

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

February 26, 2014

Brian Boehler
HBO Sports
1100 Avenue of the Americas
New York, NY 10036
Brian.Boehler@hbo.com

Re: FOIA 14-088

Dear Mr. Boehler:

I am responding to your request dated February 12, under the Illinois Freedom of Information Act in which you request:

“1. ACT and SAT combined and subscores for incoming freshmen receiving athletic grant-in-aid on the men’s basketball team and football teams during the 2013-2014 academic year going back to 2008-2009 academic year (per person, but neither individuals nor team should be identified).

2. Results of any assessment test (pre-enrollment or otherwise) to determine academic skill level (Wide Range Achieve Test, Nelson-Denny Reading Test, etc) among men's basketball and football team for the academic years 2013-2014 going back to 2008-2009.

This should be per-person, but neither individuals nor team should be identified (I.e. Non-identified personal scores. Not averages). Please include information on which form was used (i.e. Green form, etc).”

Your request for “...1. ACT and SAT combined and subscores for incoming freshmen receiving athletic grant-in-aid on the men’s basketball team and football teams during the 2013-2014 academic year going back to 2008-2009 academic year (per person, but neither individuals nor team should be identified)...” is being denied pursuant to the following section(s) of the Act:

- 140/7(1)(a) that exempts from disclosure “Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing adopted under federal or State law.” Specifically, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) protects the privacy of student education records and prohibits the release of any information from a student’s education record without the consent of the eligible student or parent of the student. In this case, due to the low number of incoming freshmen receiving athletic grant-in-aid on the men’s basketball team and football teams, release of the ACT or SAT scores could identify a student and be a violation of FERPA.
- 140/7(1)(c) that exempts from disclosure “Personal information contained within public records, the disclosure of which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” Release of student academic information would be a

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clearly unwarranted invasion of personal privacy. As stated above, there is no way to de-identify the individual student scores because the number of incoming freshmen in the two listed sports is too low.

Your request for "...Results of any assessment test (pre-enrollment or otherwise) to determine academic skill level (Wide Range Achieve Test, Nelson-Denny Reading Test, etc) among men's basketball and football team for the academic years 2013-2014 going back to 2008-2009. This should be per-person, but neither individuals nor team should be identified (I.e. Non-identified personal scores. Not averages). Please include information on which form was used (i.e. Green form, etc)." is also being denied pursuant to the following section(s) of the Act:

- 140/7(1)(a) that exempts from disclosure "Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing adopted under federal or State law." As stated above, FERPA protects the privacy of student education records and prohibits the release of any information from a student's education record without the consent of the eligible student or parent of the student. In this case, tests are only given on an "as-needed" basis. Therefore, due to the limited number of students who took the test during the time frame of your request, release of the assessment test could identify a student and be a violation of FERPA.
- 140/7(1)(c) that exempts from disclosure "Personal information contained within public records, the disclosure of which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." Once again, release of student academic information would be a clearly unwarranted invasion of personal privacy. Since the tests are only given on an "as-needed" basis, there would be no way to de-identify the scores of the students.

Should you wish to inspect or receive a physical copy of these documents, please call Melanie Kuehn at the phone number below and she will provide you with all necessary details.

You have a right, under the law, to seek a review of this response by the Public Access Counselor (PAC) in the Office of the Attorney General. The PAC may be reached by phone at 217-782-1396, by email to publicaccess@atg.state.il.us, or by postal mail at the Public Access Bureau, 500 S. 2nd Street, Springfield, Illinois 62706. You also have the right to seek judicial review under section 11 of this Act.

If you have questions for our office, please contact 217-333-6400.

Sincerely,

Thomas P. Hardy
Executive Director
and Chief Records Officer