



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

Analiese Paik,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2012-247

Superintendent of Schools, Fairfield Public
Schools; Director of Curriculum, Instruction and
Assessment, Fairfield Public Schools; and
Fairfield Public Schools,
Respondent(s)

September 28, 2012

Transmittal of Proposed Final Decision

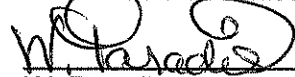
In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

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, October 24, 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 October 12, 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 October 12, 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 October 12, 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: Analiese Paik
Warren L. Holcomb, Esq.

9/28/12/FIC# 2012-247/Trans/wrbp/KKR/CAL

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Analiese Paik,

Complainant

against

Docket #FIC 2012-247

Superintendent of Schools, Fairfield
Public Schools; Director of Curriculum,
Instruction and Assessment, Fairfield Public
Schools; and Fairfield Public Schools,

Respondents

September 27, 2012

The above-captioned matter was heard as a contested case on September 19, 2012, at which time the complainant and the respondents appeared 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, by email dated March 29, 2012, the complainant requested that the respondents answer certain questions, numbered 1 – 10, about the program for gifted and talented students at the Town of Fairfield's three middle schools. It is found that, in response, the respondents created a document that included the answers to all 10 questions and provided it to the complainant. It is found that, by email dated April 26, 2012, the complainant made a request to the respondents for records pertaining to questions 4 – 10 listed in her March 29th email (the "April 26th request").
3. It is found that, by email dated May 9, 2012, the respondent director informed the complainant that an end-of-year evaluation of the gifted and talented program would be conducted, and that if more information responsive to her request became available through that process, such information would be shared with her. The May 9th letter further informed the complainant that the information previously sent to her [in response to her March 29th email] "sufficiently responded to her request."
4. By email dated and filed May 9, 2012, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (FOI) Act by failing to comply with the April 26th request for records, described in paragraph 2, above.

5. 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.

6. 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 . . . (3) receive a copy of such records in accordance with section 1-212. (Emphasis added).

7. 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.”

8. It is found that the records responsive to the April 26th request, to the extent they exist, are public records, within the meaning of §§1-200(5) and 1-210(a), G.S.

9. It is found that the 2011-2012 school year was the first year that the gifted and talented program was implemented at the Fairfield Public School’s middle schools. It is found that a subcommittee of educators and parents, including the complainant, worked for a year to design the program, and to develop specific components of such program. However, it is further found that, during the 2011-2012 school year, some of the components of the program at the middle school attended by the complainant’s son were not implemented.

10. With regard to the records that are the subject of the April 26th request, it is found that the respondents did not maintain such records as of the date of such request.

11. Based upon the foregoing, it is concluded that the respondents did not violate the FOI Act as alleged in the complaint.

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

1. The complainant is dismissed.

A handwritten signature in black ink, appearing to read "Kathleen K. Ross". The signature is written in a cursive style with a large, stylized initial "K".

Kathleen K. Ross
as Hearing Officer

FIC 2012-247/hor/kkr/09272012