

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by) Sandra L. Speziali,) Complainant)	Report of Hearing Officer
against)	Docket #FIC78-127
Town of Stonington; and Board) of Education of the Town of) Stonington,)	October 17, 1978
Respondents)	

The above captioned matter was heard as a contested case on September 11, 1978, at which time the complainant and the respondent board appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondent board of education is a public agency as defined by §1-18a(a), G.S.

2. The board held a meeting on June 23, 1978 without first posting notice of special meeting in the office of the clerk of the respondent town.

3. The question of whether the aforesaid meeting met the requirements of the Freedom of Information Act was raised by letter received from the complainant and filed with the Commission on June 27, 1978. The basis of the complaint is that said meeting was not an "emergency" and notice should have been posted before holding such meeting.

4. The board's meeting of June 23, 1978 was held for the following purpose: "... to reconsider the rescinding of the action of the Board of Education of January 13, 1977 in ordering the Broadway School to be closed at the end of the 1977-1978 academic year."

5. The board had decided as early as April, 1978 that it was necessary to take another vote on such issue.

6. It would have been possible to reconsider such issue at any meeting of the respondent board.

7. There were at least three meetings of the board held prior to the meeting of June 23, 1978.

8. It is therefore found that the board's meeting of June 23, 1978 constituted a special meeting of the board to which twenty-four hours advance notice should have been posted in the office of the clerk, as required by §1-21, G.S.

9. In the context of the facts of this case, as set forth below, the failure of the board to comply with the foregoing requirement of posting notice is found to be a technical violation of §1-21, G.S.

10. Such meeting was called on less than twenty-four hours notice to the members of the board.

11. Prior to holding such meeting the board gave telephone notice to all area newspapers and radio stations as well as to those members of all public who had expressed an interest in a vote rescinding the earlier action closing the Broadway School.

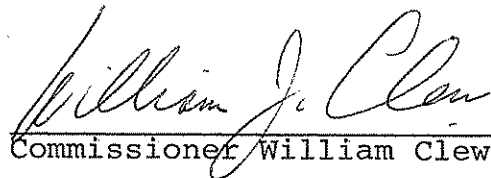
12. The complainant received telephone notice and attended such meeting along with fifteen members of the public, including the press.

13. The board voted not to rescind its earlier action closing the Broadway School. The complainant is seeking to have such action rescinded and the school reopened.

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

1. Henceforth the respondent board of education shall comply with the notice provisions of §1-21, G.S.


2. While technically deficient, the board's extraordinary efforts to comply with the spirit of the law is evidence that it did not attempt to deceive or deprive the public, and more particularly the complainant, of access to the meeting in question.



Commissioner William Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on
November 8, 1978.



Charlene G. Arnold
Clerk of the Commission