

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Molly Salafia,

Complainant

against

Docket #FIC 2021-0599

Chairman, Board of Education, Middletown
Public Schools; and Board of Education,
Middletown Public Schools,

Respondents

July 13, 2022

The above-captioned matter was heard as a contested case on March 3, 2022, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Spec. Sess.).

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By email dated October 18, 2021, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to timely post on their internet website the minutes for a special meeting held on June 14, 2021. At the hearing in this matter, the complainant further alleged that the respondents violated the FOI Act by failing to post the minutes for the June 14th special meeting in the format normally followed by the respondents for such meeting minutes.

3. Section 1-225(a), G.S., provides in relevant part:

[t]he meetings of all public agencies...shall be open to the public. The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours and shall also be recorded in the minutes of the session at which taken. Not later than seven days after the date of the session to which such minutes refer, such minutes shall be available for public inspection and posted on such public agency's Internet web site, if

available, except that no public agency of a political subdivision of the state shall be required to post such minutes on an Internet web site. Each public agency shall make, keep and maintain a record of the proceedings of its meetings. (Emphasis added.)

4. It is found that the respondent Board of Education (“board”) held a special meeting on June 14, 2021 (“special meeting”).

5. With regard to the board’s status as a political subdivision, the Connecticut Supreme Court has held:

A town board of education is an agency of the state in charge of education in the town; to that end it is granted broad powers by the legislature; and it is beyond control by the town or any of its officers in the exercise of those powers or in the incurring of expense; to be paid by the town, necessitated thereby, except as limitations are found in statutory provision.

Bd. of Educ. of Stamford v. Bd. of Finance, 127 Conn. 345, 349 (1940).

6. More recently, lower courts have determined that school boards in general are political subdivisions of the state. See Gaizler v. Pagani, No. FSTCV054004807, 2007 WL 1600054, at *4 (Conn. Super. Ct. May 24, 2007) (“General Statutes § 7-479(a) which authorizes municipal risk management pools, defines “Local public agency” as ‘any political subdivision of the state, including any city, town or borough or any district . . . or any metropolitan district or any municipal district. . . , or other district, district department of health, school board. . . .’ That definition evidences the legislature’s understanding that “political subdivisions of the state” include school boards.”).

7. Accordingly, with regard to the allegation described in paragraph 2, above, that the board failed to post the minutes for the special meeting on the internet website of the board in a timely manner, it is found that the board is a political subdivision of the state within the meaning of §1-225(a), G.S.

8. It is therefore found that, pursuant to §1-225(a), G.S., the board was not required to post the minutes of the special meeting on its internet website.

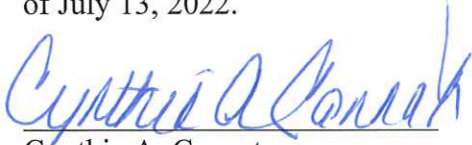
9. With regard to the allegation described in paragraph 2, above, that the board failed to record the minutes for the special meeting in the format normally used by the board, it is found that nothing in the FOI Act requires a specific format be used in recording the minutes of a public meeting.

10. Accordingly, it is concluded that the respondents did not violate the FOI Act, as alleged in the complaint.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 13, 2022.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

MOLLY SALAFIA, c/o Attorney Sebastian N. Giuliano, 348 Maple Shade Road, Middletown, CT 06457

CHAIRMAN, BOARD OF EDUCATION, MIDDLETOWN PUBLIC SCHOOLS; AND BOARD OF EDUCATION, MIDDLETOWN PUBLIC SCHOOLS, c/o Attorney Jessica L. Ritter, Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103



Cynthia A. Cannata
Acting Clerk of the Commission