



Academy as the school to which any child may attend who has completed an elementary school course.

8. Pursuant to §§10-33 and 10-34, the town of Woodstock pays the whole of the tuition fees of pupils who with their parents or guardian reside in the town of Woodstock, and who attend the respondent academy.

9. Virtually one hundred percent of the pupils of the town of Woodstock who seek a free public secondary school education attend the respondent academy although the Harvard H. Ellis Vocational Technical School of the town of Danielson has also been designated by the town of Woodstock pursuant to §10-33, G.S.

10. By special charter, all the property and affairs of the respondent academy are under the management and control of a board of trustees.

11. By same charter, the by-laws of the respondent academy may provide for a vote by its members as the method of the election of said trustees.

12. Under §4 of said special charter, membership includes all persons twenty-one years of age or over who shall have attended the academy the equivalent of one school year and shall have completed thereby, with credit, the equivalent of one school year's work.

13. For purposes of the teachers' retirement system, the state teachers' retirement board may, under §10-161, G.S., and upon application of the board of trustees of the respondent academy, class such academy as a "public school" as defined in §10-160, G.S.

14. 95.3% of the operating cost of the respondent academy is raised by public taxation. The town of Woodstock contributes nearly three-fourths of the same.

15. It is therefore found that the respondent academy is a public agency within the meaning of §1-18a(a), G.S. and is subject to the jurisdiction of this Commission.

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

1. The respondent academy's motion to dismiss is hereby denied.

2. Unless this Commission is notified in writing by all parties hereto that the remaining issues presented herein have been resolved, this Commission shall forthwith institute further proceedings to finally determine this matter in accordance with P.A. 75-342.

*Helen M. Loy*

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Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
March 9, 1977.

*Louis J. Tapogna*

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

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by	)	
Ernest M. St. Jean, Vernon E.	)	Report of Hearing Officer
Fuerst and Robert W. Peabody,	)	
Complainants	)	Docket #FIC77-23
	)	
against	)	April 25, 1977
	)	
Town of Woodstock and Board of	)	
Trustees of the Woodstock Academy,	)	
Respondents	)	

The above captioned matter was heard as a contested case on February 24, 1977 and again on April 20, 1977, at which time the complainants and the respondent academy appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. At both hearings herein, the respondent corporation moved to dismiss the appeal on the ground that it is not a public agency as defined in §1-18a(a), G.S., and is therefore not subject to the jurisdiction of this Commission.
2. The respondent academy is specially chartered under the laws of Connecticut. Its only purpose is to maintain and operate a school and engage in educational enterprises in the town of Woodstock for the benefit of the inhabitants of said town and vicinity.
3. The respondent academy is a high school approved by the State Board of Education pursuant to §10-34, G.S.
4. Article Eight of the Constitution of Connecticut states: "There shall always be free public elementary and secondary schools in the state".
5. The general assembly implemented this principle through §1-220, G.S., which requires the boards of education of the towns to implement the educational interests of the state as defined in §10-4a, G.S., and through §§10-33 and 10-34, G.S.
6. The board of education of the town of Woodstock does not separately maintain a high school pursuant to §10-15, G.S.
7. Therefore, pursuant to §10-33, G.S., the board of education of the town of Woodstock designated the Woodstock

Academy as the school to which any child may attend who has completed an elementary school course.

8. Pursuant to §§10-33 and 10-34, the town of Woodstock pays the whole of the tuition fees of pupils who with their parents or guardian reside in the town of Woodstock, and who attend the respondent academy.

9. Virtually one hundred percent of the pupils of the town of Woodstock who seek a free public secondary school education attend the respondent academy although the Harvard H. Ellis Vocational Technical School of the town of Danielson has also been designated by the town of Woodstock pursuant to §10-33, G.S.

10. By special charter, all the property and affairs of the respondent academy are under the management and control of a board of trustees.

11. By same charter, the by-laws of the respondent academy may provide for a vote by its members as the method of the election of said trustees.

12. Under §4 of said special charter, membership includes all persons twenty-one years of age, or over, who shall have attended the academy the equivalent of one school year and shall have completed thereby, with credit, the equivalent of one school year's work.

13. For purposes of the teachers' retirement system, the state teachers' retirement board may, under §10-161, G.S., and upon application of the board of trustees of the respondent academy, class such academy as a "public school" as defined in §10-160, G.S.

14. 95.3% of the operating cost of the respondent academy is raised by public taxation. The town of Woodstock contributes nearly three-fourths of the same.

15. It is therefore found that the respondent academy is a public agency within the meaning of §1-18a(a), G.S. and is subject to the jurisdiction of this Commission.

16. By letter dated January 26, 1977, the complainants requested access to the present and past financial and operating record of the respondent academy.

17. Having failed to receive compliance as of February 1, 1977, the complainants brought the present appeal by letter filed herewith on February 2, 1977, alleging that they have been wrongfully denied the right to inspect or copy such records in violation of the Freedom of Information Act.

18. The respondent academy moved to dismiss the present appeal on the grounds that the aforesaid request for access was lacking in the requisite specificity, and therefore failed as a §1-19, G.S. request.

19. The complainants' request related solely to the financial and operating records of the respondent academy.

20. The complainants' request, in part, concerned the financial and operating records for the current year.

21. How far back the complainants were seeking to take their inquiry relative to the above request could have been determined by the parties had the respondent academy sought to accommodate the complainants' request vis-a-vis a grant of access.

22. It is clear from Respondent's Exhibit 1 and 2 that the academy had no intention of tendering such a grant of access.

23. It is found that the complainants' request was sufficiently explicit as to constitute a request to inspect or copy records within the meaning of §1-19, G.S. and §1-21j, G.S.

24. The respondent academy keeps and maintains in its files the following documents which can be reasonably identified:

- a. payroll records
- b. accounts receivable
- c. accounts payable
- d. week to week accounting procedures relating to budgetary limits
- e. proposed budget

25. It is found that the aforesaid documents are "public records" within the meaning of §1-18a(d), G.S.

26. The respondent academy did not attempt to show that any of the records listed above came within any of the exceptions outlined in §1-19, G.S.

27. It is therefore concluded that the aforesaid public records are subject to the general disclosure requirements of the Freedom of Information Act, as codified in Chapter 3 of the General Statutes.

28. It is further found that the complainants have been denied the right to inspect or copy records within the meaning of §1-19, G.S., and §1-21i(b), G.S.

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

1. The respondent academy shall forthwith provide the complainant with access to inspect or copy the information requested in the letter of complaint herein in accordance with §1-19, G.S.

2. Nothing herein shall be construed as indicating bad faith in this matter on the part of the respondent academy, as its exception on jurisdictional grounds concerning the issue of whether or not it is a public agency as defined by this Act was duly raised and noted at both hearings herein.

*Helen M. Loy*  
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Commissioner Helen M. Loy

as Hearing Officer