

Freedom of Information

Statement

The Torrington Board of Education is committed to ensuring the public's right to know, within the context of existing statutes, about the administration of the school district. The right to know entails the implementation of the Connecticut state statutes relative to public meetings, notice of meetings, special meetings, and emergency meetings. The right to know also provides for the implementation of any member of the public's request for public documents and public information, as defined in the statutes. The Board of Education is also conscious of the need to implement a procedure to balance the public's right to know and the public's right to information with the administration and staff's need to carry on the public's regular business in an orderly fashion. It, therefore, sets forth administrative procedures to balance these competing needs.

Legal Reference:
PA 04-171

Administrative Regulations

Copies of Public Records - Fees

Any person applying in writing shall receive promptly upon request a plain or certified copy of any public record. The charge for copies will be at the rate of .50¢ per page. If the copy requested requires transcription, or a transcription of a public record, the fee for the transcription will not exceed the cost to the Board.

Should information be requested which does not exist as a record at the time of the request, the Board of Education will charge an amount equal to the hourly salary attributed to those employees engaged in providing the information, including their time performing the programming or formatting functions necessary to provide the copy, if a decision is made to produce the document requested.

The Board of Education will waive any fee when the person requesting the records is an indigent individual, when the records located are determined by the Board to be exempt from disclosure, and when, in the Board's judgment, compliance with the request benefits the general welfare (§1-15).

Definitions

- A. Public agency: The school district, including any committee of, or created by, the Board.
- B. Meeting: Any hearing or other proceeding of a public agency; any convening or assembly of a quorum of a multi-member public agency; any communication by or to a quorum of a multi-member public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction, or advisory power. A meeting shall not include any meeting of a personnel search committee for executive level employment candidates; any chance meeting or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business; strategy or negotiations with respect to collective

bargaining; a caucus of members of a single political party, notwithstanding that such members also constitute a quorum of the public agency; an administrative or staff meeting of a single-member public agency.

- C. Public Records or Files: Any recorded data or information related to the conduct of the public's business prepared, owned, used, received, or retained by the Board, whether such data or information be handwritten, typed, tape recorded, printed, photostated, photographed, or recorded by other means.
- D. Executive Sessions: A meeting of the Board at which the public is excluded for one or more of the following reasons:
1. Discussion concerning the appointment, employment, performance evaluation, health, or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting.
 2. Strategy and negotiation with respect to pending claims or pending litigation to which the Board or a member thereof, because of his conduct as a member of the Board, is a party, until such litigation or claims have been finally adjudicated or otherwise settled.
 3. Matters concerning security strategy or the deployment of security personnel or devices affecting public scrutiny.
 4. Discussion of the selection of a site or lease, sale, or purchase of real estate by the city when publicity regarding such site, lease, sale, purchase, or construction would cause a likelihood of increased price, until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned.
 5. Discussion of any matter which would result in disclosure of public records or information except personnel files, birth records, or confidential tax records.

A quorum of members of the Board who are present at any event which has been noticed and conducted as a public meeting of another public agency under the provisions of this chapter shall not be deemed to be holding a meeting of the Board of which they are members as a result of their presence at such event. (§1-18a)

Access to Public Records - Exempt Records

All records maintained or kept on file by the Board, 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 inspect such records promptly during regular office or business hours or to receive a copy of such records after having stated so in writing. The Board of Education shall keep and maintain all public records in its custody at 355 Migeon Avenue. All minutes of the Board, its committees, and its ad hoc committees are also on file at the City Clerk's office, 40 Main Street, Torrington.

Nothing in §1-1, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive of the Connecticut General Statutes, shall be construed to require the disclosure of:

- A. Preliminary drafts or notes, provided the Board of Education has determined that public interest in withholding such documents clearly outweighs the public interest in disclosure.

B. Personnel or medical records and similar files, disclosure of which would constitute an invasion of personal privacy.

C. Records pertaining to strategy and negotiations with respect to pending claims or pending litigation to which the Board is a party, until such litigation or claim has been finally adjudicated or otherwise settled.

D. Test questions, scoring keys, and other examination data used to administer examinations for employment or academic examinations.

E. The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made for or by the Board relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the proceedings or transactions have been terminated or abandoned, provided the law of eminent domain shall not be affected by this provision.

F. Records, reports, and statements of strategy or negotiations with respect to collective bargaining.

G. Names or addresses of students enrolled in any school in the school district without the consent of each student who is eighteen years of age or older and of the parent or guardian of each student who is younger than eighteen years of age, except that the disclosure of this information shall not be prohibited to the City Board of Finance for the purpose of verifying tuition payments made to schools.

H. Disclosure shall be required of inter-agency memoranda or letters, advisory opinions, recommendations, or any reports comprising part of the process by which the Board's decisions and policies are formulated, except disclosure shall not be required of a preliminary draft of a memorandum prepared by a member of the staff of the Board which is subject to revision prior to submission to, or discussion among, the members of the Board.

I. The names of firms obtaining bid documents from the Board of Education (§1-19).

Disclosure of Computer-Stored Public Records

The Board of Education shall provide to any person making a request a copy of any non-exempt data contained, properly identified on paper, disk, tape, or any other electronic storage device or medium requested by the person if the agency can reasonably make such copy or have such copy made (§1-19a).

Disclosure of Personnel Birth Tax Records

The Board of Education is required to open its records concerning the administration of the school district for public inspection and is required to disclose information in its personnel files, birth records, or other records to the individual who is the subject of the information. Nothing in this section requires the disclosure of any record of a personnel search committee which, because of name or other identifying information, would reveal the identity of an executive level employment candidate, without the consent of such candidate (§1-19b).

Public Employment Contracts as Public Records

Contracts of employment shall be deemed a public record.

Whenever the Board receives a request to inspect or copy records contained in any of its employees' personnel or medical files, and the Board reasonably believes that the disclosure of such records would legally constitute an invasion of privacy, the Board will immediately notify in writing, 1) each employee concerned, provided written notice will not be required where impractical, and 2) the collective bargaining representative of each employee concerned. The Board may disclose the contents of personnel or medical files when it does not reasonably believe that such disclosure would legally constitute an invasion of privacy. The Board which has provided the above notice shall disclose the records requested unless it receives a written objection from the employee concerned or the employee's collective bargaining representative within seven (7) days from the receipt by the employee or the collective bargaining representative of the notice, or, if there is no evidence of written notice, not later than nine (9) business days from the date the notice is actually mailed, sent, posted, or otherwise given. Each objection shall be in a form prescribed by the Board, which shall consist of a statement to be signed by the employee or the employee's collective bargaining representative that, to the best of his knowledge, information, and belief, there is good grounds to support the objection upon receipt of the objection, the Board shall not disclose the requested records unless ordered to do so by the Freedom of Information Commission.

Board of Education Meetings

The meetings of the Torrington Board of Education shall be open to the public. The votes of each member of the Board shall be reduced to writing and shall be made available for public inspection within 48 hours and shall be recorded in the minutes of the sessions, which minutes shall be available for inspection within seven (7) days of the Board meeting. The Board of Education shall file, not later than January 31 of each year, in the City Clerk's office the schedule of regular meetings for the Board for the ensuing year. The agenda of all regular meetings shall be available to the public and filed not less than 24 hours before the meeting. With an affirmative vote of two-thirds of the members of the Board present and voting, business not included in the agenda may be considered and acted upon. Notice of special meetings shall be given not less than 24 hours prior to the time of the meeting. In case of an emergency, a special meeting may be held without complying with the 24-hours notice, but a copy of the minutes of the emergency meeting, adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the City Clerk not later than 72 hours following the meeting. No other business shall be considered. Written notice shall be delivered to the usual place of abode of each member of the Board, so that the same is received prior to the special meeting. This requirement may be dispensed with for any member who, at or prior to the time the meeting convenes, files with the secretary of the Board a written waiver of delivery of such notice. The Board may hold an executive session on a two-thirds vote of the members present and voting, taken at a public meeting and stating the reasons for such executive session.

Denial of Access to Public Records or Meetings

A denial of a right to inspect or copy records shall be made to the person requesting in writing within four (4) days of such a request, except when the request is a request for information from employees' personnel or medical files, in which case denial shall be made within ten (10) business days. Any person denied a right to inspect or copy records may appeal to the Freedom of Information Commission, notice of which shall be filed within 30 days after

the denial, except in the case of an un-noticed or secret meeting, in which case the appeal shall be filed within 30 days after the person filing the appeal receives notice, in fact, that such meeting was held.

**REQUEST FORM
FOR THE
RELEASE OF INFORMATION**

Date Received by Administration: _____

In accordance with the Freedom of Information Act of the C.G.S. §1-15 which states:

- a) *Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record.....*

I request the following information: *(Please be specific):*

NOTE: Requests will be honored upon receipt and in the cause of normal business. Requests which require staff time will be honored within a reasonable amount of time.

The fee for any copy provided in accordance with C.G.S. §1-19a shall be .50¢ per page. In determining costs for a copy other than for a printout which exists at the time that the Board responds to the request, the actual cost of staff time will be charged, if the document is produced as requested. If the estimated fee is more than \$10.00, an advance payment is required, check payable to the Torrington Board of Education.

Signature:

Print Name:

Address:

Telephone: