

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Nicole Dorman,

Complainant

against

Docket #FIC 2017-0219

Chairman, Board of Education,
Glastonbury Public Schools;
Superintendent of Schools, Glastonbury
Public Schools; and Glastonbury Public
Schools,

Respondents

July 26, 2017

The above-captioned matter was heard as a contested case on June 7, 2017, at which time the complainant and the respondents appeared, stipulated to certain facts 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 letter dated March 31, 2017, the complainant sent a written request for copies of records to the respondent Chairman. It is found that the complainant requested that the Chair “forward, or make available for copying, all reports, statistics, raw data, analyses and other materials relied upon for the three different elementary school redistricting scenarios presently being considered by the Board of Education.”
3. It is found that, on April 7, 2017, the respondent superintendent spoke with the complainant by telephone concerning her request for records.
4. By letter filed April 18, 2017, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide the records she requested.
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, ...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:

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, ... or (3) receive a copy of such records in accordance with section 1-212.

7. Section 1-212(a), G.S., provides in relevant part: “Any 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 requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

9. It is found that, in December 2016, the respondents retained a consulting firm to develop a redistricting plan for Glastonbury Public Schools. It is found that the consulting firm, Milone and MacBroom, had recently worked with the respondents to develop a consolidation plan.

10. It is found that in conjunction with the consulting firm’s contract to develop a consolidation plan, the respondents provided data, reports, and other relevant information to the consultants.

11. It is found that in conjunction with the subsequent redistricting plan, Milone and MacBroom relied on the same data and information provided in conjunction with the consolidation study.

12. It is found that the respondents’ website contains pages and pages of tables, FAQs, charts, maps, and other information, which are responsive to the complainant’s request, described in paragraph 2, above.

13. It is found that, on April 10, 2017, the respondents made available to the complainant an additional two pages that they had not yet posted on their website.

14. It is found that in a letter to the complainant sent May 8, 2017 (Respondents’ Exhibit 2), the respondent Superintendent directed the complainant to the website, informed her that all the information she requested was posted on the website in relation to the consolidation plan studied earlier by Milone and MacBroom, and offered to send the reports and data to the complainant if she could not find it on the website as directed.

15. It is found that the respondents provided, or made available to the complainant, all records responsive to her request.

16. It is concluded that the respondents did not violate the FOI Act as alleged.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 26, 2017.



Cynthia C. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

NICOLE DORMAN, c/o Law Office Nicole D. Dorman, LLC, PO Box 1142, Glastonbury, CT 06033

CHAIRMAN, BOARD OF EDUCATION, GLASTONBURY PUBLIC SCHOOLS; SUPERINTENDENT OF SCHOOLS, GLASTONBURY PUBLIC SCHOOLS; AND GLASTONBURY PUBLIC SCHOOLS, c/o Attorney Richard A. Mills, Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103-1919



Cynthia C. Cannata
Acting Clerk of the Commission