

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Danielle Scarpellino,

Complainant

against

Docket #FIC 2025-0349

Paul Freeman, Superintendent of
Schools, Guilford Public Schools; and
Guilford Public Schools,

Respondents

April 22, 2026

The above-captioned matter was heard as a contested case on October 23, 2025, and January 22, 2026, at which times the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits, and argument on the complaint.¹

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. This matter stems from the Commission's final decision in Docket #FIC 2024-0203, Danielle Scarpellino v. Superintendent of Schools, Guilford Public Schools et al. (March 26, 2025) ("Scarpellino I"), wherein the Commission concluded that the respondents had violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., solely with respect to Parts 2 and 4 of

¹ On January 30, 2026, the complainant submitted four proposed after-filed exhibits. The proposed after-filed exhibits consisted of: (i) email correspondence, dated December 19, 2024, containing a records request from the complainant; (ii) the respondents' December 20, 2024 acknowledgment of that request; (iii) email correspondence between the complainant and respondents regarding the complainant's December 19, 2024 request; and (iv) a January 8, 2025 letter from the respondents indicating that records responsive to her December 19, 2024 request were available to be picked up. However, the underlying request in Scarpellino I was made on April 1, 2024. It is well established that public agencies are only required to provide records that exist *at the time of the request*. See e.g., Docket #FIC 2024-0223, Wendy Taylor v. Commissioner, State of Connecticut, Dep't of Emergency Services and Public Protection, et al. (April 9, 2025) ("The respondents' disclosure obligations under the FOI Act extend only to those records which they maintain *at the time of the request*." (Emphasis added.)) As the proposed after-filed exhibits post-date the underlying April 1, 2024 request, such records did not exist at the time such request was made and are not relevant to the issue of whether the respondents complied with the Commission's order in Scarpellino I. The complainant's proposed after-filed exhibits are not admitted as evidence in this matter.

the complainant's request for records at issue therein. The Commission takes administrative notice of the administrative record and its final decision in Scarpellino I.

3. It is found that Part 2 of the complainant's request in Scarpellino I sought:

The [Family Equity Liaison's ("FEL")] records of his introduction, explanation of his position and invitation to contact him, and all of his contact information that was to be disseminated to all parents and students within [Guilford Public Schools ("GPS")] per his contract starting on July 1, 2021[,] to date.

Additionally, Part 4 of the complainant's request in Scarpellino I sought: "Any records regarding the book Equitable School Improvement: The Critical Need for the Human Side of Change [hereinafter, "Equitable School Improvement"]."

4. It is found that the Commission, in its final decision in Scarpellino I, issued the following orders:

[Paragraph 1] Within forty-five (45) days of the date of the Notice of Final Decision in this matter, the respondents shall conduct a thorough and diligent search for records responsive to Parts 2 and 4 of the complainant's April 1 request, described in paragraph 2 of the findings, above, and provide copies of such records to the complainant free of charge. Such search shall include, but not be limited to, all emails maintained by the respondent Guilford Public Schools.

[Paragraph 2] In the event the respondents['] search yields additional responsive records and the respondents believe that such records, or portions thereof, are subject to mandatory exemptions to disclosure (as opposed to permissive exemptions set forth in §1-210(b), G.S., or similar statutes), they shall so inform the complainant, indicating what exemption(s) is applicable and may withhold such records, or portions thereof, when complying with paragraph 1 of this order. If the complainant wishes to challenge any withheld records, or portions thereof, she may file a complaint with the Commission, wherein she may request expedited treatment.

[Paragraph 3] Henceforth, the respondents shall strictly comply with §§1-210(a) and 1-212(a), G.S.

5. It is found that on April 28, 2025, the respondents informed the complainant that the records located following the search ordered by this Commission were available for pick up. It is further found that the complainant picked up such records on April 29, 2025.

6. It is found that on May 7, 2025, the complainant followed up with the respondents regarding the records described in paragraph 5, above, and she questioned why the following records were included in such disclosure: (i) meeting minutes from the respondents' August 9,

2021 Board of Education Meeting; and (ii) records beyond the April 2024 time frame specified in the request at issue in Scarpellino I.

7. It is found that on May 9, 2025, the respondents indicated that the meeting minutes were included because the introduction of the FEL was noted therein, and records beyond the April 2024 time frame were included to “[err] on the side of provid[ing] [the complainant] with more than was originally requested in [an] effort to be fully compliant with both the word and spirit of the [Commission’s] order.”

8. By complaint received and filed May 13, 2025, the complainant appealed to this Commission alleging that the respondents had failed to comply with the Commission’s order in Scarpellino I, by not providing records which were responsive to Parts 2 and 4 of her request described in paragraph 3, above. The complainant also requested that the Commission consider the imposition of a civil penalty against the respondents.

9. In Scarpellino I, the respondents interpreted Part 2 of the complainant’s request, described in paragraph 3, above, as seeking only those records directly maintained by the FEL. The Commission found that the respondents had interpreted that portion of the complainant’s request too narrowly because the request “may fairly be construed as seeking all records relating to the FEL’s introduction . . . and all of his contact information that was to be disseminated to all parents and students.”

10. It is found that in response to the Commission’s orders in Scarpellino I pertaining to Part 2 of the complainant’s request, described in paragraph 3, above, the respondents searched all GPS accounts² for any record containing the name of the FEL as well as “FEL” and “Family Equity Liaison.” It is found that any records identified as part of such search were provided to the complainant on April 29, 2025, as described in paragraph 5, above.

11. Moreover, the FEL testified, and it is found, that he does not use his non-GPS email accounts when acting in his capacity as FEL. Nevertheless, it is found that the FEL searched his non-GPS email accounts and verified that he did not maintain any additional records responsive to either part of the complainant’s request described in paragraph 3, above.

12. At the January 22, 2026, continued hearing in this matter, the complainant questioned whether records showing a change to the FEL’s GPS phone number existed. The FEL testified, and it is found, that he was not aware that his number had changed, and he had not received any correspondence about the change to his phone number. Additionally, the respondents’ Director of Technology testified, and it is found, that: (i) he is the individual responsible for issuing phone numbers for GPS; (ii) no record is created when a phone number is changed; and (iii) no records pertaining to the change to the FEL’s phone number were located as part of the respondents’ search described in paragraph 10, above.

² The respondents utilize Google’s suite of cloud-based products for, among other things, managing all GPS email accounts as well as document storage for those accounts. It is found that all emails and files stored via such accounts can be searched and accessed by GPS’s Director of Technology.

13. It is found that the respondents conducted a thorough and diligent search with respect to Part 2 of the complainant's request, described in paragraph 3, above.

14. In Scarpellino I, the Commission found that the respondents failed to conduct a thorough and diligent search for all records responsive to Part 4 of the complainant's request, described in paragraph 3, above, because they interpreted such request "to be for those records that [the Superintendent] specifically had on Equitable School Improvement." Specifically, the Commission found that Part 4 of the complainant's request described in paragraph 3, above, was not limited to only those records directly maintained by the Superintendent.

15. It is found that, in response to the Commission's order in Scarpellino I pertaining to Part 4 of the complainant's request, described in paragraph 3, above, the respondents conducted a search of all GPS accounts (including emails and files) for any record that included the title of the book Equitable School Improvement.³ Additionally, it is found that members of the district's leadership, at the direction of the respondent Superintendent, searched for any files that would not have been saved to a GPS account (e.g., files saved to local storage, as opposed to files uploaded to the GPS cloud storage). It is found that any records located as part of such searches were provided to the complainant on April 29, 2025, as described in paragraph 5, above.

16. The complainant alleges that the respondents violated the Commission's order in Scarpellino I pertaining to Part 4 of her request, described in paragraph 3, above, because they did not provide GPS library records pertaining to Equitable School Improvement.

17. It is found that the respondents' search described in paragraph 15, above, did not include GPS's library records. The respondents testified, and it is found, that library records had not been considered as part of their search for records pertaining to Equitable School Improvement.

18. The Commission's orders in Scarpellino I required that the respondents conduct a *thorough and diligent* search for records responsive to Part 4 of the complainant's request, described in paragraph 3, above. It is found that such request is exceedingly broad, covering any type of record maintained by the respondents, in any location, provided such record referenced Equitable School Improvement.

19. The Commission notes that three hearings were held in Scarpellino I. It is found that throughout those three hearings, the complainant never identified GPS library records as a category of records associated with Equitable School Improvement. Rather, the focus of the documentary evidence and testimony during Scarpellino I was on whether GPS staff were involved in drafting the book, correspondence about the book, and how the book was used in connection with educator development.⁴

³ The respondents searched Equitable School Improvement as well as Equitable School Improvement: The Critical Need for the Human Side of Change.

⁴ In fact, during the second continued hearing in Scarpellino I, the complainant had ample opportunity to cross-examine the respondents' witness about the search that was conducted with respect to Part 4 of her request described in paragraph 3, above. At no point during such cross-examination did the complainant raise the issue of library records.

20. As found in paragraph 6, above, the complainant emailed the respondents shortly after picking up the records from the respondents on April 29, 2025, as described in paragraph 5, above, and sought clarification about certain records contained therein. Notably, however, the complainant did not identify GPS library records as missing at that time.

21. It is found that the first time the complainant identified GPS Library records in relation to Equitable School Improvement was when she filed her complaint with the Commission in the instant matter.

22. It is found that the respondents' omission of GPS library records does not indicate that they failed to conduct a thorough and diligent search, but rather is a reasonable byproduct of the broad nature of the complainant's request, coupled with the focus of the evidence and testimony in Scarpellino I.

23. It is found, therefore, that based on the facts and circumstances of this case, and the administrative record in Scarpellino I, the respondents' exclusion of GPS library records from their search for records in response to Part 4 of the complainant's request, described in paragraph 3, above, was reasonable.⁵

24. Next, the complainant alleges that the respondents violated the Commission's orders in Scarpellino I, by failing to provide records related to "teacher training that referenced this book [i.e., Equitable School Improvement] in a district-wide policy."

25. Specifically, the complainant alleges that the respondents failed to provide records that had been provided to GPS personnel by a third-party entity, Partners for Educational Leadership ("PEL"), which referenced Equitable School Improvement.

26. It is found that, among the records provided to the complainant on April 29, 2025, described in paragraph 5, above, were several communications from PEL that referenced Equitable School Improvement and contained links to materials maintained on external sources (i.e., websites) not owned or operated by the respondents.

27. It is well established that "the respondents cannot avoid disclosure of a public record merely by avoiding physical possession of such record." See First Selectman, Town of Columbia v. Freedom of Info. Comm'n et al., Docket #CV000501055, Judicial District of New Britain (November 28, 2000) (*Owens, J.*). Such cases, however, address records that are maintained by a third party *on behalf* of the respondents. See e.g., Docket #FIC 2016-0840, Dan Barret et al. v. Town Manager, Town of Enfield et al. (June 14, 2017) (town records in possession of outside counsel were records of the town).

28. It is found that the respondents do receive certain services from PEL pursuant to a contract. It is found, however, that the links to external materials described in paragraph 26,

⁵ In any event, it is found that in late July/early August 2025, after receiving notice of the instant complaint, the respondents conducted a search of their library records and found: (i) an entry from their electronic card catalog indicating that Equitable School Improvement was maintained in one of the GPS school libraries; and (ii) an Amazon purchase order for a copy of the book. It is found that copies of such records were provided to the complainant on August 8, 2025.

above, were not maintained by PEL in connection with such services. Rather, it is found that the links to such external materials were sent to the respondents ahead of an “Evaluation Convening” scheduled for March 4, 2024, that was open for other school districts to attend besides the respondents. It is found that the links to such external materials were sent to all attendees of the “Evaluation Convening” regardless of whether they were employed by GPS.

29. It is found that the materials contained in links described in paragraph 26, above, were not maintained by PEL *on behalf of* the respondents. Accordingly, it is found that the linked materials were not “maintained” by the respondents within the meaning of §1-210(a), G.S.

30. Moreover, to the extent the respondents accessed or were otherwise provided copies of the materials described in paragraph 26, above, it is found that the respondents’ search described in paragraph 15, above, was adequate to reasonably capture all records responsive to Part 4 of the complainant’s request described in paragraph 3, above.⁶

31. It is found, therefore, that the respondents conducted a thorough and diligent search for records responsive to Parts 2 and 4 of the complainant’s request, described in paragraph 3, above, in compliance with the Commission’s orders in Scarpellino I.

32. As noted in paragraph 5, above, the Commission’s order in Scarpellino I, permitted the respondents to redact *only* that information that is subject to a mandatory exemption (i.e., information for which the respondents are prohibited by law from disclosing) as opposed to permissive exemptions (i.e., information for which the respondents *may*, but are not required to, withhold).

33. It is found that in the records provided to the complainant on April 29, 2025, the respondents redacted: (i) non-GPS emails and phone numbers; and (ii) the name and GPS email address of a GPS student.

34. It is found that the non-GPS emails and phone numbers are not subject to any mandatory exemption from disclosure and, therefore, the respondents violated paragraph 2 of the Commission’s order in Scarpellino I, described in paragraph 4, above, by redacting such information.

35. With respect to the name and GPS email of a GPS student, the respondents assert that such information is mandatorily exempt pursuant to the Family Educational Rights and Privacy Act (“FERPA”) and §1-210(b)(17), G.S.

36. Section 1-210(b)(17), G.S., provides that disclosure is not required of “[e]ducation records which are not subject to disclosure under [FERPA], 20 USC 1232g, revised to January 3, 2012.”

⁶ The complainant testified that when she accessed some of PEL’s materials using her personal Google account, a copy of such document was retained in her account. The respondents’ Director of Technology testified, however, and it is found, that any external document accessed by a GPS account is not maintained in their system unless the user saves a separate copy of that document.

37. “Education records” is defined at 20 USC §1232g(a)(4)(A), as those “records, files documents and other materials which – (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.”

38. It is found that the redacted portion of the records described in paragraph 35, above, are email correspondence wherein a student emailed several GPS officials inquiring about the FEL position in connection with earning his Citizenship in the Community Badge for Boy Scouts. It is found that such record: (i) contains information directly related to the student who sent the email; and (ii) was maintained by the respondents.

39. It is found, therefore, that the respondents did not violate paragraph 2 of the Commission’s order in Scarpellino I, described in paragraph 4, above, by redacting the name of the student and that student’s GPS email.

40. As noted in paragraph 8, above, the complainant requested that the Commission impose a civil penalty on the respondents.

41. Section 1-206(b)(2), G.S., provides, in relevant part:

upon a finding that a denial of any right created by the [FOI] Act was without reasonable grounds and after the custodian or other official directly responsible for the denial has been given an opportunity to be heard at the hearing conducted in accordance with sections 4-176e to 4-184, inclusive, the commission may, in its discretion, impose against the custodian or other official a civil penalty of not less than twenty dollars nor more than five thousand dollars.

42. As found in paragraph 34, above, the respondents violated the Commission’s order in Scarpellino I, by redacting records that were not subject to a *mandatory* exemption to disclosure. The respondents testified and, it is found, however, that: (i) they misunderstood the scope of redactions permitted by the Commission’s order in Scarpellino I; and (ii) became aware of such misunderstanding after the October 23, 2025, hearing in this matter.

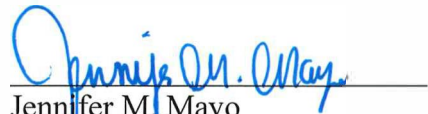
43. It is further found that, at the January 26, 2026, continued hearing in this matter, the respondents entered into evidence a version of the records provided to the complainant on April 29, 2025, described in paragraph 5, above, with the non-GPS email addresses and phone numbers unredacted.

44. While it is unclear why the respondents waited until the January 26, 2026 continued hearing, to provide the complainant an unredacted version of such records, it is found that, based on the facts and circumstances of this case, the respondents’ violation of the Commission’s order in Scarpellino I: (i) occurred because of a good faith misreading of the Commission’s order; and (ii) was remedied when such records were provided to the complainant with the non-GPS email addresses and phone numbers unredacted.

45. Based upon the findings in paragraphs 42 through 44, above, the Commission, in its discretion, declines to further consider the imposition of a civil penalty as requested by the complainant.

On the basis of the record concerning the above-captioned complaint, no order is recommended.

Approved by Order of the Freedom of Information Commission at its regular meeting of April 22, 2026.

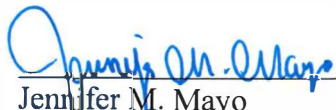

Jennifer M. Mayo
Acting Clerk of the Commission

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:

DANIELLE SCARPELLINO, 405 Andrew Lane, Guilford, CT 06437

PAUL FREEMAN, SUPERINTENDENT OF SCHOOLS, GUILFORD PUBLIC SCHOOLS; AND GUILFORD PUBLIC SCHOOLS, c/o Attorney Kenneth S. Weinstock, Kainen, Escalera and McHale P.C., 21 Oak Street, Hartford, CT 06106



Jennifer M. Mayo
Acting Clerk of the Commission