

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Joseph Volak, Complainant) Report of Hearing Officer
)
against) Docket #FIC76-176
) *February 3,*
Town of Berlin and the Principal) ~~January~~ 1977
of the Berlin High School and the)
Superintendent of Schools of the)
Town of Berlin; and the City)
and Town of New Britain and the)
Superintendent of Schools of the)
City and Town of New Britain,)
Respondents)

The above captioned matter was heard as a contested case on October 26, 1976, at which time the complainant and the respondent town of Berlin and the respondent principal of Berlin High School 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 as defined in §1(a) of P.A. 75-342.
2. By letters dated September 24, 1976 and addressed to the principal of Berlin High School and the Superintendent of schools of the city of New Britain, the complainant requested the names and the resident addresses of all of the high school students of the graduating class of 1977 and a copy of the photography contract by and between the high schools and any and all photography studios.
3. Having failed to receive a reply within four business days, the complainant filed the present appeal with this Commission on October 7, 1976.
4. An agreement by and between the Berlin High School and Loring Studios was tendered to the full satisfaction of the complainant prior to the date of this hearing.
5. 20 U.S.C. §1232g, commonly known as the Buckley Amendment, provides in pertinent part that no federal funds shall be made available to state and local educational agencies that have a policy or practice of permitting the release of education records or personally identifiable information of

students, unless prior consent is obtained.

6. The aforesaid federal prohibition against disclosure is not compulsory or mandatory. It is merely a condition precedent to the granting of funds.

7. The exclusion from the definition of public records stated in §1-19(a), General Statutes, refers to provisions of federal law which are compulsory and mandatory as to public agencies.

8. It is found that the Buckley Amendment is not such a compulsory and mandatory provision of federal law as to exclude the requested documents from the category of public records under §1-19(a), General Statutes.

9. It is therefore concluded that the requested documents are public records as defined in §§1-18a(d) and 1-19(a), General Statutes.

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

1. The respondent principal of Berlin High School shall forthwith provide the complainant with the names herein requested which have not yet been tendered to the complainant.

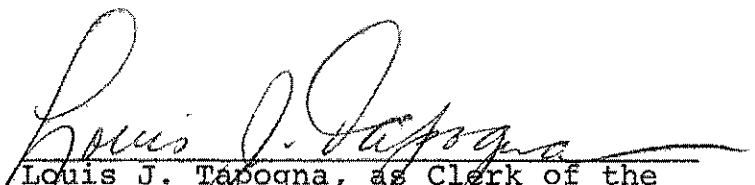
2. The respondent superintendent of schools of the City of New Britain shall forthwith provide the complainant with all of the records herein requested, as required by §1-15, General Statutes.



Commissioner Herbert Brucker

as Hearing Officer

Approved by order of the Freedom of Information Commission on
February 23, 1977.



Louis J. Papogna, as Clerk of the
Freedom of Information Commission

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Joseph Volak, Complainant)	Correction to Final Decision
)	
against)	Docket #FIC76-176
)	
Town of Berlin and the Principal)	April 27, 1977
of the Berlin High School and the)	
Superintendent of Schools of the)	
Town of Berlin; and the City)	
and Town of New Britain and the)	
Superintendent of Schools of the)	
City and Town of New Britain,)	
Respondents)	


1. By letter dated April 9, 1977 and filed with this Commission on April 11, 1977, the complainant notified the Commission that the words "and addresses" were omitted from paragraph 1 of the Order herein due to a typographical error.

2. By letter dated April 12, 1977, this Commission gave notice to all of the parties hereto that it would consider a motion to correct at its regular meeting on April 27, 1977.

3. At that meeting the Commission considered the motion to correct and determined that the omission was due to a clerical error and that such omission was unintended.

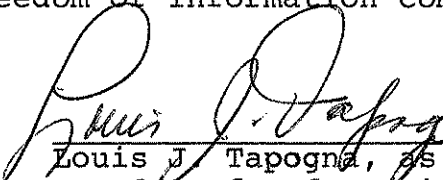
4. Accordingly, paragraph 1 of the Order herein is hereby corrected to read as follows:

1. The respondent principal of Berlin High School shall forthwith provide the complainant with the names and addresses herein requested which have not yet been tendered to the complainant.



Chairman Helen M. Loy

Approved by order of the Freedom of Information Commission on April 27, 1977.



Louis J. Tapogna, as Clerk of the
Freedom of Information Commission