



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

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STEVE CLARK
ATTORNEY GENERAL

OPINION NO. 85-195

September 26, 1985

Tommy R. Venters, Director
Department of Education
4 State Capitol Mall
Little Rock, Arkansas 72201

Dear Mr. Venters:

This is in response to your opinion request concerning public access to intent forms filed by parents intending to home school their children pursuant to Act 40 of 1985 (1st Ex. Sess.). The content of the intent forms is specified in §3 of Act 40, to-wit:

Parents or guardians desiring to provide a home school for their children must comply with the following requirements:

(1) Give written notice to the superintendent of their local school district by August 15 before the commencement of each school year of their intent to provide a home school for their child(ren). Such notice must include the name, date of birth, grade level and the name and address of the school last attended, if any, of each student involved; the location of the home school; the basic core curriculum to be offered; the proposed schedule of instruction; and, the qualifications of the parent/teacher(s). This information may be used only for statistical purposes. (Emphasis added.)

In regard to the use of the completed intent forms, you have posed the following questions:

(1) Does the language in Act 40 of 1985 (1st Ex. Sess.) codified at Ark. Stat. Ann. §80-1503.6 exempt the intent forms and the information on them from the Freedom of Information Act?

(2) Are the intent forms or the information contained in them exempt from the Freedom of Information Act under the federal Family Educational Rights and Privacy Act?

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(3) Are those intent forms which identify children as handicapped exempt from the Freedom of Information Act under state or federal legislation pertaining to handicapped children?

(4) Are the intent forms or the information contained therein exempt from the Freedom of Information Act for any other reason?

(5) What information contained in the intent form, if any, is available to the press under the Freedom of Information Act?

Due to the fact that the final sentence of the referenced portion of Act 40 limits the use of the information contained in the intent form to statistical purposes, this Office may dispose of your first four questions by opining that the information in question is exempt from public inspection and the Freedom of Information Act.

With respect to your fifth question, it is the opinion of this Office that the public would be entitled to any statistical compilations of the intent forms.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General C. Randy McNair, III.

Sincerely,



STEVE CLARK
Attorney General

JSC:CRM:jk