



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 15, 1991

Mr. John S. Aldridge
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P.O. Box 2156
Austin, Texas 78768

OR91-501

Dear Mr. Aldridge:

You ask whether certain information is subject to public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13739.

The Nursery Independent School District (the district) has received a request for "[t]he names of the twenty-one (21) students who officially reside in the affected area that has petitioned for detachment" from the district. You say that parental consent has been given to release of some of the names, as provided by the Family Educational Rights and Privacy Act (FERPA), but that the parents of six students total did not give approval to release the information about their children. See 20 U.S.C. § 1232g. You claim that FERPA requires that those six students' names be withheld. We agree.

FERPA, in paragraph (1) of subsection (b), provides the following:

No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a)) of students without the written

consent of their parents to any individual, agency, or organization . . .

"[E]ducation records" are records which:

- (i) contain information directly related to a student; and
- (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

Id. subsection (a)(4)(A).

We do not understand any of FERPA's exceptions to the definition of "education records" or to the confidentiality requirement for "education records" to apply here. See 20 U.S.C. § 1232g(a)(4)(B), (a)(5)(b); see also article 6252-17a, section 14(e) (incorporating the requirements of FERPA into the Open Records Act), Open Records Decision No. 431 (1985). You must withhold the names of the six students whose parents did not consent to release of those names.

Because the provisions of FERPA clearly resolve your request, we are disposing of this matter by this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-501.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/GK/lcd

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