

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Jim Topping, Complainant)	Final Decision
)	
against)	Docket #FIC78-86
)	
The City and Town of Hartford; the Court and Common Council of the City and Town of Hartford; and the Board of Education of the City and Town of Hartford, Respondents)	August 9, 1978
)	

The above captioned matter was heard as a contested case on June 26, 1978, at which time the complainant and the respondent City and Town of Hartford and the respondent Court of common Council appeared and presented testimony, exhibits and argument on the complaint.

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 of education made a controversial decision not to renew the contract of the superintendent of schools.
3. At its regular meeting, April 24, 1978, the respondent council adopted a resolution for it to hold a meeting with the respondent board of education to discuss the aforesaid controversial decision regarding the superintendent of schools.
4. Pursuant to the aforesaid resolution, the full membership of the respondent council met with four members of the respondent board on April 26, 1978 at 4 p.m.
5. The Assistant Hartford Corporation Counsel advised the respondent council that the meeting could be closed to the public and the press because the council did not have direct control over the respondent board of education.
6. Despite objection from one councilman and the mayor, the meeting was closed to the public and the press.
7. By letter filed with this Commission May 3, 1978, the complainant alleged that the aforesaid executive session was improper and did not conform to the requirements of the Freedom of Information Act.

8. The respondent council alleged that the gathering of April 26, 1978 was not a meeting within the meaning of §1-18a(b), G.S., because it has neither supervision, control, jurisdiction or advisory power as it relates to the superintendent of schools, or the board of education in its official function.

9. The respondents failed to prove that the gathering in question fell into any of the specific exceptions to the term "meeting" as set forth in §1-18a(b), G.S.

10. §10-15, G.S. requires the municipalities of Connecticut to establish and maintain a public school system.

11. §10-240, G.S. provides that "each town shall maintain the control of all the public schools within its limits and for this purpose shall be a school district and shall have all the powers and duties of school districts, except so far as such power and duties are inconsistent with the provisions of this chapter."

12. Chapter XVIII §1 of the Charter of the City of Hartford establishes the Hartford Board of Education and provides that such board shall have all the powers and duties imposed by law on such boards.

13. §10-222, G.S. provides that "expenditures by the board of education in each city...shall not exceed the appropriation made by the city..., with such money as may be received from other sources.

14. Chapter XVIII §1 of the Charter of the City of Hartford makes it the duty of the respondent board of education to submit its budget estimates to the city manager at the same time as other departments of the city. It provides that the action of the mayor and the council on such requests shall relate to their total only.

15. §10-157, G.S. requires the local education agencies to have a superintendent.

16. §10-218, G.S. empowers town councils to choose officers of the local boards of education from membership of the board where the local board has a tie vote or fails to select such officer within a month after the date the newly elected members take office.

17. Additional state statutes provide the towns with specific duties and powers with respect to the education system, e.g. §10-186, §10-203, §10-204, G.S.

18. Chapter III §14 of the Charter of the City of Hartford makes the respondent council the legislative body for the City of Hartford and, as such, the respondent council has the power to provide by ordinance for the organization, conduct, and operation of the agencies established by the Charter.

19. Chapter III of the Charter of the City of Hartford gives the respondent council the power to investigate the conduct of any department, agency, officer or employee of the city government.

20. It is found that the respondent city and town has a substantial role in providing a support system for public education.

21. It is further found that the respondent council has some control over the budget of the respondent board and over matters pertaining to its public school system.

22. It is found, therefore, that the relationship between the respondent council and the respondent board is such that the respondent council has advisory power with respect to the aforesaid controversial decision of the respondent board.

23. It is further concluded that the respondent council in fact exercised advisory power in meeting with members of the respondent board to discuss its controversial decision not to renew the superintendent's contract on April 26, 1978.

24. It is concluded, therefore, that the aforesaid gathering was a meeting within the meaning of §1-18a(b), G.S.

25. The respondents failed to prove that the discussion which was held in executive session was a proper purpose for an executive session within the meaning of §1-18a(d), G.S.

26. It is concluded, therefore, that the aforesaid executive session was held in violation of the requirements of §§1-18a(d) and 1-21, G.S.

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

1. The respondent council shall henceforth comply with the requirements of §1-18a(d), and 1-21, G.S.

2. The complaint is hereby dismissed as to the respondent board of education.

Approved by order of the Freedom
of Information Commission on
August 9, 1978.



Charlene G. Arnold
Clerk of the Commission