



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

July 26, 1991

Ms. Susan Feller Heiligenthal  
Henslee, Ryan & Groce  
9600 Great Hills Trail  
Suite 300 West  
Austin, Texas 78759

OR91-340

Dear Ms. Heiligenthal:

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 # 12898.

The independent school districts in the Liberty County Coop have received identical open records requests for the following information:

1. How many requests for an Independent Educational Evaluation (IEE) has the district received since January 1987?
2. Please list the dates on which the district received each request for an IEE.
3. How many IEEs have been granted since January 1987?
4. Please list the date when the district granted each IEE since January 1987.
5. What was the cost of each IEE granted since January 1987?
6. How many Due Process Hearings have been filed by the district since January 1987?
7. How many Due Process Hearings have been filed against the district since January 1987?

You state that the school districts do not object to providing information responsive to request nos. 6 and 7, and that you will comply with those requests. The school districts claim, however, that the remaining requests are exempted from disclosure under sections 3(a)(1), 3(a)(14), and 14(e) of the Open Records Act. You state that the information requested is not compiled in that form and that the only source for the information is individual student records or materials which would otherwise identify the names of individual students. You submitted sample records which we have reviewed.<sup>1</sup>

Based on our review of the records, we disagree with your contention that all the records from which the requested information could be compiled would reveal the identities of students and is therefore excepted from disclosure under sections 3(a)(1), 3(a)(14) and 14(e). Sections 3(a)(14) and 14(e) protect only information which would personally identify an individual student and may not be used to withhold entire documents. *See* Open Records Decision Nos. 206 (1978); 332 (1982). Request nos. 1-4 do not seek information about particular students but rather information about the number of IEEs requested and granted, and that the dates such actions were taken. We conclude that the records can be redacted to disclose the very limited information sought in request nos. 1-4 without disclosing information which would identify individual students. Therefore, the school districts must redact these documents "to the extent . . . reasonable and necessary to avoid personally identifying a particular student . . .", Open Records Decision No. 206 at 2, and disclose them in that form. The districts may also choose to compile the requested data rather than provide access directly to the documents themselves. *See* Attorney General Opinion JM-672 (1987). Since personally identifiable information will be deleted, we need not consider whether any of the material may be withheld under section 3(a)(1). *See* Open Records Decision No. 332 at 3. Because request no. 5 cannot be answered with source documents which would not reveal the identity of individual students, the school districts are not required to respond to that request.

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published

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<sup>1</sup> You also express some concern over the scope of the request for information. If there is uncertainty about the precise terms of the request, the school districts should ask for clarification from the requestor. *See* Open Records Decision No. 87 (1975).

open records decision. If you have questions about this ruling, please refer to OR91-340.

Very truly yours,

A handwritten signature in black ink that reads "Mary R. Crouter". The signature is written in a cursive style with a large initial "M".

Mary R. Crouter  
Assistant Attorney General  
Opinion Committee

MRC/lb

Ref.: ID# 12898

cc: Ms. Mary Andress  
P.O. Box 1145  
Splendora, Texas 77372