



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

September 12, 1989

Mr. Jerry M. Jackson  
Superintendent  
Ranger Independent School District  
Route 3, Box 12-D  
Ranger, Texas 76470

Dear Mr. Jackson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 7414; this decision is OR89-294.

Under the Open Records Act, all information held by governmental bodies is open unless the information falls within one of the act's specific exceptions to disclosure. The act places on the custodian of records the burden of proving that records are excepted from public disclosure. If a governmental body fails to claim an exception, the exception is ordinarily waived unless the information is deemed confidential under the act. See Attorney General Opinion JM-672 (1987). The act does not require this office to raise and consider exceptions that you have not raised.

The Ranger Independent School District received an open records request for 24 categories of records pertaining to the administration of the Hodges Alternative School, which, you explain, is a student assignment center used for "at risk students and [as an] alternative to suspension." Among the types of records requested are documents reflecting audits of the school's budget; an itemized list of the school's expenditures; job descriptions, salaries, and qualifications of the school's staff; reports of health inspections of the school; pest control contracts; minutes of all public meetings; policies and procedures; and student enrollment information.

You have not submitted copies of the requested records for this office to review or raised any of the act's specific exceptions to required public disclosure with

Mr. Jerry M. Jackson  
September 12, 1989  
Page 2

regard to these records. Although the attorney general will not ordinarily raise an exception that might apply but that the governmental body has failed to claim, see Open Records Decision No. 455 (1987), we will raise sections 3(a)(1) and 3(a)(14) because the act prohibits the release of confidential information and because its improper release constitutes a misdemeanor. See V.T.C.S. art. 6252-17a, § 10(e). Section 3(a)(1) of the act protects "information deemed confidential by law, either Constitutional, statutory, or by judicial decision."

Sections 3(a)(1) and (14) require that you withhold educational records that contain personally identifiable information about the school's students. See 20 U.S.C. § 1232g(a)(4)(A). Consequently, records reflecting the reasons particular students are attending the alternative school must be withheld.

On the other hand, statistical and demographic data, and students' names and attendance records, are not considered personally identifiable information, but rather "directory information," see 45 C.F.R. § 99.3, and must, therefore, be released. See Open Records Decision No. 244 (1980). The remaining requested information is also public, see V.T.C.S. art. 6252-17a, § 6, and must be released as well.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR89-294.

Yours very truly,

*Open Government Section  
of the Opinion Committee* 

Open Government Section  
of the Opinion Committee  
Approved by Jennifer S. Riggs  
Chief, Open Government Section

JSR/RWP/bc

Ref.: ID# 7414