

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Mary Lyons, Complainant) Report of Hearing Officer
)
against) Docket #FIC78-27
)
Town of West Hartford; and the) April 19, 1978
Board of Education of the Town of)
West Hartford, Respondents)
)

The above captioned matter was heard as a contested case on March 21, 1978 at which time the complainant and the respondent board appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent board is a public agency as defined by §1-18a(a), G.S.
2. The complainant, a West Hartford public school teacher, sought full pay for her absence from school on October 20 and 24, 1977.
3. The superintendent of schools of the respondent town denied the complainant full pay, as a personal day, for her absence on October 20, 1977.
4. At a meeting of the respondent board held on January 23, 1978, the respondent board voted, in executive session, to sustain the aforesaid decision of the superintendent.
5. By letter of complaint filed with the Commission on February 15, 1978, the complainant alleged that she was not given notice of such meeting as required by the Freedom of Information Act.
6. §1-18a(e)(1), G.S., requires a public agency to notify a public officer or employee prior to holding a discussion in executive session about such individual's appointment, employment, performance, evaluation, health or dismissal. Notice is required in order to afford the public officer or employee concerned an opportunity to require the public agency to hold such discussion at an open meeting.
7. There was no discussion concerning the complainant at the respondent board's January 23, 1978 meeting in executive session. The respondent board voted, without discussion, to sustain the aforesaid decision of the superintendent.

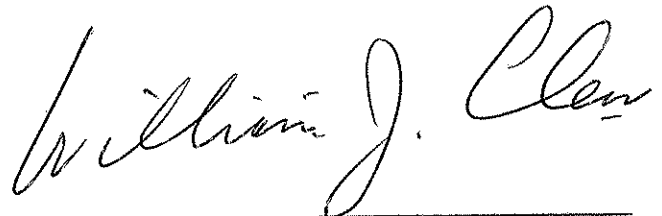
8. It is therefore found that the respondent board was not required under §1-18a(e)(1), G.S. to give personal notice to the complainant of its meeting of January 23, 1978.

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

1. The complaint is hereby dismissed.

2. The Commission notes that a vote of the respondent board, as distinguished from a "discussion," is not a proper purpose for holding an executive session under §1-18a(e)(1), G.S. Although such vote on January 23, 1978 constitutes an executive session held for an improper purpose, such matter was not raised in the complaint herein and does not require personal notice. The respondent board is advised that it must refrain from such activity in the future.


3. The Commission further notes that the complainant received adequate notice of the aforesaid decision of the board for purposes of appealing such decision under the appropriate grievance procedures.



Commissioner William J. Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on
May 10, 1978.



Charlene G. Arnold
Clerk of the Commission