

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Dr. Michael Albis,  
Complainant

Report of Hearing Officer

against

Docket #FIC78-163

Board of Education of the  
Town of Hamden; and the  
Superintendent of Schools of  
the Town of Hamden,  
Respondents

November / , 1978

The above captioned matter was heard as a contested case on September 28, 1978, 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:

1. The respondents are public agencies as defined by §1-18a(a), G.S.
2. By letter dated July 8, 1978, the complainant requested from the respondent board all information available to him on math Scholastic Aptitude Test (SAT) scores attained by eleventh grade students in Spring, 1977.
3. On August 15, 1978, a quorum of the respondent board met to discuss the complainant's request. At that time, the chairman of the respondent board ruled not to entertain a motion to grant such request.
4. From such meeting, the complainant brought the present appeal by letter filed with the Commission on September 7, 1978.
5. The complainant is seeking such scores without reference to the students' names or other identifying data.
6. The respondents keep and maintain the requested scores on some 262 students who were juniors in the spring of 1977.
7. The respondents contend that such data does not constitute a "public record" as defined by §1-18a(d), G.S.
8. Such scores are kept by the guidance office of the respondent board. SAT scores are used by such office to help students select colleges.
9. About thirty percent of the questions in the math SAT involve algebra.

10. The respondent board, through its school, provides courses of instruction in algebra.

11. An improperly taught algebra course could result in depressed math SAT scores although this is not invariably the case.

12. Such records are found to constitute public records as defined by §1-18a(d), G.S.

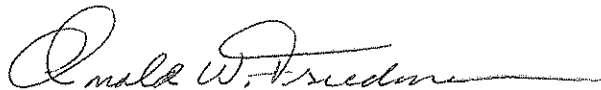
13. It is further found that the respondent board denied the complainant the right to inspect or copy such records on August 15, 1978.

14. It is also found that disclosure of the requested scores, without reference to student names or other identifying data, does not constitute an invasion of the personal privacy of such students.

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

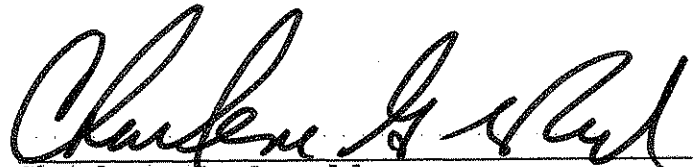
1. The respondents shall, within five business days of the mailing of the Notice of Final Decision hereof, provide the complainant with the requested scores.

2. It should be noted that the requested scores are kept, among other places, on a 1/2 inch by 3 inch sticker attached to the jacket cover of the students' permanent record cards. The entire lower portion of such sticker contains the requested scores without any identifying data. It is or should be apparent, therefore, that the requested information may be readily provided to the complainant either through a process of abstraction or simply by deleting or masking out the upper portion of a photo-copy of such sticker.

  
Commissioner Donald Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on December 13, 1978.

  
Charlene G. Arnold  
Clerk of the Commission