

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )	
The Bristol Press, )	Report of Hearing Officer
Complainant )	
against )	Docket #FIC78-50
)	May 23, 1978
Board of Education of the City )	
and Town of Bristol, )	
Respondent )	

The above captioned matter was heard as a contested case on May 2, 1978 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondent board is a public agency as defined by §1-18a(a), G.S.

2. On March 1, 1978, the respondent board voted to go into executive session to discuss "personnel".

3. Part of the respondent board's discussion in executive session on March 1, 1978 included consideration of a request for personal leave by the superintendent of schools.

4. By letter of complaint dated March 14, 1978 and filed with the Commission on March 15, 1978, the complainant alleged that such matter should have been considered, discussed and voted on in the public portion of the respondent board's March 1, 1978 meeting.

5. The background of the request for personal leave is as follows:

The superintendent of schools was nominated by a national organization of school superintendents to go on a certain "foreign study mission trip". The superintendent requested personal leave in order to take the trip.

6. The respondent board considered the following factors, in executive session, relative to the superintendent's request:

- a. the length of the trip and its timing in terms of the needs of the school children,
- b. the cultural and educational benefits of the study trip to the school system,

- c. the cost of the trip in terms of travel expenses,
- d. whether such expenses were to be taken out of the school budget for the subsequent fiscal year,
- e. how the nomination for the trip constituted a recognition of the superintendent by a group of his peers,
- f. an evaluation of the superintendent's performance.

7. The respondent board then unanimously voted, in executive session, to approve the superintendent's personal leave. Personal leave in this context means that the superintendent will receive full pay while going on such trip.

8. The respondent board also reached a consensus, in executive session, that \$1,725 in travel expenses for the trip were to be taken out of the school budget for the next fiscal year.

9. Only that portion of the above discussion which concerned an evaluation, by the respondent board, of the superintendent's performance is found to constitute a proper purpose for holding an executive session §1-18a(e)(1), G.S. The public was therefore improperly excluded from the remainder of the discussion, in violation of §1-21, G.S.

10. §1-18a(e)(1), G.S. only permits "discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee ...." (emphasis added)


11. It is further found that the aforesaid vote and consensus, in executive session, were also not permitted under §1-18a(e)(1), G.S.

12. Because the budgetary items relating to the superintendent's trip were aired publicly at a hearing before the Board of Finance on March 15, 1978, it would not be appropriate to declare any action taken by the respondent board on March 1, 1978 null and void.

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

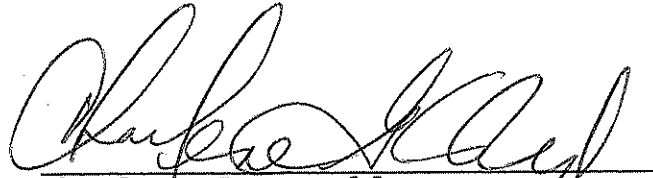
1. Henceforth, all meetings of the respondent board shall be open to the public as required by §1-21, G.S.

2. Henceforth, the respondent board may meet in executive session under §1-18a(e)(1), G.S. only when its discussion strictly relates to the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, as outlined in the findings hereinabove.

  
Commissioner Donald Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
June 14, 1978.



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Charlene G. Arnold  
Clerk of the Commission