

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Dr. Jada Waters,

Complainant

against

Docket # FIC 2024-0590

Superintendent of Schools, Middletown
Public Schools; and Middletown Public
Schools

Respondents

September 10, 2025

The above-captioned matter was heard as a contested case on April 7, 2025, and June 16, 2025, at which times the complainant and respondents appeared and presented testimony, exhibits, and argument on the complaint.

Following the June 16, 2025 hearing, the undersigned hearing officer ordered the respondents to submit records that are the subject of this matter to the Commission, without redactions, for an in camera inspection. He further ordered the complainant to inform the Commission by June 20, 2025, as to whether the respondents had fully complied with the records requests at issue in the instant matter.

On June 24, 2025, the complainant's counsel submitted a belated representation to the Commission that the complainant was satisfied with the sufficiency of the respondents' response to the records requests at issue. The complainant's counsel reiterated, however, in her post-hearing brief, that the complainant maintains her challenge to the respondents' redactions of certain in camera records.

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 August 27, 2024, the complainant submitted to the respondents a request for electronic copies of the following records:
 - (a) All communications regarding Jada Waters' licensure to and from the Bureau of Educator Standards and Certification or any employee from Bureau of Educator Standards and Certification.
 - (b) All correspondence to and from Pattie Wilson, Bureau of Educator Standards and Certification, pertaining to Jada Waters' licensure and extension.

- (c) Comprehensive licensure statistics and a demographic analysis of licensure data from 2021-2024.
- (d) Detailed information on licensure exemptions granted during 2021-2024 to any certified and noncertified current staff or applicants for positions or any communication regarding such.
- (e) All documentation related to Jada Waters' hiring process, including interview questions and committee ratings and notes.
- (f) Original 2021 job postings for Director of Diversity, Equity, and Inclusion and Director of Communications positions.
- (g) Any communications to and from any union regarding the Director of Communication position as it related to certification requirements.
- (h) All licensure-related communications to and from the following individuals: Jennifer Cannata, Alberto Vazquez Matos, Harry Synder, Steve Weinberger, Geen Thazhampallath, Colleen Weiner, and representatives of the Middletown School Administrators Association.
- (i) Email communications regarding the Beman Baseball team involving Kate Bysiewicz, Jennifer Cannata, Kwastina Jackson, Anthony Williams, Alberto Vazquez Matos, and Debra Cain.
- (j) Email communications concerning Middletown High School's October 2023 DEI meeting between Mary Ellen Molski, Harry Synder, Kate Bysiewicz, and Jennifer Cannata.
- (k) Email communications between Ralph D'Amato, Steve McKeever, and Meghan Hanley regarding an incident during the 6M team assembly.
- (l) Email communications between Jasmine James, Harry Synder, Thomea Greaves, and Damien Reardon.
- (m) All union and DEI communications regarding licensure.

3. It is found that, by email dated August 27, 2024, the respondents acknowledged the complainant's request described in paragraph 2, above.

4. It is found that, by two emails dated September 4, 2024, the complainant submitted to the respondents additional requests for electronic copies of the following records:

- (a) All communications to and from any employee of the Middletown Public Schools Board of Education (MPS BOE), Human Resources department, and the Department of Labor regarding

Jada Waters, including emails; letters; memos; reports; and any other form of written or electronic communication.

- (b) All communications to and from any employee of the MPS BOE and the Insurance Coordinator regarding Jada Waters, including all forms of written and electronic communication.
- (c) All data and communications to and from any employee who works with the Leadership Academy regarding Jada Waters, encompassing all written and electronic records.
- (d) Jada Waters' personnel file.

5. It is found that, by email dated September 5, 2024, the respondents acknowledged the complainant's request described in paragraph 4, above.

6. By email, dated and filed with the Commission on September 26, 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 any records responsive to her August 27, 2024 and September 4, 2024 requests, described in paragraphs 2 and 4, above (hereinafter "requested records").

7. Section 1-200(5), G.S., provides as follows:

"[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.

8. Section 1-210(a), G.S., provides the following in relevant part:

[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 ... receive a copy of such records in accordance with section 1-212.

9. 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."

10. 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.

11. After the June 16, 2024 contested case hearing, and upon order of the hearing officer, on July 1, 2025 the respondents submitted 134 pages of unredacted records for in camera inspection, along with a detailed Index to Records Submitted for In Camera Inspection (hereinafter “Index”). Such Index shall be admitted into evidence and marked as “Respondents’ Exhibit 2.” Such in camera records shall be referenced hereinafter by the record reference numbers IC-2024-0590-001 through IC 2024-0590-134.

12. In the Index, the respondents contended that the redacted portions of the records submitted for in camera inspection were exempt from disclosure pursuant to one or more of the following statutes: §§1-210(b)(2) (invasion of personal privacy), 1-210(b)(11) (names of public school students), 1-210(b)(17) (education records protected under the federal Family Educational Rights and Privacy Act), and 31-51i(g) (criminal history record of applicant for employment), G.S.

13. In the complainant’s post-hearing brief, her counsel indicated that the complainant was no longer challenging the sufficiency of the respondents’ production, and that the only records that remained at issue were those records that the respondents claimed were exempt from disclosure pursuant to §§1-210(b)(2) and 31-51i(g), G.S.¹

Invasion of Personal Privacy

14. Section 1-210(b)(2), G.S., exempts from mandatory disclosure “personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy.”

15. The Supreme Court set forth the test for the exemption contained in §1-210(b)(2), G.S., in Perkins v. Freedom of Info. Comm’n, 228 Conn. 158, 175 (1993). The claimant must first establish that the files in question are personnel, medical, or similar files. Second, the claimant must show that disclosure of the records would constitute an invasion of personal privacy. In determining whether disclosure would constitute an invasion of personal privacy, the claimant must establish both of two elements: first, that the information sought does not pertain to legitimate matters of public concern, and second, that such information is highly offensive to a reasonable person. “The burden of establishing the applicability of an exemption ... requires the claimant ... to provide more than conclusory language, generalized allegations or mere arguments

¹ On post-hearing brief, the complainant did not raise a challenge to redactions claimed by the respondents pursuant to §§1-210(b)(11) and 1-210(b)(17), G.S. See “Complainant’s Post-Hearing Brief,” p. 1 (August 1, 2025). Accordingly, the following redactions made by the respondents pursuant to such statutory exemptions will not be further addressed herein: IC-2024-0590-002 through IC-2024-0590-012 (all lines indicated on the Index); IC-2024-0590-014 through IC-2024-0590-060 (all lines indicated on the Index); IC-2024-0590-063 through IC-2024-0590-069 (all lines indicated on the Index); IC-2024-0590-071 through IC-2024-0590-072 (all lines indicated on the Index); IC-2024-0590-074 (all lines indicated on the Index); IC-2024-0590-104 through IC-2024-0590-109 (all lines indicated on the Index); and IC-2024-0590-111 through IC-2024-0590-133 (all lines indicated on the Index).

of counsel. Rather, a sufficiently detailed record must reflect the reasons why an exemption applies to the materials requested.” Id. at 176.

16. In Connecticut Alcohol and Drug Abuse Comm’n. v. Freedom of Info. Comm’n, et al. (“CADAC”), 233 Conn. 28, 41 (1995), the Supreme Court further expounded on the threshold test for the exemption contained in §1-210(b)(2), G.S.:

We conclude that such a determination requires a functional review of the documents at issue. Just as a “medical” file of an individual has as one of its principal purposes the furnishing of information for making medical decisions regarding that individual, a “personnel” file has as one of its principal purposes the furnishing of information for making personnel decisions regarding the individual involved. If a document or file contains material, therefore, that under ordinary circumstances would be pertinent to traditional personnel decisions, it is “similar” to a personnel file. Thus, a file containing information that would, under ordinary circumstances, be used in deciding whether an individual should, for example, be promoted, demoted, given a raise, transferred, reassigned, dismissed or subject to other such traditional personnel actions, should be considered “similar” to a personnel file for the purposes of §1-210(b)(2), G.S.

Names of Employment Candidates

17. The respondents indicated on their in camera Index that record IC-2024-0590-001, line 4, is exempt from disclosure pursuant to §1-210(b)(2), G.S.

18. Upon careful in camera inspection, it is found that the redacted portion of the in camera record described in paragraph 17, above, contains the name of an unsuccessful job applicant written on a “Hire Form.” The unredacted portions of such Hire Form contain handwritten notes regarding the name of the chosen candidate, the nature of the hiring committee’s decision (majority versus unanimous), and the reasoning for the committee’s selection of the chosen candidate. Additionally, such form indicates that it is intended for use by the respondents’ Human Resources Department upon completion.

19. It is found that the name of the unsuccessful job applicant on the Hire Form, described in paragraph 18, above, constitutes a “personnel or ... similar file” within the meaning of §1-210(b)(2), G.S.

20. It is found that the respondents did not raise §1-210(b)(2), G.S., during the two contested case hearings on this matter, nor did they proffer any evidence in support of such exemption.

21. Moreover, recognizing that the right to privacy is personal in nature and can be asserted only by the person claiming to have been injured, this Commission has held that any existing privacy rights belong to job applicants, and not to the public agencies that maintain the records regarding such applicants. See Cynthia Olivero v. Mayor, City of New London, Docket #FIC 2019-0676 (July 22, 2020) (right to assert invasion of privacy belongs to the job candidates who were the subject of interview notes and scores, and respondents do not have standing to assert such exemption). See also Kevin Litten and the Waterbury Republican-American v. Chief, Police Department, City of Torrington, Docket #FIC 2012-711 (June 26, 2013) (right to assert invasion of privacy belongs to the employee whose privacy is at issue, and respondents do not have standing to assert such exemption).

22. It is therefore concluded that the respondents in this case lack standing to assert the privacy rights of the unsuccessful job applicant.

23. It is found that the respondents failed to prove that disclosure of the Hiring Form without redacting the name of the unsuccessful job applicant would constitute an invasion of personal privacy within the meaning of §1-210(b)(2), G.S.

24. Based on the foregoing, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by denying the complainant a copy of the in camera records, or portions thereof, described in paragraph 17, above.

Social Security Numbers

25. The respondents indicated on their in camera Index that the following in camera records, or portions thereof, are also exempt in part from disclosure pursuant to §1-210(b)(2), G.S.: IC-2024-0590-079, line 12, and IC-2024-0590-099, line 4.

26. Upon careful in camera inspection, it is found that the portions of the in camera records described in paragraph 25, above, contain social security numbers of individuals applying for educator permits and substitute teacher authorization from the Connecticut State Department of Education.

27. It is found that the respondents did not raise §1-210(b)(2), G.S., during the two contested case hearings on this matter, nor did they proffer any evidence in support of such exemption.

28. It is found that the respondents failed to prove that the social security numbers constitute “personnel or medical and similar files” within the meaning of §1-210(b)(2), G.S.

29. Nevertheless, the Commission has consistently declined to order disclosure of such information, based on the finding that “social security numbers are used by both the public and private sector for a wide range of personal identification purposes, including but not limited to use of this number for state and federal taxpayer information.....Disclosure of social security

numbers would allow persons with knowledge of such numbers to access a wealth of data, including personal, financial, and tax data concerning the individual assigned that number.” See Eric Garrison v. Supervisor, Unclaimed Property Division, State of Connecticut, Office of the Treasurer, Docket #FIC 89-76, (September 13, 1989). See also Yvonne Perkins v. Chief, Police Department, City of Danbury, Docket #FIC 2018-0408 (April 24, 2019); Robert H. Boone and the Journal Inquirer v. Anthony Milano, District Manager, Metropolitan District Commission, Docket #FIC 2000-173 (August 23, 2000).

30. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., by denying the complainant a copy of the in camera records, or portions thereof, described in paragraph 25, above.

Educator Identification Numbers

31. The respondents indicated on their in camera Index that the following in camera records, or portions thereof, are also exempt in part from disclosure pursuant to §1-210(b)(2), G.S.: IC-2024-0590-091, line 3; IC-2024-0590-092, line 14; IC-2024-0590-094, line 11; IC-2024-0590-095, line 6; IC-2024-0590-096, line 3; IC-2024-0590-097, line 9; IC-2024-0590-102, lines 4 and 10; and IC-2024-0590-103, lines 5 and 11.

32. Upon careful in camera inspection, it is found that the portions of the in camera records described in paragraph 31, above, contain educator identification numbers (EINs) for individuals applying for, renewing, or holding educator certification or educator permits issued by the Connecticut State Department of Education.

33. It is found that the respondents did not raise §1-210(b)(2), G.S., during the two contested case hearings on this matter, nor did they proffer any evidence in support of such exemption.

34. It is found that the respondents failed to prove that the EINs constitute “personnel or medical and similar files” within the meaning of §1-210(b)(2), G.S.

35. It is therefore concluded that the in camera records, or portions thereof, described in paragraph 31, above, are not exempt from disclosure pursuant to §1-210(b)(2), G.S.

36. Accordingly, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by denying the complainant a copy of the in camera records, or portions thereof, described in paragraph 31, above.

Educator Certificate Numbers

37. The respondents indicated on their in camera Index that the following in camera records, or portions thereof, are also exempt from disclosure pursuant to §1-210(b)(2), G.S.: IC-2024-0590-092, line 4; IC-2024-0590-097, line 4; IC-2024-0590-102, line 12; and IC-2024-0590-103, line 13.

38. Upon careful in camera inspection, it is found that the portions of the in camera records described in paragraph 37, above, contain the educator certificate numbers of individuals applying for, renewing, or holding educator certification and educator permits issued by the Connecticut State Department of Education.

39. It is found that the respondents did not raise §1-210(b)(2), G.S., during the two contested case hearings on this matter, nor did they proffer any evidence in support of such exemption.

40. It is found that the respondents failed to prove that the educator certificate numbers constitute “personnel or medical and similar files” within the meaning of §1-210(b)(2), G.S.

41. It is therefore concluded that the in camera records, or portions thereof, described in paragraph 37, above, are not exempt from disclosure pursuant to §1-210(b)(2), G.S.

42. Accordingly, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by denying the complainant a copy of the in camera records, or portions thereof, described in paragraph 37, above.

Criminal History

43. The respondents indicated on their in camera Index that the following records, or portions thereof, are exempt from disclosure pursuant to §31-51i(g), G.S.: IC-2024-0590-079, line 25; IC-2024-0590-085, line 30; IC-2024-0590-088, line 30; IC-2024-0590-092, line 23; IC-2024-0590-097, line 18; and IC-2024-0590-099, line 30.

44. Section 31-51i, G.S., provides the following in relevant part:

(b) No employer shall inquire about a prospective employee’s prior arrests, criminal charges or convictions on an initial employment application, unless (1) the employer is required to do so by an applicable state or federal law, or (2) a security or fidelity bond or an equivalent bond is required for the position for which the prospective employee is seeking employment

(g) The portion of an employment application form that contains information concerning the criminal history record of an applicant or employee shall only be available to the members of the personnel department of the company, firm or corporation or, if the company, firm or corporation does not have a personnel department, the person in charge of employment, and to any employee or member of the company, firm or corporation, or an

agent of such employee or member, involved in the interviewing of the applicant.

45. Section 46a-80a(3), G.S., defines “employer” for purposes of §31-51i, G.S., as “any person or employer with one or more persons in such person’s or employer’s employ,” including “the state and all political subdivisions of the state.”

46. It is found that the respondents are an employer within the meaning of §31-51i, G.S.

47. Section 46a-80a(2), G.S., defines “criminal history record information” for purposes of §31-51i, G.S., as follows:

.... court records and information obtained from the Judicial Department or any criminal justice agency relating to arrests, releases, detentions, indictments, informations or other formal criminal charges or any events and outcomes arising from those arrests, releases, detentions, including pleas, trials, sentences, appeals, incarcerations, correctional supervision, paroles and releases, outstanding judgments and any other conviction information, as defined in section 54-142g ...

48. Section 54-142g(c), G.S., defines “conviction information” for purposes of §46a-80a(2), G.S., as follows:

.... criminal history record information which has not been erased... and which discloses that a person has pleaded guilty or nolo contendere to, or was convicted of, any criminal offense, and the terms of the sentence.

49. Upon careful in camera inspection, it is found that redacted portions of the in camera records described in paragraph 43, above, contain “yes” or “no” checkbox answers to a question regarding prior criminal convictions that appears on certain individuals’ educator permit or substitute teacher authorization applications. It is further found that such answers constitute criminal history record information within the meaning of §§31-51i(g), G.S., and conviction information within the meaning of §§46a-80a(2) and 54-142g(c), G.S.

50. Section 10-145(a), G.S., provides the following in relevant part:

No teacher, supervisor, administrator, special service staff member or school superintendent, except as provided for in section 10-157, shall be employed in any of the schools of any local or regional board of education unless such person possesses an appropriate state certificate

51. Section 10-222c(a), G.S., provides the following in relevant part:

No local or regional board of education ... shall offer employment to an applicant for a position ... if such applicant would have direct student contact, prior to such board, council, operator or supervisory agent: (3) [r]equesting information from the Department of Education concerning (A) the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit issued pursuant to chapter 166, (B) whether the department has knowledge that a finding has been substantiated by the Department of Children and Families pursuant to section 17a-101g of abuse or neglect or of sexual misconduct against the applicant and any information concerning such a finding, and (C) whether the department has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.

52. It is found that the respondents are statutorily required to ensure that all employees possess the appropriate state certificate, authorization or permit and must inquire with the Connecticut State Department of Education about whether any applicant for employment has been convicted of a crime within the meaning of §§10-145(a) and 10-222c(a), G.S.

53. Based on paragraphs 50 through 52, above, it is found that the educator permit and substitute teacher authorization applications described in paragraphs 43 and 49, above, constitute portions of an “employment application form” within the meaning of §31-51i(g), G.S.

54. Accordingly, it is found that the checkbox answers regarding prior criminal convictions in the camera records described in paragraphs 43 and 49, above, are mandatorily exempt from disclosure pursuant to §31-51i(g), G.S.; however, the questions regarding prior criminal convictions on such records do not contain information that reveals criminal history record information within the meaning of §31-51i(g), G.S., and therefore are not exempt from disclosure.

55. In the alternative, the respondents indicated on their in camera Index that the records or portions thereof, described in paragraphs 43 and 49, above, are exempt from disclosure pursuant to §1-210(b)(2), G.S.

56. It is found that the respondents did not raise §1-210(b)(2), G.S., during the two contested case hearings on this matter, nor did they proffer any evidence in support of such exemption.

57. It is found that the respondents failed to prove that the criminal history record portion of the records described in paragraphs 43 and 49, above, constitute "personnel or medical and similar files" within the meaning of §1-210(b)(2), G.S.

58. It is therefore concluded that the in camera records, or portions thereof, described in paragraphs 43 and 49, above, are not exempt from disclosure pursuant to §1-210(b)(2), G.S.

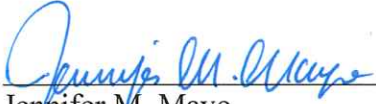
59. Accordingly, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by denying the complainant a copy of the in camera records described in paragraphs 43 and 49, above, specifically the portions thereof containing criminal history questions, described in paragraph 54, above.

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

1. Forthwith, the respondents shall provide the complainant, free of charge, with unredacted, electronic copies of the in camera records described in paragraphs 17, 31, 37, and 54, above.

2. Henceforth, the respondents shall strictly comply with the 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 September 10, 2025.

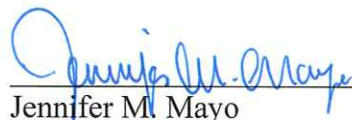

Jennifer M. Mayo
Acting Clerk of the Commission

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:

JADA WATERS, c/o Attorney Claire M. Howard, Madsen, Prestley & Parenteau, LLC, 402 Asylum Street, Hartford, CT 06103

SUPERINTENDENT OF SCHOOLS, MIDDLETOWN PUBLIC SCHOOLS; AND MIDDLETOWN PUBLIC SCHOOLS, c/o Attorney Dori P. Antonetti, Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103



Jennifer M. Mayo
Acting Clerk of the Commission