

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Faye K. Clarke,

Complainant

Report of Hearing Officer

against

Docket #FIC79-130

Town of North Haven; and Board
of Education of the Town of
North Haven,

Respondents

The above captioned matter was heard as a contested case on December 20, 1979, at which time the complainant and respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.
2. The complainant, a member of the North Haven Board of Education, alleged that she was excluded from a meeting of the subcommittee on Curriculum and Instruction on May 15, 1979.
3. The respondents alleged that the gathering on May 15, 1979 was not a meeting because less than a quorum of the public agency was present and because no action was taken at the subcommittee meeting.
4. The subcommittee advises the respondent board on matters pertaining to curriculum and instruction.
5. The responsibilities of said subcommittee under the bylaws of the respondent board are:
 - a) To periodically review the program of studies, testing programs, teaching procedures, instructional schedule and curriculum goals and objectives.
 - b) To review proposals for additions or revisions to programs and to make recommendations to the Board of Education.
 - c) To review evaluation procedures and criteria for program and staff and to recommend changes for improvement of such procedures and criteria to the Board of Education.

6. The bylaws further provide that the Committee on Curriculum and Instruction shall consist of three or more members.

7. The agenda for the meeting of May 15, 1979 included the following items:

1. Review the results of a reading program evaluation at Grades 3 and 6.
2. Review the local planning effort for the state mandate on testing and remediation, P.L. 78-194.
3. Planning for the secondary reorganization.

8. The chairman of the subcommittee had never attempted to exclude any member of the public from its meetings.

9. The chairman would not allow the complainant to attend because of her fear that the presence of an additional member of the respondent board would constitute a meeting held in violation of the Freedom of Information Act.

10. It is found that notwithstanding the absence of a quorum, the gathering of the subcommittee which took place on May 15, 1979 was a meeting of a public agency within the meaning of §1-18a(b), G.S. because it was a proceeding of a public agency to discuss a matter over which the public agency has supervision, control, jurisdiction or advisory power.

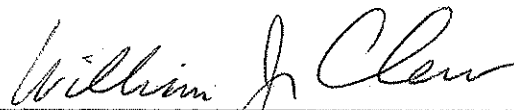
11. The respondent also moved to dismiss the complaint because the Commission failed to comply with certain time requirements set forth at §1-21i, G.S.

12. It is found that the aforesaid time limits are directory only.

13. The motion to dismiss is therefore denied.

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

1. The respondent board shall henceforth comply with the open meetings and notice provisions of §1-21, G.S.



Commissioner William J. Clew
as Hearing Officer

Approved by order of the Freedom of Information Commission on February 13, 1980.



Leslie Ann McGuire
Clerk of the Commission