



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

June 15, 1990

Ms. Nan Seidenfield
Foster, Lewis, Langley, Gardner and Banack
1100 NBC Bank Plaza
112 East Pecan Street
San Antonio, Texas 78205-1533

OR90-244

Dear Ms. Seidenfield:

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# 9221.

The father of a student in the North East Independent School District has requested information about his daughter's involvement in her school's cheerleader try-outs. You seek to withhold the information requested from required public disclosure under sections 3(a)(1) and 3(a)(14) of the Open Records Act.

While you acknowledge that the parents of a student are entitled to review their child's educational records, you claim that the district is prohibited from releasing information relating to other students under the Family Education and Right to Privacy Act 20 U.S.C. 1232g. You inquire whether records relating to extra-curricular activities constitute student records. You also claim that the information is protected by the common-law right of privacy.

Educational records includes records relating to a student that are maintained by an educational agency, institution, or by a person acting for such an agency or institution. 20 U.S.C. 1232g(a)(4)(A). See Open Records Decision Nos. 193 (1978). This may include a student's involvement in athletic activities. See Open Records Decision Nos. 447 (1986); 462 (1987). The information relating to the cheerleader tryouts is thus within the definition of educational records.

Section 3(a)(14) specifically provides that a student's parents have a right to view their child's educational records. The Family Education and Right to Privacy Act (FERPA) denies funds to any educational agency or institution that has a policy of denying or effectively preventing parents of a student the right to inspect and review the education records of their children. 20 U.S.C. 1232g(a). The act also provides that a student's educational records may not be released without the written consent of the student's parents. 20 U.S.C. 1232g(b). These provisions make it clear that the parent may obtain information relating to his daughter's educational records. Therefore, the father may see anything related to his daughter's participation in the cheerleader tryouts. We do not construe his request to concern information relating to any other identifiable student. Insofar as you construe it to include information about other students, such information must be withheld. You state that information relating to his daughter is meaningless apart from the information relating to other students. The fact that information may seem meaningless apart from the deleted material is irrelevant to whether it may be released to the student's parents.

As we have concluded that the parent seeks information only about his own daughter, to which he has a right of access, the doctrine of common-law privacy is irrelevant.

For these reasons, you must release the requested information according to the principles set forth above.

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 OR90-244.

Yours very truly,



David A. Newton
Assistant Attorney General
Opinion Committee

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Ref.: ID# 9221

Enclosure: Open Records Decision No. 447, 462, 193
Documents Submitted