

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Allison Quirion,

Complainant

against

Docket #FIC 2024-0277

Commissioner, State of Connecticut,  
State Department of Education;  
and State of Connecticut, State  
Department of Education,

Respondents

May 14, 2025

The above-captioned matter was heard as a contested case on September 23, 2024, November 18, 2024, and January 27, 2025, at which times the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits, and argument on the complaint.

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. It is found that, by email dated April 23, 2024, the complainant requested that the respondents provide her with a copy of the following records:
  - a. [A]ny and all documentation regarding the approval process, procedures and policies around developing and creating the Approved Menu of Research-based K-3 Universal Screening Reading Assessments, effective July 2023 and [the] Open Review Process;
  - b. In addition, during the 2021-22 open review period, please provide documentation, including but not limited to [Connecticut State Department of Education's] ("CSDE") 'rigorous review' and 'comprehensive evaluation'...of the seven assessments evaluated, including but not limited to the technical and efficacy standard/scoring and how the approved measures are

‘aligned to the research’; and

- c. Further, please provide a listing of the names of the ‘psychometricians’ ...along with any other individuals (CSDE or outside experts) involved in this process.

(The “first request”).

3. It is found that, by email dated April 23, 2024, the respondents acknowledged the complainant’s first request.

4. It is found that, by a separate email also dated April 23, 2024, the complainant requested that the respondents provide her with a copy of the following records:

[D]ocumentation and information regarding the ‘collaborative process’ referenced in the attached email from Dr. Hickey dated 3/7/24, i.e., meeting minutes, dates, attendees (staff and department), role of each department in developing and approving measures for the current Approved Menu of Research-based K-3 Universal Screening Reading Assessments, effective July 2023 and any subsequent ‘collaboration.’

(The “second request”).

5. It is found that, by email dated April 23, 2024, the respondents acknowledged the complainant’s second request.

6. It is found that, by a separate email also dated April 23, 2024, the complainant requested that the respondents provide her with a copy of the following records:

- a. Statements made by Attorney McKeon that only 6 districts out of 85 were not using a screener from the menu; and
- b. Documentation substantiating [Attorney McKeon’s statement].

(The “third request”).

7. It is found that, by email dated April 23, 2024, the respondents acknowledged the complainant’s third request.

8. It is found that, by a separate email dated May 6, 2024, the complainant requested that the respondents provide her with a copy of the following records:

[A]ny and all documentation regarding how data gathered on the K-3 Data Template from districts during the Right to Read waiver process was evaluated and used in the waiver determination process.

(The “fourth request”).

9. It is found that, by email dated May 6, 2024, the respondents acknowledged the complainant’s fourth request

10. By email dated and filed May 20, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide her with a copy of all responsive records.

11. Section 1-200(5), G.S., provides:

“[p]ublic records or files” means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

12. Section 1-210(a), G.S., provides in relevant part that:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to . . . (3) receive a copy of such records in accordance with section 1-212.

13. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

14. It is concluded that the requested records, to the extent that they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

15. It is found that, on May 20, 2024, the respondents provided the complainant with a first batch of responsive records.

16. At the first contested hearing on this matter, the complainant represented that her second, third and fourth requests were no longer at issue.

17. The respondents represented that, except for three records that had been withheld from disclosure in their entirety, it was their belief up to September 20, 2024, that they had no additional responsive records to provide to the complainant. The respondents further represented that, on September 20, 2024, they discovered additional records that had been created between 2014 and 2022, and they believed that such records were likely responsive to the complainant's first request. The respondents further represented that they immediately informed the complainant of the discovery. Finally, the respondents further represented that, while the newly discovered records needed to be reviewed for exempt information, satisfying the complainant's first request was a high priority for them.

18. It is found that, on October 4, 2024, the respondents provided the complainant with a second batch of responsive records.

19. At the third contested case hearing on this matter, the complainant represented that her first request had been satisfied.

20. In this regard, it is found that, by January 27, 2025, the respondents had provided the complainant with all of the records that they maintained, which were responsive to all four of the complainant's requests, including the three records that they had originally withheld from disclosure. The parties submitted a written stipulation agreeing to the comprehensiveness of the disclosure of responsive records to the complainant. The parties' stipulation has been marked as Joint Stipulation 1.

21. Nonetheless, the complainant contended that the respondents had failed to provide her with the responsive records in a prompt manner. In this regard, the complainant took issue with the respondents' discovery of additional records on September 20, 2024, and the fact that the respondents initially withheld three records from disclosure. The complainant also took issue with the fact that the respondents provided two additional records to a different requester in response to a request that was identical and subsequent to one of the complainant's requests.

22. With regard to whether the respondents have acted promptly in responding to the instant request, this Commission has previously opined that the word "promptly" in §1-210, G.S., means "quickly and without undue delay, taking into account all of the factors presented by a particular request . . . [including] the volume of records requested; the amount of personnel time necessary to comply with the request; the time by which the requester needs the information contained in the records; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without loss of the personnel time involved in complying with the request." See FOI Commission Advisory Opinion #51 (Jan. 11, 1982). The Commission also recommended in Advisory Opinion #51 that, if immediate compliance is not possible, the agency should explain the circumstances to the requester.

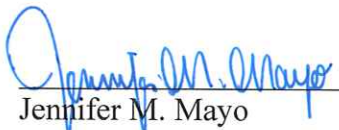
23. Based upon the testimony of the respondents' witness, it is found that the respondents provided the complainant with over 4,600 pages of records in response to the four requests set forth in paragraphs ¶¶ 2, 4, 6, and 8, above. It is further found that, on September 20, 2024, when the respondents discovered additional responsive records, they notified the complainant of their discovery on that very day. It is further found that, while the respondents could not explain why the complainant did not receive two of the records that another requester received, when this issue was brought to the respondents' attention, they promptly provided the complainant with the missing records. Finally, based on the number and nature of the requests in this matter, it is found that the respondents provided the complainant with all the responsive records that they maintained in a prompt manner.

24. It is concluded that the respondents did not violate the promptness or disclosure requirements of §§1-210(a) and 1-212(a), G.S., as alleged by the complainant.

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 May 14, 2025.

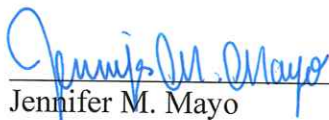
  
Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**ALLISON QUIRION**, c/o Attorney Mary Alice Moore-Leonhardt, Moore Leonhardt & Associates LLC, 266 Pearl Street, Hartford, CT 06106

**COMMISSIONER, STATE OF CONNECTICUT, STATE DEPARTMENT OF EDUCATION; AND STATE OF CONNECTICUT, STATE DEPARTMENT OF EDUCATION**, c/o Attorney Michael P. McKeon, Legal and Governmental Affairs, Department of Education, 450 Columbus Boulevard, Hartford, CT 06103



Jennifer M. Mayo  
Acting Clerk of the Commission