



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

June 12, 1990

Ms. Nan P. Seidenfeld
Foster, Lewis, Langley,
Gardner & Banak
Attorney for North East I.S.D.
1100 NBC Bank Plaza
112 East Pecan Street
San Antonio, Texas 78205-1533

OR90-226

Dear Ms. Seidenfeld:

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# 9426.

The North East Independent School District received an open records request for, inter alia, rating sheets and scores used in the selection of each perspective member of the Churchill Chapter of the National Honor Society, the application forms for each applicant, and all notes and minutes of the selection committee. Section 3(a)(14) of the Open Records Act requires that you withhold

student records at educational institutions funded wholly, or in part, by state revenue; but such records shall be made available upon request of educational institution personnel, the student involved, that student's parent, legal guardian, or spouse or a person conducting a child abuse investigation required by Section 34.05, Family Code.

Section 14(e) of the Open Records Act provides as follows:

Nothing in this Act shall be construed to require the release of information contained in education records of any educational agency or institution except in conformity with the provisions of the Family Educational Rights and Privacy Act of 1974, as enacted by

Section 513 of Public Law 93-380, codified as
Title 20 U.S.C.A. Section 1232g, as amended.

The Family Educational Rights and Privacy Act of 1974, which is informally known as "the Buckley Amendment," provides that no federal funds will be made available under any applicable program to an educational agency or institution that releases education records (or personally identifiable information contained therein other than directory information) of students without the written consent of the parents to anyone but certain numerated federal, state, and local officials and institutions. See 20 U.S.C. § 1232g (a)(1)(A), (a)(2), (b)(1). "Education records" means those records that contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution." 20 U.S.C. § 1232g(a)(4)(A).

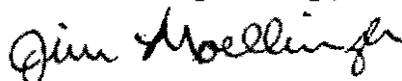
For purposes of the Buckley amendment, the requested documents at issue constitute "education records," but only to the extent that they contain information about identifiable students. Because all of the information contained in the students' applications to the honor society tend to identify the individual students, you may withhold the applications in their entirety. The only information contained on the rating forms that tends to identify particular students is the list of student names; consequently, only the list of names on those forms may be withheld pursuant to section 3(a)(14). You have raised none of the act's other exceptions with regard to the remaining information; consequently the remaining information on those forms must be released. Finally, you did not submit to this office for review any notes or minutes of meetings kept by the selection committee; this office is therefore unable to rule that such records are exempt from public disclosure. Consequently, you may either submit these documents to this office for review or, to seek additional guidance in determining precisely what information may be withheld pursuant to section 3(a)(14), you may contact:

Mr. Leroy Rooker, Acting Director.
Family Policy & Regulations Office
Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202
1-202-401-2057

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 OR90-226.

Yours very truly,



Jim Moellinger
Assistant Attorney General
Opinion Committee

JM/RWP/le

Ref.: ID# 9426, 9454

cc: Lawrence S. Schoenfeld
16002 Wolf Creek
San Antonio, Texas 79232