

## Court upholds ruling that teacher evaluation data is public in New Milford case

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NEW MILFORD — An effort by Connecticut's largest teachers' union to keep data about teacher evaluation private suffered another setback last week when a court referee ruled that the information is public.

In an 11-page decision, New Britain **Superior Court** Referee **Henry Cohn** upheld a Freedom of **Information Commission** ruling that the information is public as long as it remains in aggregate form.

The decision, dated March 13, names the **Connecticut Education Association** as the plaintiff and the **FOI commission** as the defendant, but the argument began in New Milford when **John Spatola**, then a member of the school board, asked then-Superintendent **JeanAnn Paddyfote** for information about teacher evaluations in town schools.

Spatola asked for 2013 and 2014 data showing the number of the teachers in each class designated by the state: exemplary, proficient, developing or below-standard.

Paddyfote declined to hand over the data, citing state law that protects "records of teacher performance and evaluation" from the public eye. Spatola filed a complaint with the FOI commission.

Spatola contended that since the information he requested included aggregate numbers only, not individual evaluations, it did not run afoul of the privacy provision. He argued that the data was needed to inform board decisions on public school spending.

"This data is necessary to determine whether we require additional teacher training and whether resources can be diverted to student programs," Spatola told the News-Times at the time.

In April 2016, the FOI commission sided with Spatola, ruling that school administrators must release the information.

Meanwhile, similar data was released by the state itself as part of a separate lawsuit over school funding.

At that point, **New Milford school** officials bowed out of the litigation, since the information requested had been made public. But the New Milford teachers' union and the CEA, unhappy with the commission's finding, appealed to Superior Court.

CEA officials were not available Thursday for comment, but Executive Director **Mark Waxenberg** told the News-Times last year, "The (FOI commission's) ruling is contrary to the clear language and intent of the law. (The law) exempts from disclosure to the public any record of teacher performance and evaluation maintained by either a local board of education of the state **Department of Education**."

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