

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Katie Gerarde,

Complainant

against

Docket #FIC 2025-0192

Principal, Amity Middle School, Amity  
Regional School District #5; Amity Middle  
School, Amity Regional School District  
#5; and Amity Regional School District  
#5,

Respondents

March 11, 2026

The above-captioned matter was heard as a contested case on January 23, 2026<sup>1</sup>, at which time the complainant and the respondents appeared 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 on February 24, 2025, the complainant submitted a request for the “full bullying investigation” involving her son at Amity Middle School in 2024. The complainant indicated that the respondents could redact all other names included in such records, except for her son’s name.
3. It is found that on February 25, 2025, the respondents provided the complainant a copy of the report regarding the incident identified in paragraph 2, above, (the “bullying report”) but did not provide any other records created during the investigation (i.e., interview notes).

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<sup>1</sup> A hearing was initially held in this matter on October 30, 2025, at which time the complainant appeared, but the respondents did not. The undersigned hearing officer accepted testimony from the complainant at that time. During the hearing, the undersigned hearing officer discovered that the notice to the respondents for the October 30, 2025 hearing had been returned to the Commission as undeliverable. At the January 23, 2026 hearing in this matter, the undersigned hearing officer informed the respondents regarding the issue of notice at the prior hearing. The complainant was given an opportunity to provide testimony during such hearing, and the respondents were provided an opportunity to review and object to any exhibits that were previously admitted into evidence. No testimony from the October 30, 2025 hearing will be considered herein.

4. By complaint received and filed on March 24, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act, by disclosing only the bullying report, but not any of the records created during the underlying investigation.

5. 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.

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

Except 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.

7. 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.”

8. 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.

9. On January 30, 2026, the respondents submitted seven pages of records for in camera inspection, and on the index accompanying the in camera records asserted that each record was exempt pursuant to §1-210(b)(17), G.S.

10. Section 1-210(b)(17), G.S., provides that nothing in the FOI Act shall be construed to require the disclosure of “[e]ducation records which are not subject to disclosure under the Family Educational Rights and Privacy Act, 20 USC [§]1232g, revised to January 3, 2012.”

11. The Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. §1232g(b)(2), provides in relevant part that:

No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of releasing, or providing access to, any personally identifiable information in education records other than directory information,

or as is permitted under paragraph (1) of this subsection unless – (A) there is written consent from the student’s parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student’s parents. . . .

12. “Education records” are defined at 20 USC §1232g(a)(4) 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.”

13. Furthermore, 34 CFR §99.3 defines “personally identifiable information” to include the following:

- (a) [t]he student’s name;
- (b) [t]he name of the student’s parent or other family member;
- (c) [t]he address of the student or student’s family;
- (d) [a] personal identifier, such as the student’s social security number, student number, or biometric record;
- (e) [o]ther indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
- (f) [o]ther information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- (g) *[i]nformation requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.*

(Emphasis added).

14. Additionally, 34 CFR §99.12 provides that “[i]f the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.”

15. Based on a careful in camera inspection, it is found that the in camera records constitute interview notes with students concerning an incident that involved the complainant’s son and other students. It is found, therefore, that while the in camera records directly relate to the complainant’s son, they also constitute education records directly related to the other students.

16. It is found that the respondents could not meaningfully redact the investigation notes because, pursuant to the definition of “personally identifiable information” in 34 CFR §99.3, such redactions could not adequately protect the confidentiality obligations that the respondents have to the students discussed in the records who are not the complainant’s son.

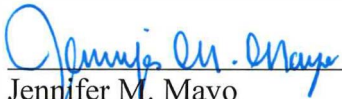
17. Accordingly, it is found that the in camera records are exempt from disclosure as education records pursuant to the provisions of §1-210(b)(17), G.S., and FERPA.<sup>2</sup>

18. It is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by withholding the in camera records, as alleged in the complaint.

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 March 11, 2026.

  
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Jennifer M. Mayo  
Acting Clerk of the Commission

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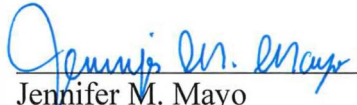
<sup>2</sup> The complainant *may* have a right to access her son’s education records through FERPA. This Commission’s jurisdiction is solely limited to the rights afforded to the public under the FOI Act; thus, this Commission cannot enforce any private right to access records provided by other laws. See Docket #FIC 2020-0573, Alfred Wilcox v. Chief, Police Dep’t, Town of Old Saybrook, et al. (June 8, 2022), citing Chief of Police v. FOI Comm’n, 252 Conn. 337, 387 (2000) (“[t]he FOI Act vindicates the public’s right to access public records, rather than a particular person’s specific rights.”)

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:

**KATIE GERARDE**, 34 Mulberry Road, Woodbridge, CT 06525

**PRINCIPAL, AMITY MIDDLE SCHOOL, AMITY REGIONAL SCHOOL DISTRICT #5; AMITY MIDDLE SCHOOL, AMITY REGIONAL SCHOOL DISTRICT #5; AND AMITY REGIONAL SCHOOL DISTRICT #5**, c/o Attorney Rebecca Goldberg, Berchem Moses PC, 75 Broad Street, Milford, CT 06460

  
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Jennifer M. Mayo  
Acting Clerk of the Commission