



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
Toll free (CT only): (866)374-3617 Tel: (860)566-5682 Fax: (860)566-6474 • www.state.ct.us/foi/ • email: foi@po.state.ct.us

Anne Manusky,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-262

Superintendent of Schools, Bridgeport Public Schools;
and Bridgeport Public Schools,
Respondent(s)

November 23, 2015

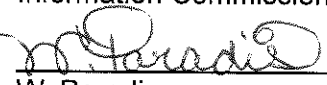
Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, December 16, 2015**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE December 4, 2015**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE December 4, 2015**. PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE December 4, 2015**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Anne Manusky
Attorney Melika S. Forbes

2015-11-23/FIC# 2015-262/Trans/wrbp/VDH/TCB

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Anne Manusky,

Complainant

against

Docket #FIC 2015-262

Superintendent of Schools,
Bridgeport Public Schools;
and Bridgeport Public Schools,

Respondents

October 7, 2015

The above-captioned matter was heard as a contested case on September 17, 2015, at which time the complainant and the respondents 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 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 in the spring of 2015, the complainant's minor son came home from school with a document entitled, "The Yale University Parent/Guardian Consent for Participation in an Evaluation Study Promoting Social and Emotional Learning." It is found that the study concerned a Yale University instructional model, known as the "Ruler Program." It is found that the Ruler Program is a professional development program for teachers involved in educating children, which seeks to help teachers become more aware of and be sensitive to students' social and emotional issues. It is further found that, after the educators receive certain training, a second phase of the program (or the study) is designed to measure the efficacy of the training itself. In this case, it is found that the complainant became upset with the nature of the consent form because actual consent to the study required no action; rather, only parents who desired to opt out of the study needed to complete the consent form. It is found that, after studying the consent form, the complainant sent the respondents a request for records, described in paragraph 3, below.

3. It is found that, by email dated March 13, 2015, the complainant requested that the respondents provide her with a copy of the following records:

[A]ny and all e-mails, notices, letters, and documents contracting the Bridgeport Schools District to Yale, and this program, and the state, including the cost to the state and/or Bridgeport School District (the "First Request").

4. It is found that, within two school days following the respondents' receipt of the First Request, the complainant met with the respondent superintendent. It is found that, after this meeting, the respondents believed the complainant's concerns with regard to the Ruler Program were resolved, as the superintendent informed the complainant that the Ruler Program had been suspended.

5. By letter dated April 11, 2015 and filed April 13, 2015, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information Act ("FOI Act") by denying her a copy of the requested records.

6. Section 1-200(5), G.S., provides:

"Public 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, printed, photostated, photographed or recorded by any other method.

7. 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

8. 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."

9. It is concluded that, to the extent that the respondents maintain the requested records, such records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

10. It is found that, by email dated April 14, 2015, the complainant sent the respondent superintendent a second FOI Request for records, seeking “any and all information between Bridgeport and Yale in regard to the Ruler Study” (the “Second Request”).

11. It is found that, on May 11, 2015, and August 12, 2015, the respondent superintendent provided the complainant with two batches of responsive records. It is found that these records were responsive to the Second Request.

12. The complainant believes that there should be more records responsive to her First Request and the respondents’ involvement in the Ruler Program, particularly a contract of some sort as well as electronic communications evidencing pre-contract or initial discussions about implementing the program.

13. It is found that the respondents conducted a thorough search for records that would be responsive to either the First Request or the Second Request. Specifically, it is found that the respondents searched for responsive records in their hardcopy records and files, as well as in their electronic records. With regard to the electronic records, it is found that the respondents conducted several “key word” searches, so as not to overlook any responsive record.

14. In response to the complainant’s contention that there should be more responsive records, it is found that, with regard to the First Request for records, the respondents do not maintain any records that would reflect a “contractual” relationship between the Bridgeport Schools District and Yale University, or between Bridgeport School District and the Ruler Program, or between Bridgeport School District and the State of Connecticut. It is further found that the lack of a contract and the lack of initial communication records was explained to the complainant by the respondents as follows: “I am not aware of a contract or letters of discussion to commence the Ruler program here in Bridgeport. Please note that the Superintendent has had numerous face-to-face meeting with the representatives of Yale/SEL¹ Ruler in addition to numerous telephone conference calls.”

15. It is further found that, while the Second Request for records is not at issue in the instant case, the respondents produced sufficient evidence at the contested case hearing from which it could easily be determined that all of the records that relate in any way to the respondents’ initial efforts to institute the Ruler Program have been provided to the complainant.

16. Accordingly, it is concluded that the respondents did not violate the FOI Act, as alleged in the complaint.

¹ “SEL” stands for social and emotional learning.

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.



Valicia Dee Harmon
as Hearing Officer