



Office of the Attorney General

State of Texas

December 29, 1992

DAN MORALES

ATTORNEY GENERAL

Ms. Myra C. Schexnayder
Vinson & Elkins
2500 First City Tower
1001 Fannin
Houston, Texas 77002-6760

OR92-254

Dear Ms. Schexnayder:

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# 17948.

The Fort Bend Independent School District (the "school district"), which you represent, has received a request for information relating to the suspension of a school district employee. Specifically, the requestor, who is a teacher, seeks "all evidence concerning my suspension/transfer from Willowridge High School." You have submitted to us for review the requested documents, claiming that they "are made up almost entirely of comments by or about identifiable students and their parents" and are therefore excepted from required public disclosure by sections 3(a)(14) and 14(e) of the Open Records Act.

Section 14(e) incorporates another source of law, specifically, the requirements of the Family Educational Rights and Privacy Act (FERPA), into the Open Records Act, providing:

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.

V.T.C.S. art. 6252-17a, § 14(e); *see also* Open Records Decision No. 431 (1985) (copy enclosed). FERPA 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 educational records (or personally identi-

fiable 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.

20 U.S.C. § 1232g(b)(1). "Education records" are records which:

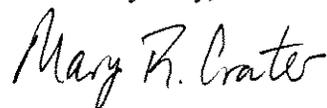
- (i) contain information directly related to a student; and
- (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

Id. § 1232g(a)(4)(A). Sections 3(a)(14) and 14(e) may not be used to withhold entire documents; the school district must delete information only to the extent "reasonable and necessary to avoid personally identifying a student" or one or both of his parents. Open Records Decision Nos. 332 (1982); 206 (1978). Thus, only information identifying or tending to identify students or their parents must be withheld from required public disclosure.

We have examined the documents submitted to us for review. They include correspondence from the school district to the requestor, summaries of teacher/parent conferences attended by the requestor, other school district employees, parents, and students, and statements provided the school district by school district employees, parents, and students. We conclude that some of the information submitted to us for review identifies or tends to identify students or their parents. This information has been marked and must be withheld from required public disclosure under sections 3(a)(14) and 14(e) of the Open Records Act. The remaining information, however, does not identify or tend to identify students or their parents and must be released.

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 OR92-254.

Yours very truly,



Mary R. Crouter
Assistant Attorney General
Opinion Committee

MRC/GCK/lmm

Enclosures: Marked documents
Open Records Decision No. 431

Ref.: ID# 17948
ID# 17967
ID# 18071
ID# 18100
ID# 18131

cc: Mr. John Kostik
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