

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Maria Naughton,

Complainant

against

Docket # FIC 2020-0503

Superintendent of Schools, New Canaan
Public Schools; Chair, Board of Education,
New Canaan Public Schools; and New
Canaan Public Schools,

Respondents

October 22, 2025

The above-captioned matter was heard as a contested case on November 29, 2021, at which time the complainant and the respondents appeared, stipulated to certain facts 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 Special Session).

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. In response to a request for records from the complainant, by email dated September 16, 2020, the respondent Superintendent advised the complainant that the New Canaan Public Schools Curriculum Leadership Council ("CLC") had met on July 31, 2020.
3. Thereafter, by complaint filed October 7, 2020, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act.¹ Specifically, the complainant stated the following:

¹ On March 25, 2020, the Governor issued Executive Order 7M (§2(1)), thereby suspending the provisions of §1-206(b)(1), G.S., requiring the filing of an appeal with the Freedom of Information Commission not later than thirty days after any alleged denial. Executive Order 7M (§2(1)) applied to an appeal filed prior to April 19, 2021. The Governor also issued Executive Order 7M (§2(2)), thereby suspending the provisions of §1-206(b)(1), G.S., which required the Commission to hear and decide an appeal within one year after the filing of such appeal. Executive Order 7M (§2(2)), which was extended by Executive Order 12B, applied to any appeal pending with the Commission on the issuance date and to any appeal filed prior to July 1, 2021. Consequently, the Commission retains jurisdiction over the complaint.

Under the leadership of the New Canaan Public School superintendent, along with the New Canaan Board of Education chairperson, the New Canaan Public School system maintains a "Curriculum Leadership Council," or CLC.

This council, in practice for years, identifies instructional needs in the schools, and recommends, develops, reviews and approves all district curriculum, programs and assessments.

The CLC is the state-mandated board of education curriculum committee pursuant to Connecticut State Law [Section 10-220(e), G.S.]...

This group consists of staff members, and outside consultants as needed. There are no [Board of Education (or "BOE")] members on this council.

On September 16, 2020, in response to my request, I became aware that the last CLC meeting was held on July 31, 2020...

This meeting, like previous CLC meetings, was not noticed, its agenda was not posted, and minutes were not published.

Due to the lack of notice, agendas or minutes, the district administration and the BOE are denying the public the right to learn about programming decisions, the chance to provide input on areas of interest, and the ability to ascertain critical information related to how tax dollars are spent....

4. It is found that the CLC convened on July 31, 2020 and that, according to the respondent Superintendent, the agenda items for the gathering included district training needs and review of the COVID 19 Operations Guide regarding synchronous and asynchronous instruction. It is found that the CLC did not file a meeting notice or agenda for such gathering, nor did it record and make available any minutes of such gathering.

5. Although the named respondents herein are public agencies, the question presented in this matter is whether the CLC itself is a public agency, whose meetings, including the meeting of July 31, 2020, should have been held in accordance with the open meeting requirements of the FOI Act.

6. Section 1-200(1)(A), G.S., defines "public agency" or "agency," in relevant part, as:

Any executive, administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission, authority or official of the state or of any city, town, borough, municipal

corporation, school district, regional district or other district or other political subdivision of the state, including any committee of, or created by, any such office, subdivision, agency, department, institution, bureau, board, commission, authority or official, and also includes any judicial office, official, or body or committee thereof but only with respect to its or their administrative functions....

7. Section 10-220(e), G.S., entitled “Duties of Boards of Education”, requires that each local and regional board of education establish a “school district curriculum committee” and that such committee “shall recommend, develop, review and approve all curriculum for the local or regional school district.”

8. It is found that for many years the CLC performed the functions of the school district curriculum committee, pursuant to the respondent BOE’s longstanding practice of authorizing it to do so in satisfaction of its statutory obligations set forth in §10-220(e), G.S., as referenced in paragraph 7, above.

9. It is further found that the respondent BOE ultimately adopted a resolution codifying the longstanding practice referenced in paragraph 8, above, at a special meeting on September 8, 2020. It is found that the resolution states:

Be it resolved that the New Canaan Board of Education hereby codifies its long-standing practice of delegating to the Curriculum Leadership Council (CLC), as overseen by the Superintendent of Schools, the responsibility to review, develop, recommend and approved the curriculum of the New Canaan Public Schools as provided in the Conn. Gen. Stat. section 10-220(e). The Superintendent of Schools shall at least annually report at a public meeting on the activities of the CLC and the curriculum of the New Canaan Public Schools.

10. The respondents do not dispute that the CLC is a committee created by a public agency (here, the respondent BOE), and that the CLC was created pursuant to statute. It is therefore concluded that the CLC is a public agency, within the meaning of §1-200(1)(A), G.S.

11. Unusually, despite their recognition of CLC’s status as a public agency, the respondents contend that the CLC’s gatherings (including the gathering on July 31, 2020), do not constitute “meetings,” of a public agency within the meaning of §1-200(2), G.S., to which the access, notice and minutes provisions of §1-225, G.S., apply; instead, they contend that such gatherings are “administrative or staff meetings” of the respondent Superintendent, who is a single-member public agency.

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

meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the

public ... Not later than seven days after the date of the session to which such minutes refer, such minutes shall be available for public inspection....

13. Section 1-200(2), G.S., defines a “meeting,” in relevant part, as:

[a]ny hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. “Meeting” does not include ... an administrative or staff meeting of a single-member public agency....

14. In support of their contention that the CLC’s gatherings are administrative or staff meetings of the respondent Superintendent, the respondents posit that the Superintendent “oversees” the committee, its membership is limited to staff members employed by the respondent BOE and attendance at the gatherings is limited to those staff members. The respondents cite to the Commission’s decision in Docket #FIC 2005-559, *Deborah A. Carrier v. Tools for Schools Committee, Torrington High School, Board of Education* (July 26, 2006) (hereinafter, “*Carrier*”) in support of their contention.

15. The respondents’ reliance on *Carrier*, however, is misplaced. In *Carrier*, unlike in this matter, the committee at issue was not a public agency in its own right, as conceded by the respondents and concluded herein, that was required to be established, and delegated with the authority to fulfill certain duties of the Board, as set forth in §10-220(e), G.S.

16. Likewise, the respondents’ contention that this matter be looked at through the lens of whether the CLC’s gatherings constitute administrative or staff meetings of the respondent Superintendent is equally off the mark, because the meetings of the CLC are meetings of the CLC (a committee created by the respondent BOE) and not meetings of the Superintendent.

17. The respondents’ contention in this regard need not be addressed further herein. However, for purposes of providing greater clarity, the Commission addresses such claim in paragraphs 18 through 21, below.

18. In prior cases wherein the Commission considered whether a gathering constituted an “administrative or staff meeting” of a single member public agency, or a “meeting,” of a public agency, within the meaning of §1-200(2), G.S., the Commission examined the composition of the entity in question, how it was created, its authority, and whether the duties and responsibilities of the staff were independent of their duties and responsibilities as a member of the entity. Each factor will be addressed in turn.

19. It is found that the CLC is comprised exclusively of individuals employed by the respondents, who are members of the superintendent's staff, including content area coordinators, department chairs, and administrators.

20. Although the respondents contend that the CLC is "overseen" by the respondent Superintendent, it is found that he does not regularly attend the gatherings of the CLC. Rather, it is found that the deputy superintendent attends the gatherings of the CLC and informs the superintendent of the CLC's activities, as needed.

21. It is further found that the CLC reviews, develops, recommends and approves curriculum, within the meaning of §10-220(e), G.S., and therefore is authorized to act without the approval of any of the respondents. In this regard, it is found that the gatherings of the CLC are not akin to routine, daily meetings related to the administration of the superintendent's office. It is further found that the duties and responsibilities of members of the CLC are independent from their duties and responsibilities as members of the respondent Superintendent's staff.

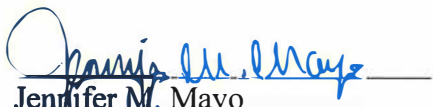
22. Based upon the foregoing findings and conclusions, it is concluded that the gatherings of the CLC are not "administrative or staff meetings of" the respondent Superintendent. Rather, it is concluded that the gatherings of the CLC constitute "meetings" of a public agency within the meaning of §1-200(2), G.S.

23. It is concluded, therefore, that the respondents violated the FOI Act by failing to ensure that the CLC complied with the open meetings requirements contained in §1-225, G.S., with respect to the July 31, 2020 meeting of the CLC.²

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

1. Henceforth, the respondents shall ensure that the meetings of the CLC are held in compliance with the open meeting requirements set forth in §1-225, G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of October 22, 2025.


Jennifer M. Mayo
Acting Clerk of the Commission

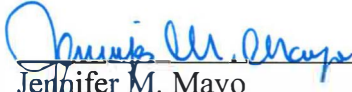
² The respondents also contended that the work of the CLC would be greatly impeded if it was required to perform its work in public. For example, the respondents contended that curriculum writing requires technical expertise and public meetings could lead to confusion for members of the public; developing curriculum requires critical and frank debate between experts in a collegial environment; and that, at times, the CLC may discuss sensitive information such as student records or assessments. While the Commission appreciates the respondents' concerns, they are no basis for noncompliance with the requirements of §1-225, G.S. The respondents are also reminded that the FOI Act affords public agencies the ability to exclude the public from a meeting for the purposes described in §1-200(6), G.S.

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:

MARIA NAUGHTON, 14 Bob Hill Lane, New Canaan, CT 06840

SUPERINTENDENT OF SCHOOLS, NEW CANAAN PUBLIC SCHOOLS; NEW CANAAN PUBLIC SCHOOLS; AND CHAIR, BOARD OF EDUCATION, NEW CANAAN PUBLIC SCHOOLS, c/o Attorney Thomas B. Mooney and Attorney Chelsea C McCallum, Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103-1919


Jennifer M. Mayo
Acting Clerk of the Commission