



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 23, 1991

Mr. J. Scott Chafin
General Counsel
Stephen F. Austin State University
P.O. Box 13065 - SFA Station
Nacogdoches, Texas 75962-3065

OR91-052

Dear Mr. Chafin:

You ask whether certain information may be withheld from release to the public under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request for an open records decision was assigned ID# 11351. Specifically, you ask whether the police department at Stephen F. Austin State University may delete the names and other identifying information from certain police reports before it makes those reports available to the public.

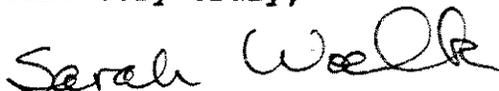
The Federal Educational and Privacy Rights Act of 1974, commonly known as the Buckley Amendment, prohibits educational institutions that receive federal funds from releasing "education records" to the public. 20 U.S.C. § 1232g. The term "education records" means materials that "contain information directly 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). The Buckley Amendment does except from the definition of "education records" certain records of a law enforcement unit if those records are used only for law enforcement purposes and are not made available to persons other than law enforcement officers of the same jurisdiction. 20 U.S.C. § 1232g(a)(4)(B)(ii). You inform us, however, that the records in question are available to various university officials and are used in the student disciplinary process. The records are therefore "education records" under the Buckley Amendment. Consequently, you may not release portions that identify students.

Please note that questions about the interpretation of the Buckley Amendment can be addressed to:

Family Policy & Regulations Office
Department of Education
400 Maryland Ave. S.W.
Washington, D.C. 20202
(202) 732-2057

If you have questions about this ruling, please refer to OR91-052.

Yours very truly,



Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/le

Ref.: ID# 11351

cc: Gary Borders
Managing Editor
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