a meeting?
24 hours before the meetings

Suppose a new item comes up that must be dealt with at the last minute – can it be added to the agenda?

Yes, with a 2/3 vote of the members of the agency

5. When must minutes be available to the public?
Within 7 days of the meeting

6. If a public meeting included a vote on an issue of public policy, does the public have access to the individual member’s votes?
YES!

7. Give some examples of public records you do not have access to.
drafts or notes, personnel or medical files, arrest records of juveniles, pending claims and litigation

8. If you request transcripts from a public agency, how much can you expect to pay?
25 cents per page (state)
50 cents per page (municipality)
no sales tax

What if you cannot afford to pay?

No fee

9. What happens if you are denied access to public records?
Appeal to the Commission within 30 days of the denial

Participating in a democracy through the application of Connecticut's Freedom of Information Act

Essential Question

How would a citizen use the FOI commission procedure to protect his rights and/ or maintain a democracy?

Student Learning Goal: Students will:

1. Know how to plan and prepare a complaint on a hypothetical violation of their rights in a public meeting or in a public record dispute.

Initiation:

Review posters (Resources Day 3) should be posted around the room when students enter. A blank sheet of paper should be posted beside each poster. Place students in groups of four and give each group a different color marker. Set a timer for 3-5 minutes for each poster, and have groups move from poster to poster, making a comment/ asking a question/ making an observation about the poster's contents on a blank sheet next to each poster. Then discuss the responses as a review of previously learned information.

Instruction:

(May be completed as a whole class or in small groups)

Select volunteers to “act out” the *Not So Pleasantville Board of Education* scenario (Resources Day 3). After the scenario is acted out, the group will discuss and list violations of Connecticut’s Freedom of Information requirements.

Assessment:

(to be completed for homework) Individually students will write a letter of complaint to the FOI Commission about an alleged violation of their access to public information or meetings described in the *Not So Pleasantville Board of Education* scenario (Resources Day 3). The letter will be assessed using the rubric for a letter of complaint (Resources Day 3).

Homework:

See Assessment above.

Resources:

Review posters

Not So Pleasantville Board of Education scenario

Letter of complaint assignment and rubric

Poster One: FOIA - Definition and Purpose

The FOIA Commission is ...

The duty of the commission is to ...

It is necessary because ...

Questions ...

Comments ...

Predictions: What would happen if there were no Freedom of Information Act or Freedom of Information Commission?

Poster Two: Non- Public Meetings of Public Agencies

Why are the following not considered “Public Meetings?”

Meetings of “executive session;” meetings of personnel search committees; collective bargaining strategies and negotiating sessions; caucuses; social gatherings not intended to relate to official business; meetings about pending litigation; discussion of a site/selection of real estate by a public agency.

Predict what consequences might result if an individual or reporter had access to the records and votes of these meetings.

Questions . . .

Comments . . .

Poster Three: Meeting Conduct

A five member state board has a regularly scheduled meeting. As part of the meeting, the board typically allows public comment. But, because they have a significant amount of business to attend to, members decide not to allow public comment at the meeting. Members of the audience are outraged and threaten to file a complaint with the Freedom of Information Commission. The following is a series of questions about the meeting conduct.

1. Does the public have a legitimate complaint? Is public participation required under the Freedom of Information Act?
2. Before entering the meeting rooms, members of the public are told they must sign an attendance sheet for security reasons. Is this permitted? Explain your reasoning.
3. If too many people crowd into the regular meeting room and the board wants to continue the meeting, should they continue at the same location or can they move the meeting, and if so, what should they do?
4. Because of the items on the agenda, local television and radio stations have set up to broadcast the meeting live. One local activist has a camera. The Chairman says the presence of cameras and microphones will disrupt the meeting and orders them all to leave. Can he do this? Explain your reasoning.
5. The audience angrily objects to the chairman about the clearing of the recording groups. Unable to conduct the meeting, the chairman orders the room to be cleared. Does he have the right to do this? Why?

The Not So Pleasantville Board of Education Meeting

(Skit provided by the Connecticut Freedom of Information Commission)

The regular meeting of the Not So Pleasantville Board of Education takes place on the second Tuesday of every month at 6 p.m. in the Not So Pleasantville High School auditorium. On Tuesday March 10, 2009, the board meets, but at 7:30 p.m. in the Not So Pleasantville Middle School gymnasium. As our drama unfolds, three members of the five-member board enter the middle school gymnasium. They are talking as they enter.

CHAIRMAN (*tugs at arm of Board Member A*): We've set the agenda for the next meeting already. George, our secretary, won't be here tonight so we three Democrats had to take care of some business before the meeting. We're going to deal with the special education initiative. I just wanted to give you a heads up in case you two Republicans want to caucus.
(Chairman starts to walk away.)

BOARD MEMBER A: Well, Martha won't be here tonight, so that means only three of us will be here, but that's still a quorum. Hey, wait a minute.

CHAIRMAN: What's the problem?

BOARD MEMBER A: The problem is that the three Democrats set the agenda without telling the two Republicans! What's wrong with you? You know we always set the agenda during the preceding regular meeting.

CHAIRMAN: Give me a break, would ya! Setting the agenda is an administrative function. I can't help it if the secretary of the board is also a Democrat.
(Chairman walks away to his seat at the table followed by the now disgusted Board Member A.)
Okay are we ready to get started?
(Everyone nods or says yes and takes their seats).
Then, I'd like to call this meeting to order.

MEMBER OF THE PUBLIC (*rushing in at the last minute*): Hey, wait a minute! This board is making a mistake. This meeting is supposed to be at the high school at 6 p.m., not the middle school at 7:30 p.m. I found out about the change in time and place by accident.

CHAIRMAN: Calm down. Just because that's what we usually do, doesn't mean we have to do it all the time. We're looking for a little variety, a chance to see another school in our travels. Besides, we've got our legal agenda and all it says is that we're meeting tonight, the second Tuesday of the month, the way we always do. The agenda was posted outside the Board of Education offices the way it always is. And look around (*gesturing to the audience*) everyone else seems to have found the meeting okay.

MEMBER OF THE PUBLIC: But what about the people who went to the high school for the meeting and couldn't find you? Did you start the meeting there and then vote to move for some reason?

CHAIRMAN: No, we just decided among ourselves to make the switch. If they look hard enough, they'll find us. It's a small town. Let's get on with the meeting.

MEMBER OF THE PUBLIC: Well, I'm sorry Mr. Chairman, but the meeting you're about to

hold isn't legal. It wasn't properly posted or noticed. I'm going to have to file a complaint with the State's Freedom of Information Commission. (Member of the public takes a seat.)

CHAIRMAN: Good for you. Now enough about that and let's call this meeting to order. We have very little on our agenda, so I'd like to move quickly.

BOARD MEMBER B: You know Mr. Chairman; I think that the gentleman is right. We can't just call each other and decide to move the meeting without letting people know in advance. I think under FOI we're supposed to give at least 24 hours notice of any change regarding a regularly scheduled meeting.

CHAIRMAN: Ya know Sherman; you're really starting to get under my skin with your FOI bit. I know you love FOI, but they aren't here right now and we're going forward with this meeting.

BOARD MEMBER B: Well then I must protest.

CHAIRMAN: Fine. I hereby call this meeting to order at approximately 7:45 p.m. Now, would someone please read the minutes of our last meeting?

(Member A reads the minutes)

Do I hear a motion to approve the minutes from the last meeting?

BOARD MEMBER A: So move, Mr. Chairman.

BOARD MEMBER B: Second.

CHAIRMAN: The minutes have been moved and seconded. All in favor . . .

(All members say, "ay")

Any opposed? (There is no opposition).

The motion carries. Now, under old business. As was read in the minutes from our last meeting we had an extensive discussion regarding our present superintendent. You may recall that so many people wanted to talk and things got so intense we tabled the item for discussion at another meeting. I think, since the crowd is a little thin tonight, we should take up that item tonight.

BOARD MEMBER A: Well, I think, if I may . . . we take up new business. The informal working group appointed by the chairman in December is ready to report its findings. The information we have may expedite the discussion regarding our present superintendent.

(Members of Public raise their hands.)

CHAIRMAN: I wasn't expecting the group to be prepared to discuss anything for several more weeks.

(Members of Public wave hands wildly.)

BOARD MEMBER A: Well, given the present situation with the superintendent we thought we should act quickly. We did and we're prepared to report.

MEMBER OF THE PUBLIC (stands up): Excuse me! Mr. Chairman, what informal working group is this?

CHAIRMAN: Not that I have to answer you, but three members of our board have been holding informal working sessions to talk about hiring a new superintendent.

MEMBER OF THE PUBLIC: Mr. Chairman, there is no such thing as informal working groups. If three members were meeting, then that constitutes either a meeting of this board or a meeting of a board subcommittee. Neither was properly noticed. And were there agendas and minutes?

CHAIRMAN: Of course not, that's why it was an informal working group. You're out of order, anyway. It's time to move on.

MEMBER OF THE PUBLIC: Wait a minute. I'm not through. I have something to say about your working group and their little task to find a new superintendent. You've got to let me speak! I have a constitutional right. You can't violate my right to free speech and besides, I've got this whole thing on tape.

CHAIRMAN: I can violate whatever I want to, I'm the chairman. Now – you can sit down and zip it . . . and zip it good . . . or you can be escorted out. And turn off that tape recorder!

(Member of the Public takes his seat.)

CHAIRMAN: Would a member of the informal working group please give the group's report?

BOARD MEMBER B: Basically, Mr. Chairman, we've spent a lot of time studying our options. I think we can offer a number of solutions all of which would solve our problem. One in particular I think you will find very interesting. However, I don't think we should discuss them in open session.

CHAIRMAN: That's fine. It sounds like both items can be discussed simultaneously. I'd like to talk about the superintendent's contract and the report of our informal committee and I'd like to go into executive session for that purpose. So let's vote.

SUPERINTENDENT *(Rushing in as the item comes up for discussion):* Hey, wait a minute! Vote on what?

CHAIRMAN: What is with all the outbursts!

SUPERINTENDENT: Pardon me but I raced over here after sitting at the high school for an hour. You're haven't voted on my contract, have you?

CHAIRMAN: No, not yet. Take a seat. And the next outburst will force me to clear the room. Okay, do I have a motion to go into executive session to discuss the superintendent's performance under the present contract and to discuss the findings of the working committee?

SUPERINTENDENT: Clear the room if you want but you can't go into executive session without my consent and I'm not giving it to you. You'd be violating my rights under the FOI if you went into executive session.

MEMBER OF THE PUBLIC: Haven't you heard – he can violate whatever he wants – he's the chairman!

CHAIRMAN: That's it!! One more outburst and I'm calling the police.

Now we're going to vote to go into executive session, so we can have an open, frank discussion and make the right decision. That's why we're going to go into executive session. I will entertain a motion that we go into executive session to discuss personnel and a pending contract.

BOARD MEMBER A: So move, Mr. Chairman.

BOARD MEMBER B: Second.

CHAIRMAN: Motion carries. We will now leave this room for an executive session and return when we're done.

Staff member walks across stage with card that reads:

"PLEASE PRETEND THAT THE BOARD LEFT THE ROOM FOR TWENTY MINUTES AND HAS JUST RETURNED"

CHAIRMAN: We just voted in our executive session to terminate the contract of the superintendent. Her last day will be at the end of the month. The assistant superintendent will serve as acting superintendent for the balance of the school year at which time the new superintendent will assume his position.

SUPERINTENDENT: This is outrageous. You'll be hearing from my lawyer!

MEMBER OF THE PUBLIC: And I'll be seeing you guys in Hartford!

Teacher Resource for BOE Meeting

Talking points include, but are not limited to:

- Was the change of time and place of the meeting legal?
- Does a board have the right to change the time and place of the meeting on the spot if it wants to?
- What constitutes a quorum?
- Was the meeting of the three Democrats before the meeting a legal meeting?
- What defines a caucus and is it legal?
- Was the “working group” conducting business properly? Should it have had an agenda and minutes and publicized its meetings?
- Did members of the public at large have a right to speak and/or be heard?
- Was the agenda appropriate?
- Did the board’s minutes meet legal standards?
- Discussion of proper decorum at meetings and what can be done about it?
- Can public meetings be taped?
- Did the board have a right to discuss the superintendent’s status?
- Should the superintendent been in the executive session?
- Did she have a right to hear her status discussed in public session?
- Was the vote to terminate her contract proper?
- Was the executive session proper?
- If any illegal actions were taken by the board, what are the consequences?

Freedom of Information RAFT Assignment: Letter of Complaint

Your **Role:** You are a person who was directly affected by the scenario in the “Not So Pleasantville Board of Education.”

Audience: The Freedom of Information Commission in Hartford, CT.

Form: You are writing a letter of appeal to the Connecticut Freedom of Information Commission about an alleged violation of the Freedom of Information Act. The letter must be written in proper business letter format.

Topic: You believe that the Not So Pleasantville Board of Education has violated the Freedom of Information Act in their Meeting on June 12, 2001. You are writing to the Commission to request that they take action. You may also be writing to request a civil penalty. You must give an account of what happened and the reason you believe it violated the law.

Use the notes you took in class during your group work, and refer to the following:

A complaint to the Freedom of Information Commission must be postmarked within 30 days of an alleged violation. Please include:

1. The complainant’s (your) name, address, and telephone number
2. The respondent’s name and address (the agency or official).
3. Public Meeting Complaint. State the meeting date and describe the facts. Complaints may include matters such as
 - A closed or secret meeting
 - Improper notice of a meeting
 - Consideration of non-agenda items at a regular meeting without a 2/3 vote of those agency members present
 - Consideration of non-agenda items at a special meeting
 - An improper emergency meeting
 - An executive session held for an improper purpose
 - Failure to notify a public employee of his/her right to request that an executive session discussion concerning his performance take place at an open meeting
 - Failure to file a record of votes within 48 hours or to file minutes within 7 days after the meeting.

The complainant may request the following remedies from the Commission:

- that actions taken at a meeting at which a violation occurred be declared null and void
- that the agency provide access to and copies of records.
- that civil penalties up to \$1000 be imposed against officials directly responsible for violations.
- that the Commission order other appropriate relief to rectify a violation of the Freedom of Information Act.

Rubric for a Letter of Complaint

	4 (Distinguished)	3 (Proficient)	2 (Limited)	1 (Unacceptable)
Topic/ Content	Contains at least 5 accurate facts about the topic and expresses the ideas clearly and accurately with sophisticated language	Contains 3-4 accurate facts about the topic and expresses the ideas clearly and accurately	Contains some accurate facts about the topic but ideas are not clearly expressed	Contains inaccuracies and/or veers from the topic
Form	Complies with the FOI complaint format and the requirements for a proper business letter	Complies with most FOI requirements and most requirements for a proper business letter	Complies with some FOI and business letter requirements but has several errors in format	Does not comply with the requirements of the assignment.
Role and Audience	Expresses a clear, consistent sense of voice and audience	Usually expresses a clear sense of voice and audience	Sense of voice and/or audience is inconsistent	Expresses no sense of voice or audience
Mechanics	Contains no errors in grammar or spelling	Contains few errors in grammar or spelling	Contains several errors in grammar or spelling	Errors interfere with meaning

The Freedom of Information Act in Action: Case Study Yale University

Essential Questions

1. Do citizens have protection against powerful private organizations?
2. Are private organizations subject to the Freedom of Information Act?

Student Learning Goal: Students will:

1. Know when a private corporation becomes subject to the Freedom of Information Act.
2. Know the definition of a public agency.

Initiation:

Guided Reading and Discussion of Yale Daily News Article:

“If Affirmed, ruling would subject YPD to FOIA”

<http://www.yaledailynews.com/articles/view/22912>

Guided Reading questions

1. What is the definition of a public agency?
2. Are universities subject to FOIA? Why/ why not?

Students will read the article and predict how the commission will rule on this issue.

Instruction:

Students in groups will read the second article from the Yale Daily News: **“Yale to Open Police Records.”**
<http://www.yaledailynews.com/articles/view/24406>

Students will discuss their previous predictions in groups and share their response to the Commission’s ruling. Individual group members will explain how the FOI commission ruling applies to private organizations.

Assessment:

In groups, students will construct a Public Service Poster on the Freedom of Information Act and the Connecticut Freedom of Information Commission. (Resources Day 4). Groups should use the poster rubric (Resources Day 4) to self-assess their work and may also be asked to assess the work of another group.

Extension Activity:

Students will attend a meeting of a town agency/department and use the worksheet

Participatory Democracy: Attending the Meeting of a Town Agency (Resources Day 4) to observe the Freedom of Information Act in action.

Resources:

<http://www.yaledailynews.com/articles/view/23531>

<http://www.yaledailynews.com/articles/view/24406>
(articles used with the permission of the Yale Daily News)

Poster assignment

Poster rubric

Participatory Democracy: Attending the Meeting of a Town Agency worksheet

Yale Daily News

Published: Thursday, February 14, 2008

Following commission hearing, YPD subject to FOIA requests

By The Yale Daily News

After a unanimous vote Wednesday by the Freedom of Information Commission, the Yale Police Department will now be subject to the same rules as public police forces when it comes to releasing records hitherto sealed.

As a result of the ruling — pursued by Public Defender Janet Perrotti, a cousin of YPD Chief James Perrotti — YPD documents and other information will now be open to public scrutiny upon request.

“One shouldn’t be able to dress like a cop, act like a cop and not be considered a cop and held accountable,” Janet Perrotti told the commission Wednesday, according to the New Haven Register.

The push to subject records to Freedom of Information Act requests came after an incident last May in which YPD officers arrested a now-16-year-old black teenager for breach of peace. Janet Perrotti has since argued that the move marked a double standard in that police are unlikely to ever arrest a Yale student in an otherwise similar situation. But when she requested documents relating to the arrest, Yale denied her the information.

YPD attorney Aaron Bayer of Wiggin and Dana seized on this origin before the Commission, arguing that the ruling should be restricted to that one situation rather than all incidents and records, both past and present.

“This is a very broadly written final conclusion,” he said, according to the Register.

In December, University Deputy Secretary Martha Highsmith said she thinks the YPD is a “private law enforcement agency.”

“We draw our powers through the city of New Haven, and we work with the Police Commission on some things,” she said, “but basically we’re a private entity, whereas the New Haven Police Department is a public entity.”

Bayer said he did not know yet whether Yale will appeal the decision, which came less than two months after the head of the Commission recommended it subject the YPD to FOIA.

<http://www.yaledailynews.com/articles/view/23531>

Used with the permission of the Yale Daily News

Day 4

Yale Daily News

Published: Monday, April 14, 2008

Yale to open police records

By Bharat Ayyar

Staff Reporter

Yale University announced Friday morning that it would not contest the Freedom of Information Commission's February ruling that mandated the Yale Police Department to disclose personnel files for two of its officers.

Almost two months ago, the commission ruled that although it is a privately funded and privately hired law-enforcement agency, the YPD is subject to the same disclosure rules as public agencies like the New Haven Police Department. Although University officials initially held their ground after the ruling, asserting that the YPD was not "functionally equivalent" to a public police department, they reversed their stance entirely Friday, citing the YPD's involvement in policing the city.

"The University will abide by the FOI Commission's decision requiring disclosure of certain documents related to Yale Police Department officers," Friday's release states. "[W]e are doing so because Yale recognizes the unique and public law enforcement role that its officers play in the City of New Haven. Yale takes extremely seriously its relationship to the public in performing its police work in the City."

Public Defender Janet Perrotti — who is married to YPD Chief James Perrotti's first cousin — initially filed a FOI request for two officers' personnel files when she suspected misconduct during the May 2007 arrest of one of her clients.

The client, a 16-year-old black teenager, was riding his bike on the sidewalk when the two officers stopped him and charged him with breach of peace. After noticing discrepancies between the arrest report and her client's account of the incident, Janet Perrotti wrote James Perrotti a letter last June asking to see files on the two officers' police histories.

The following month, James Perrotti wrote his cousin's wife back. The chief denied Janet Perrotti's request to see Officer Brian Donnelly's and Officer Alexis Rivera's personnel files.

"Yale University and its police department are private entities and are not subject to the Freedom of Information ("FOI") Act," James Perrotti wrote in the letter, according to the FOIC's hearing report.

But in February, the commission unanimously disagreed. The YPD, it ruled, met all four requirements needed to classify it as functionally equivalent to a public agency and, therefore, subject to FOIA requests.

Under FOI guidelines, an entity is public if it performs a governmental function, was created by government, is regulated by that government and receives government funding. Although the FOIC's ruling does not change the YPD's status as a private agency, it now makes the police department a functional equivalent of a public agency.

Colleen Murphy, executive director and general counsel for Connecticut's FOIC, told the News in February that she thought the commission had reached the right decision.

"It was a very compelling, very interesting case," said Murphy, who also served as the case's hearing officer.

Aside from the recently contested personnel files, the YPD has repeatedly claimed that its arrest records are available through the NHPD. The University's release states that "records relating to the police function of the department ... have always been available to the public."

But the validity of such claims has been widely contested.

"As a practical matter, reporters rarely get access to Yale crime reports," The Hartford Courant reported on Saturday. "[W]hen making such requests, The Courant is routinely referred to the New Haven Police Department, which refers calls to Yale, which invokes its status as a private entity in refusing disclosure."

Even at the FOIC's final hearing on the case in February, Janet Perrotti and Yale's legal representation, which was led by Aaron Bayer '77 of Wiggin and Dana, argued the true accessibility of YPD records.

"I don't know it to be true," Murphy said, when asked if the YPD's records could be obtained through the NHPD. "There was some dispute about that — some evidence and testimony."

Both sides stood their ground, and the argument did not come to an agreed conclusion, Murphy added.

The News has not pursued a FOI request with the YPD in the last three years, at least.

Days after the decision was handed down, University spokesman Tom Conroy said the University had ruled out an appeal.

"The University believes that the facts it presented in its brief to the commission warranted a finding that Yale is not subject to the state FOIA," Conroy said.

Janet Perrotti told the News in February that she was expecting an appeal from Yale, although she expressed discontent with the University for "avoiding what should be done."

Had the case been appealed, it would have been heard by the State Superior Court, and the FOIC, not Janet Perrotti, would have been the primary defendant. The court would have merely reviewed records and transcripts from the FOIC hearings to determine whether the decision was just. No new evidence would have been taken into consideration.

Across the country, fighting for access to police records on college campuses, where police are privately hired, is not uncommon.

Day 4

Within the Ivy League, a New York court ruled in 2003 that the Cornell University Police Department had to make its arrest records accessible to the public.

That same year, the Harvard Crimson filed a lawsuit against its campus police for denying it access to police reports and records. That lawsuit was shot down in court in 2006.

Yale Daily News Editor in Chief Andrew Mangino found Yale's Friday morning statement comforting.

“What is encouraging about this morning's news is that the University did not decide to abide by the commission's decision because it could not win, but because officials realized that it should not win” he said.

Janet Perrotti could not be reached for comment.

Both of the officers in question, Donnelly and Rivera, are still employed by the YPD.

<http://www.yaledailynews.com/articles/view/24406>

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Final Assessment: Creating a Teaching Poster

Your task: The Connecticut Freedom of Information Commission is conducting a poster contest in which you have been invited to participate.

Create a teaching poster to explain the basics of the Freedom of Information Act and the role of the Connecticut Freedom of Information Commission in the protection of citizens' rights. Follow the guidelines on the attached rubric.

Your poster should be attractive and readable from several feet away. The poster should educate the public and be a resource of information.

Good Luck!

Rubric Made Using:

RubiStar (<http://rubistar.4teachers.org>)

Making A Poster : Freedom of Information Act

CATEGORY	Distinguished	Proficient	Limited	Unsatisfactory
Content - Accuracy	At least 7 accurate facts are displayed on the poster.	5-6 accurate facts are displayed on the poster.	3-4 accurate facts are displayed on the poster.	Less than 3 accurate facts are displayed on the poster.
Title	Title can be read from 6 ft. away and is quite creative.	Title can be read from 6 ft. away and describes content well.	Title can be read from 4 ft. away and describes the content well.	The title is too small and/or does not describe the content of the poster well.
Knowledge Gained	Student can accurately answer all questions related to facts in the poster and processes used to create the poster.	Student can accurately answer most questions related to facts in the poster and processes used to create the poster.	Student can accurately answer about 75% of questions related to facts in the poster and processes used to create the poster.	Student appears to have insufficient knowledge about the facts or processes used in the poster.
Graphics - Relevance	All graphics are related to the topic and make it easier to understand. All borrowed graphics have a source citation.	All graphics are related to the topic and most make it easier to understand. All borrowed graphics have a source citation.	All graphics relate to the topic. Most borrowed graphics have a source citation.	Graphics do not relate to the topic OR several borrowed graphics do not have a source citation.
Graphics - Originality	Several of the graphics used on the poster reflect an exceptional degree of student creativity in their creation and/or display.	One or two of the graphics used on the poster reflect student creativity in their creation and/or display.	The graphics are made by the student, but are based on the designs or ideas of others.	No graphics made by the student are included.
Attractiveness	The poster is exceptionally attractive in terms of design, layout, and neatness.	The poster is attractive in terms of design, layout and neatness.	The poster is acceptably attractive though it may be a bit messy.	The poster is distractingly messy or very poorly designed. It is not attractive.
Mechanics	Capitalization and punctuation are correct throughout the poster.	There is 1 error in capitalization or punctuation.	There are 2 errors in capitalization or punctuation.	There are more than 2 errors in capitalization or punctuation.
Grammar	There are no grammatical mistakes on the poster.	There is 1 grammatical mistake on the poster.	There are 2 grammatical mistakes on the poster.	There are more than 2 grammatical mistakes on the poster.

Participatory Democracy: Attending the meeting of a town agency

To Do:

Attach the agenda for the meeting

Attach the minutes from the meeting

Answer the following questions

State the date, time, and location of the meeting

Before the meeting:

1. What items were discussed at previous meetings? (Use examples from the minutes you have)

2. What items are on the agenda for the meeting you plan to attend? Which of these items are of greatest interest to you? Why?

After the meeting:

3. Did the meeting follow the agenda? Give examples to support your answer.

4. What did you observe about the process of the meeting?

5. How were local citizens active at the meeting you attended?

6. Who led the meeting you attended?

7. What matters were discussed in detail and what decisions were made at the meeting?

8. What connections can you make between your experience attending this meeting and our class discussions this semester?

9. How would you rate your overall experience attending this meeting? Use a scale of 1 to 5, 5 being the most worthy and beneficial.

Freedom of Information Glossary

Caucus: meeting of members of a public agency from the same political party

Executive session: meeting of a public agency in which the public is excluded

Governmental function: management of a public agency

Meeting: any hearing or proceeding of a public agency in person or by electronic equipment

Municipality: a political unit such as a city or town

Pending claim: written notice to an agency

Pending litigation: written notice to an agency that states legal right to go to court if the agency does not grant legal relief

Person: person, partnership, corporation, society

Public agency: any office of the state or town

Public records/files: any recorded data related to the public's business; handwritten, typed, photocopied, etc.
