



Attorney General

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Phoenix, Arizona 85007

Robert R. Corbin

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ARIZONA ATTORNEY GENERAL

December 16, 1983

Robert Duber II  
Gila County Attorney  
1400 East Ash Street  
Globe, Arizona 85501

RE: I83-137 (R83-133)

Dear Mr. Duber:

We concur with the opinions set forth in your letter of September 27, 1983, to Mr. Nutting of the Globe School District in which you conclude that the district may withhold copies of official transcripts as a disciplinary measure. We caution, however, that the district may not refuse inspection of a student's records by the student's parents or by the student. Ariz. Atty. Gen. Op. I79-110. Any policy that would "effectively prevent the parent or student from access to their records" is impermissible. See Ariz. Atty. Gen. Ops. I79-110, I80-84.

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN  
Attorney General

BC:SMS:kb



*Lois  
Whithead*

CIVIL DEPUTY  
JERRY BERGSE

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CRIMINAL DEPT  
CATHERINE M.  
ROY II  
DENNIS OROTI II

TO: O. K. Nutting  
Globe School District

FROM: Robert Duber II  
Gila County Attorney

DATE: September 27, 1983

RE: OPINION - Withholding of Transcripts

You have requested an opinion concerning the propriety<sup>1</sup> of withholding official transcripts as part of a proposed policy relating to student conduct.

A.R.S. §15-141 deals with the release of educational records. That section states that the right to inspect and review educational records and the release of and access to such records is governed by federal law (20 USC §1232 g and h).

Federal regulations require that the school allow access to and review of student records; however, schools are allowed to designate those circumstances in which there is a legitimate cause to deny copies of records. 45 CFR §99.5(a)(2)(ii).

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1. "Any student who willfully violates any provision of these rules and regulations may be subject to warning, reprimand, probation, suspension from class attendance, expulsion, or the withholding of official transcripts, in addition to any appropriate juvenile, civil, or criminal proceeding or both. Such punishment may be in addition to any other customary discipline that the school presently dispenses."

O. K. Nutting  
Globe School District  
September 27, 1983  
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In Spas v. Wharton, 431 NYS2E 638(1980), the New York Supreme Court, Albany County, found that the failure to satisfy financial obligations to a school was legitimate cause to refuse copies of official transcripts. See also Arizona Attorney General Opinion I79-110 and I80-84.

Therefore, your policy is reasonable and within the limits of A.R.S. §15-141 and 20 USC 1232 g and h.

  
ROBERT DUBER II  
Gila County Attorney

RD/do