

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Nancy L. Turlish, Joseph A. Walsh, ) Report of Hearing Officer  
Patricia J. Walsh, Janice Barger, )  
and Richard Barger, )  
Complainants ) Docket #FIC77-50  
against ) March 29, 1977  
Board of Education of the Town )  
of Seymour and the Superintendent )  
of Schools of the Town of Seymour, )  
Respondents )

The above captioned matter was heard as a contested case on March 24, 1977, at which time the complainants and the respondents appeared and presented testimony, exhibits and argument on the complaint. Richard Barger was inadvertently omitted from the order to show cause as a party complainant herein and, by agreement of the parties, was added as such party complainant to these proceedings.

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 respondent board duly scheduled a regular meeting at 7:30 p.m. on February 17, 1977.
3. On February 15, 1977, the respondent superintendent caused to be delivered to the Seymour Town Clerk a letter stating that the respondent board would hold an "executive session" at 7:00 p.m. on February 17, 1977 at the designated location of the regular meeting. The letter further stated that the discussion will center on "negotiation and personnel matters."
4. The minutes of the respondent board state that a regular meeting was convened at 7:00 p.m. on February 17, 1977 and thereafter at 7:15 p.m. the respondent board voted to convene in executive session to discuss "a personnel and personal problem and the effect of the budget reductions on the system."
5. The minutes of the aforesaid executive session reveal that the respondent board discussed and voted upon acceptance of the resignation of a basketball coach and the effect of

certain budget reductions on the school system. The respondent board also requested that the respondent superintendent provide additional information concerning health insurance coverage and voted to reconvene in public session.

6. By letter of complaint filed with this Commission on March 4, 1977, the complainants alleged that the aforesaid letter of February 15, 1977 did not constitute sufficient authority to convene an executive session on February 17, 1977 and that the respondent board discussed and acted upon matters in executive session which are not proper under the Freedom of Information Act, as codified in Chapter 3 of the General Statutes.

7. It is concluded that the aforesaid letter of February 15, 1977, notwithstanding its reference to an executive session, constituted a notice of special meeting for 7:00 p.m. on February 16, 1977, at which time it was anticipated an executive session would be convened for the stated purposes.

8. It is further concluded that notwithstanding the reference to regular meeting on the minutes of the respondent board, such board properly convened a special meeting from 7:00 p.m. through 8:45 p.m. on February 17, 1977.

9. While §§1-18a(e)(1) and (2), G.S., provide respectively that certain personnel matters, and strategy and negotiations with respect to pending claims and litigation, may be discussed and voted upon in executive session, the effect of budget reductions on a school system is not given therein as a proper purpose for an executive session.

10. In the absence of evidence to the contrary, it is therefore concluded that the discussion and votes concerning the basketball coach's resignation and the discussion of health insurance coverage, to the extent that it concerns identified employees, are within the permissible scope of an executive session within the meaning of §§1-18a(e)(1) and (2), G.S.

11. In the absence of evidence demonstrating that the discussion and vote concerning the effect of certain budget reductions on the school system were within any of the purposes enumerated in §1-18a(e), G.S., it is further concluded that such discussion and vote were outside the proper scope of an executive session permissible under §1-18a(e).

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 shall convene in executive session only for those purposes specifically set forth in §1-18a(e), G.S.

2. The Commission notes that the complaint herein was initiated, in part, by an unfortunate technical defect in language on a notice of special meeting. This Commission recognizes that when laymen attempt to comply with the provisions of the Freedom of Information Act, such defects in language will inevitably occur. In the present case, it is clear that

the respondent superintendent and board have attempted in good faith to comply with the requirements of the Freedom of Information Act. In such circumstances, this Commission is not inclined to invoke the full measure of its remedial powers, absent a showing of personal and irreparable harm to the complainants. There was no such showing in the present proceedings.

*Judith A. Lahey*

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Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
April 13, 1977.

*Louis J. Tapogna*  
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Louis J. Tapogna, as Clerk of the  
Freedom of Information Commission