

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Robert Kornberg,

Complainant

against

Docket #FIC 2024-0680

Superintendent of Schools, Milford Public
Schools; and Milford Public Schools,

Respondents

October 22, 2025

The above-captioned matter was heard as a contested case on May 16, 2025 and September 5, 2025, at which times the complainant and respondents appeared and presented testimony, exhibits and argument on the complaint.

After the September 5, 2025 continued hearing in this matter, the complainant submitted a USB flash drive containing partially redacted records he received from the respondents. Such USB flash drive is marked in evidence as Complainant's Exhibit B (after-filed).

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 on September 5, 2024, the complainant submitted a records request¹ seeking the following records regarding his son:

all reports written as a result of school observations and
evaluations;

reports of independent evaluations;

medical records;

¹In his September 5 request, the complainant indicated that he was seeking records pursuant to his rights under the Family Educational Rights and Privacy Act ("FERPA"). 20 U.S.C §1232g(a)(1)(A) provides in relevant part that "[e]ach educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the education records of their children within a reasonable period of time, but in no case more than forty-five days after the request has been made."

nurse's records;

summary reports of evaluation team and eligibility committee meetings;

Individualized Education Plans ("IEPs");

school team committee meeting notes;

any correspondence written between school personnel regarding his child where he is mentioned by name, initials, or by code, including any emails;

any correspondence written between parents and school personnel, including email;

any and all records maintained by teachers and any member of the IEP team;

all data, including all recent data or letters in connection with any planning or discussions, or any other matters in connection with his child.

3. It is found that the respondents split the processing of the request described in paragraph 2, above. The portions of the request the respondents identified as seeking "education records" (e.g., reports, evaluations, and IEPs) were processed by the respondents' then Director of Pupil Personnel Services ("DPPS"); while the portion of the request the respondents identified as not seeking "education records" (e.g., correspondence) was processed by the respondents' Executive Assistant to the Superintendent ("EAS").

4. It is found that on September 9, 2024, the respondents' EAS informed the complainant that she would be handling the "FOI (email)" part of the request and that she would "try to pull the emails together promptly."

5. It is found that on September 10, 2024, the respondents' DPPS emailed the complainant confirming that the respondents had "received [his] FERPA and FOIA requests" and that she would reach out once the documents were ready.

6. It is found that the respondents mailed the complainant his son's education records within a few days after their September 10 acknowledgment, described in paragraph 10, above.

7. It is found that on September 20, 2024, however, the respondents informed the complainant that "[e]mails are not considered educational records, and not subject to FERPA requests. If you would like to review emails, please provide written notice for a [Freedom of Information Act] request." While it is unclear why the respondents' DPPS told the complainant to send another FOIA request, it is found that on September 27, 2024 she did confirm that she had received the complainant's request and that records would be available by October 4, 2024.

8. It is found that in light of the confusion described in paragraph 7, above, the complainant, on September 28, 2024, emailed the respondents' DPPS, in part, to clarify that he was requesting:

ALL emails from you and the entire JFK staff to and from each other and from your office including yours to and from each other. (Entire JFK staff including Anna Cutaia and Christopher Brown, your predecessor) [sic] I am requesting ALL emails from August of 2022 through the present date) [sic].

(Capitalization in original).

9. It is found that on October 4, 2024, the respondents' DPPS replied asking if the complainant was seeking records "pertaining to [his] son or all emails."

10. It is found that on October 5, 2024, the complainant sent the following to the respondents' DPPS via email largely repeating his request described in paragraph 8, above, except adding: "this includes ALL above mentioned communications about and pertaining to [his son's mother, him, and his] son." Moreover, the complainant added that:

My FOIA request shall include **EVERYTHING and ALL** mentioned above including in my original FOIA request and in **ALL (in every format)** which is legally allowed by law.

(Emphasis and capitalization in original).

11. It is found that on October 18, 2024, the following occurred:

- a. 2:08pm – the respondents sent the complainant approximately 640 pages of partially redacted emails responsive to his September 5 request;
- b. 2:12pm – the complainant replied indicating that "most of the files are blank pages and the only few files I seen [sic] was from [my son's] mom there were no other emails I requested from all staff members to and from each other;"
- c. 2:58pm – the respondents replied indicating as follows:

The blacked-out pages are pages that have been redacted. Those email threads did not pertain to the request. The blank pages are just extras that were pulled with the search. We don't delete pages from a search, hence, the redacted and the blank pages.

The specialist searched for emails containing the following:

[the school issued email address for the complainant's son] and/or

Klm3208@yahoo.com and/or

Rob1267@verizon.net and/or

agiannattasio@milforded.org and/or

nmacklin@milforded.org and/or

arizz@milforded.org and/or

Karen Michelson and/or

Robert Kornberg and/or

[the name of the complainant's son]

I know when you made the request a couple of years ago, you spoke to the director who explained the search process to you. Is there a specific email that you are looking for? We can search for it if you provide me with a name, date, or email.

- d. 3:00pm – the complainant copied his request described in paragraph 10, above, and sent it to the respondents' EAS and cc'd the respondents' DPPS.

12. It is found that on November 4, 2024, the complainant followed up with the respondents to express his dissatisfaction with the records they had provided to him on October 18, 2024.

13. It is found that on November 6, 2024, the following occurred:

- a. 5:52pm – the respondents replied to the complainant indicating that they had obtained text messages that were responsive to the search terms he had previously shared. It is found that instead of providing screenshots of the responsive text messages, the respondents reproduced the contents thereof in the body of their email to the complainant;
- b. 6:38pm – the complainant requested the screenshots of the text messages described in subparagraph a., above, and asked why such messages were not previously provided;
- c. 7:59pm – the complainant emailed the respondents' DPPS informing her that information from the prior school year through the beginning of the current school year was not provided (i.e., the “recent data”);

- d. 8:42pm – the complainant emailed the respondents’ DPPS inquiring why the respondents had not provided all of his son’s education records.

14. By letter dated November 12, 2024, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with all records responsive to his September 5 request.

15. 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.

16. 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 (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

17. 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.”

18. It is concluded that the records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

19. At the May 16, 2025 hearing in this matter, the complainant narrowed his complaint to include only the: (i) the “recent data” described in paragraph 13.c., above; and (ii) redactions made to the emails he received from the respondents on October 18, 2024, described in paragraph 11, above.

20. It is found that the “recent data” identified in the complainant’s September 5 request and in his November 6 email described in paragraph 13.c., above, refers to an August 16, 2024, email he received from the respondents’ DPPS wherein she stated, in part, that:

I ask that you attend a PPT² meeting so that the school team can answer all of your questions. The meeting can be recorded if you choose. I will plan to attend as well. At the PPT meeting, the school will review your son's current levels of performance in all areas and discuss planning for the 24/25 school year. I will ask the school team to discuss if any evaluations should be conducted to better understand [your son's] strengths and areas for growth, and I would invite you to share your concerns. The team will provide you with data and anecdotal observations on [your son's] performance from the end of last year and through the beginning of this school year. After reviewing the data as a team, which includes the two of you, we are looking forward to a substantive and transparent discussion that I hope will address all of your concerns.

21. The respondents testified and, it is found, that the data referenced in the August 16 email described in paragraph 20, above, was encompassed in the complainant's son's IEPs and progress reports, which were provided to the complainant in early/mid September 2024 (as found in paragraph 6, above.)

22. Moreover, considering the full context of the email described in paragraph 20, above, it is found that the purpose of the communication was to coordinate a Planning and Placement Team ("PPT") meeting with the complainant to discuss his son's academic performance. It is further found that the "data and anecdotal observations" referenced therein pertained to the anticipated topics of discussion at the PPT meeting, rather than to additional records or "data" being withheld by the respondents.

23. It is also found that in searching for responsive education data, the respondents coordinated with the complainant's son's teachers to compile the available education data and provide it to the respondents' DPPS for disclosure to the complainant. It is found, therefore, that the respondents conducted a thorough and diligent search for education data that would be responsive to the complainant's September 5 request and provided all responsive records.

24. Accordingly, it is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) or 1-212(a), G.S., with respect to the portions of the complainant's September 5 request seeking his son's education records or "data."

25. With respect to the redactions made to the emails the complainant received from the respondents on October 18, 2024, described in paragraph 11, above, the respondents, pursuant to an order of the undersigned Hearing Officer, submitted such records to the Commission for in camera inspection on September 12, 2025 (the "in-camera records").

² The Commission takes administrative notice of the fact that PPT, in this context refers to, a Planning and Placement Team, the purpose of which is "to review the referral to special education, current evaluations and information, and to determine if additional information is needed to determine eligibility for special education." See, STATE DEPARTMENT OF EDUCATION, PPT 101: UNDERSTANDING THE BASICS OF THE PLANNING AND PLACEMENT TEAM MEETING, 11 <https://portal.ct.gov/-/media/sde/special-education/ppt101.pdf>

26. Upon careful inspection of the in camera records, it is found that none of the redacted portions of the in camera records pertained to the complainant's son and, therefore, were not responsive to the complainant's September 5 request.³

27. Accordingly, it is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by redacting portions of the emails provided to the complainant which were not responsive to his September 5 request.

28. The complainant further alleges that the respondents failed to promptly provide him with records responsive to his September 5 request.

29. The Commission has held that the meaning of the word "promptly" is a particularly fact-based question. In Advisory Opinion #51, In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant (January 11, 1982), the Commission advised that the word "promptly," as used in §1-210(a), G.S., means "quickly and without undue delay, taking into account all factors presented by a particular request.

30. The advisory opinion goes on to describe some of the factors that should be considered in weighing a request for records against other priorities: the volume of records requested; the time and personnel required to comply with a request; the time by which the person requesting records needs them; the time constraints under which the agency must complete its other work; the importance of the records to the requestor, if ascertainable; and the importance to the public of completing other agency business without the loss of personnel time involved in complying with the request. In addition, common sense and goodwill ought to be the guiding principles.

31. The respondents maintain that the delay in providing additional records was reasonable under the circumstances because of the ambiguities as to the scope of the complainant's request.

32. It is found that while there may have been arguable ambiguities in some portions of the complainant's request⁴, there was no ambiguity that he was seeking correspondence from *all* school personnel regarding or pertaining to his son. For instance:

- a. The complainant's original September 5 request specifically sought "any correspondence written between ***school personnel regarding*** [his] child . . ." (Emphasis added).

³ Although the respondents claimed that they also redacted such portions of the in camera records pursuant to their FERPA obligations, the Commission notes that the FOI Act permits the respondents to withhold the names of students from disclosure, absent the consent of the student (or parent/guardian if the student is under 18 years of age). See §1-210(b)(11), G.S.

⁴ The main ambiguity appears to be whether the complainant was seeking general class-wide, school-wide, or district-wide communications on which his son happened to be included (e.g., class cancellations for inclement weather).

- b. In his September 28, 2024 email, the complainant reiterated that he was seeking “ALL emails from . . . the *entire JFK staff* to and from each other” (Emphasis added).
- c. In his October 5 reply email to the respondents the complainant noted that his request included “ALL . . . communications *about and pertaining to* [his son’s mother, him, and his] son” (Emphasis added).

33. As found in paragraph 11a., and c., above, the respondents conducted their initial search for emails using specific accounts and located approximately 640 pages of emails. It is found that the respondents did not provide evidence regarding why they limited their initial search as described in paragraph 11.c., above.

34. It is found that after the May 16, 2025 hearing, the respondents conducted an expanded search for all staff emails that referenced the complainant’s son (excluding general class-wide, school-wide, or district-wide correspondence).⁵ It is found that this search produced significantly more records than that which had previously been provided to the complainant as described in paragraph 11, above.⁶

35. It is found that the respondents did not provide sufficient evidence to explain why they could not conduct the broader search for records sooner.⁷

36. It is also found that the respondents were aware that the complainant had a significant interest in accessing such records for a prospective PPT meeting, the topic of which would be his son’s education and current levels of performance.

37. It is found, therefore, that while the respondents ultimately conducted a more thorough search for emails across all school personnel, they failed to prove that they did so quickly and without undue delay.

38. Accordingly, it is concluded that the respondents violated the promptness provisions of §§1-210(a) and 1-212(a), G.S.⁸

⁵ It is found that the respondents emailed the complainant a copy of these additional records on August 11, 2025; however, such email was routed to the complainant’s “spam folder” and the complainant was unaware of such records until the September 5 continued hearing in this matter.

⁶ Respondents’ counsel represented that the records provided to the complainant on August 11, 2025, as described in fn. 5, above, consisted of over 3,000 pages of emails.

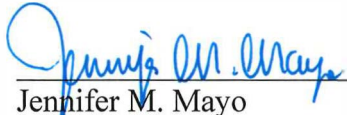
⁷ At the May 16 hearing, respondents’ counsel represented that “[t]he board has identified 31,608 documents within this broad request. *We think what he’s looking for is probably more like 5,950*, but that’s the struggle trying to get that clarification. . . .” (Emphasis added). While counsel’s remarks do not constitute testimony, even taking this representation into account, it is evident that, prior to the May 16 hearing, the respondents had a clear understanding of the complainant’s request and had identified a significantly broader set of potentially responsive records than those disclosed to the complainant on October 18.

⁸ Although the respondents were found to have violated the promptness provisions of §§1-210(a) and 1-212(a), G.S., nothing herein suggests that they acted in bad faith. Moreover, it is found that the respondents acted promptly in providing the 640 pages of emails on October 18, and the over 3,000 pages of emails on August 11, 2025 as described in fn. 5, above.

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 strictly comply with the promptness provisions of §§1-210(a) and 1-212(a), G.S.

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



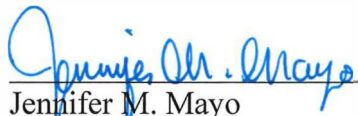
Jennifer M. Mayo
Acting Clerk of the Commission

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:

ROBERT KORNBERG, 4 2nd Avenue, Shelton, CT 06484

SUPERINTENDENT OF SCHOOLS, MILFORD PUBLIC SCHOOLS; AND MILFORD PUBLIC SCHOOLS, c/o Herbert Z. Rosen, Berchem Moses, PC, 75 Broad Street, Milford, CT 06460



Jennifer M. Mayo
Acting Clerk of the Commission