

1983 S.C. Op. Atty. Gen. 23 (S.C.A.G.), 1983 S.C. Op. Atty. Gen. No. 83-10, 1983 WL 142681

Office of the Attorney General

State of South Carolina

Opinion No. 83-10

April 6, 1983

***1 SUBJECT: Education—Trustees—Public Information**

Most school records should be subject to disclosure to members of legislative delegations under the Freedom of Information Act and when otherwise directly related to their duties except when barred by law from release. These records should also be available to school trustees except when disclosure is barred.

TO: The Honorable Dill Blackwell

Representative

Greenville County

QUESTION:

What records are subject to disclosure to the Greenville County legislative delegation and the Greenville County School District Trustees?

OPINION:

The information that you are seeking appears to be subject to disclosure under the Freedom of Information Act (Act), [§ 30–4–10, et seq., of the Code of Laws of South Carolina \(1976\)](#), as amended, so long as contained in some form described in § 30–4–20(c). But see 1977 Op. Atty. Gen. No. 77–279 as to materials considered in executive session. Even if not subject to disclosure under the Act, the information should be subject to release if it is directly related to the requesting legislator's duties. See Op. Atty. Gen. (March 26, 1983, by Judith Evans Finuf, Assistant Attorney General). The General Assembly is given express authority to maintain and support the public school system under Art. XI § 3 of the Constitution of South Carolina, 1895, as amended. See [Moye v. Caughman](#), 265 S.C. 140, 217 S.E.2d 36 (1975). Where information is directly related to their duties as legislators under this provision, it may be subject to disclosure to members of the Greenville County legislative delegation unless its release is barred by law. I am not aware of any absolute prohibition on the disclosure to legislators of the kind of information listed in your letter. (See Proposed bidding regulations, South Carolina Department of Education, Vol. 6; Issue 15, South Carolina State Register); however, disclosure of individual items within this category may be dependent upon the nature of the documents. Whether other information may be given to legislators will also have to depend upon its characteristics and the circumstances under which it is requested.

School Trustees in Greenville County should have broad authority to request production of school records by virtue of their position of authority as to school affairs as well as under the Freedom of Information Act. Op. Atty. Gen. (July 21, 1977, by Daniel R. McLeod, Attorney General); however this authority may not extend to matters barred from disclosure. For example, the Buckley Amendment ([20 USC § 1232 G\(b\)\(1\)](#)) prohibits release of student records to school officials within the agency except those who have legitimate educational interests in the records. Whether any other information is barred from disclosure should be considered on a case-by-case basis; however, the information discussed above as to the legislative delegation should also be available to school trustees.

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Attorney General

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