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McVeigh v. Vermont School Boards Association

Supreme Court of Vermont - November 5, 2021 - A.3d - 2021 WL 5145183 - 2021 VT 86

Requester brought action against private nonprofit corporation, a membership organization made up of school boards, seeking declaration that corporation was a public agency under the Public Records Act (PRA) and therefore had to comply with its request for copies of its records.

The Superior Court entered summary judgment for nonprofit corporation. Requester appealed.

The Supreme Court held that nonprofit corporation did not qualify as a “public agency” subject to the PRA.

Private nonprofit corporation, a membership organization made up of school boards, was not an instrumentality of the state, and therefore, it did not qualify a “public agency” within meaning of the Public Records Act (PRA); although association was involved in aspects of public education and had power to appoint members to certain boards and commissions, it was not a means through which the state or its subdivisions performed a fundamentally governmental function.