

FREEDOM OF INFORMATION COMMISSION  
STATE OF CONNECTICUT

In the Matter of a Complaint by :  
: Winston Heimer, et al :  
Complainants : Report of Hearing Officer  
: :  
: Docket #FIC 75-21  
against :  
: December 17, 1975  
: South Windsor Board of Education, :  
et al :  
Respondents :

1. The respondent is a public agency, as it is the Board of Education of the Town of South Windsor.
2. The respondent conducted a meeting on November 12, 1975, at 7:30 p.m., at which time new members of the Board were seated, an election of officers was conducted, and other matters were taken up.
3. The election of officers was conducted by a secret ballot, subject to §10-218 G.S.
4. The use of the term "ballot" in this special statute indicates the legislature's intention that it be treated in a manner different from a vote on an issue under §6 of Public Act 75-342. So it is concluded that the respective choice of candidate selected by the ballot of each member is not required to be recorded in the minutes of the meeting. It follows that the members were entitled to indicate their choices by means of secret ballots at this meeting.
5. To the extent that the complaint alleges that actions taken by the Board were illegal because the winning slate of officers was presiding, that claim is rejected because there was no such illegality.
6. During the meeting the Board voted to proceed in executive session "to discuss a personality/personnel concern."

7. It was evident from the context in which the Board voted to proceed in executive session that no personnel file was intended to be taken up in executive session, as is permitted under §2(b) of Public Act 75-342. Both the minutes, the agenda, and the testimony in the record of the hearing on this complaint confirm the impression that use of a distorted reference to the language of the Act was meant to serve as a sham. The purpose of the executive session is found to have been to proceed with further discussion of the motion then pending before the Board just before it convened in executive session. All proceedings in executive session were undertaken unlawfully.

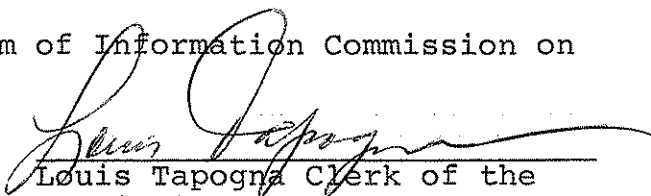
The following Order is recommended:

1. The vote on the motion regarding an additional amendment to §300.20 (regarding use of sensitivity training) set forth on pages 15 and 16 of the Board of Education minutes of November 12, 1975, is hereby declared null and void on grounds that all or a part of the discussion concerning the issue on which that vote was taken was conducted during an executive session which the complainants were unlawfully denied the right to attend.



Commissioner Judith A. Lahey,  
as Hearing Officer

Approved by order of the Freedom of Information Commission on  
December 23, 1975.

  
Louis Tapogna Clerk of the  
Commission