



## THE ATTORNEY GENERAL OF TEXAS

January 3, 1990

JIM MATTOX  
ATTORNEY GENERAL

Dr. Tom Sewell  
Chancellor  
San Jacinto College Dist.  
4624 Fairmont Parkway  
Pasadena, Texas 77504

Open Records Decision No. 537

Re: Whether section 3(a)(21)  
of the Open Records Act author-  
izes a college district to  
withhold a copy of an advanced  
placement exam (RQ-1701)

Dear Dr. Sewell:

The San Jacinto College District received a request under the Texas Open Records Act, article 6252-17a, V.T.C.S., from a former student for a copy of an advanced placement examination taken by the student at the college district. The former student, requesting the information through an attorney, seeks a copy of the examination "with the correct responses marked in a manner which would . . . distinguish . . . correct responses from those given by" the former student. In other words, the former student seeks the key of correct answers to the examination. A conversation with the district's attorney revealed that the district seeks guidance on release of the specific examination taken by the student, the correct answer "key," and such examinations in general. The district claims that section 3(a)(22)<sup>1</sup> of the Open Records Act protects the requested information from required public disclosure. No previous determinations of this office have interpreted or applied section 3(a)(22).

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1. Your request letter claims that section 3(a)(21) applies. As amended in 1987, the Texas Open Records Act contained two sections numbered 3(a)(19). See Acts 1987, 70th Leg., ch. 341, § 1, at 1759; id. ch. 1053, § 1, at 3585. The 71st Legislature corrected this and renumbered section 3(a)(21) as section 3(a)(22). See Acts 1989, 71st Leg., ch. 1248, § 9, at 5023.

The Open Records Act contains express protection for curriculum objectives and test items by protecting from required disclosure

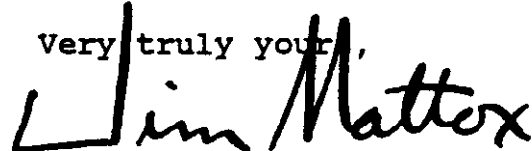
curriculum objectives and test items developed by educational institutions that are funded wholly or in part by state revenue and test items developed by licensing agencies or governmental bodies.

V.T.C.S. art. 6252-17a, § 3(a)(22). Section 3(a)(22) clearly protects information such as that at issue here, i.e. advanced placement examination questions and answers. Because you have already released a copy of this student's graded examination to him, we do not address whether students generally have a special right of access to their examinations. See V.T.C.S. art. 6252-17a, §§ 3(a)(14), 14(e); Open Records Decision No. 120 (1976).

#### S U M M A R Y

Section 3(a)(22) of the Open Records Act, article 6252-17a, V.T.C.S., provides express authority to a school district to withhold from the public copies of examination questions and answer keys.

Very truly yours,



J I M M A T T O X  
Attorney General of Texas

MARY KELLER  
First Assistant Attorney General

LOU MCCREARY  
Executive Assistant Attorney General

JUDGE ZOLLIE STEAKLEY  
Special Assistant Attorney General

RICK GILPIN  
Chairman, Opinion Committee

JENNIFER S. RIGGS  
Chief, Open Government Section  
of the Opinion Committee