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FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Terry Wright,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2011-327

Superintendent, Granby Public Schools; Board
of Education, Granby Public Schools; and
Granby Public Schools,
Respondent(s)

May 21, 2012

Transmittal of Proposed Final Decision Dated May 17, 2012

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 dated May 17, 2012, 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, June 13, 2012**. 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 June 1, 2012*. 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, the Commission requests that an **original and fourteen (14) copies** be filed *on or before June 1, 2012*. **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 **fourteen (14) copies** be filed *on or before June 1, 2012* 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: Terry Wright
Thomas B. Mooney, Esq.

2012-05-21/FIC# 2011-327/Trans/wrbp/TCB//PSP

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Terry Wright,

Complainant

against

Docket #FIC 2011-327

Superintendent, Granby Public
Schools; and Board of Education,
Granby Public Schools,

Respondents

May 17, 2012

The above-captioned matter was heard as a contested case on May 17, 2012 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. By letter dated May 16, 2011, the complainant made a request to the respondents for certain records which included a request for "the list of the number of verified acts of bullying in each of the Granby Public Schools for the last six school years including the present school year heretofore." This is the only request at issue in this complaint.
3. By e-mail dated June 25, 2011, and filed on June 29, 2011, the complainant appealed to this Commission alleging that the respondents had violated the Freedom of Information Act by not complying with his request.
4. 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.

5. 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.

6. 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.”

7. It is found that the requested records, to the extent they exist, are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

8. It is found that the complainant made his request based on certain sections of the respondents’ school policy and §10-222d, G.S., that require each school to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection.

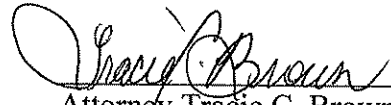
9. It is found that the public schools in Granby had not begun to comply with the requirements described in paragraph 8, above and therefore did not, and furthermore, do not have the lists requested by the complainant.

10. Based on the facts and circumstances of this case, it is found that the respondents did not violate the FOI Act as alleged by the complainant.

11. It is found, however, that in an effort to provide the complainant with the information he sought, the respondents created and provided him with a document that included the number of verified acts of bullying in each of the Granby public schools.

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

1. The complaint is hereby dismissed.

A handwritten signature in black ink, appearing to read "Tracy C. Brown". The signature is written in a cursive style with a large initial "T".

Attorney Tracie C. Brown
as Hearing Officer

FIC2011-327/hor/tcb/20120517