



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 31, 1993

Mr. Daniel Bouska
Records Management Officer
Connally Independent School District
715 North Rita Street
Waco, Texas 76705

OR93-122

Dear Mr. Bouska:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former V.T.C.S. article 6252-17a).¹ Your request was assigned ID# 22666.

The Connally Independent School District (the "district") received an open records request for certain video tapes that were recorded on district school busses. The request is from a parent of one of the district's students. You submitted to this office for review one of the requested video tapes as representative of the other requested tapes and contend that the video tapes come under the protection of former sections 3(a)(1) and 3(a)(14) of the Open Records Act.

Section 552.114(a) (former section 3(a)(14)) requires that you withhold:

information in a student record at an educational institution funded wholly or partly by state revenue.

¹The Seventy-Third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46, at 988. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

Further, section 552.026 of the Government Code provides as follows:

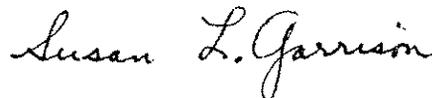
This chapter does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, Sec. 513, Pub. L. No. 93-380, 20 U.S.C. Sec. 1232g.

The Family Educational Rights and Privacy Act of 1974, which is informally known as "the Buckley Amendment," provides that no federal funds will be made available under any applicable program to an educational agency or institution that releases education records (or personally identifiable information contained therein, other than directory information) of students without the written consent of the parents to anyone but certain numerated federal, state, and local officials and institutions. *See* 20 U.S.C. § 1232g, subsections (a)(1)(A), (a)(2), (b)(1). "Education records" means those records 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).

Assuming that the video tape you submitted to this office is truly representative of the other tapes, the requested video tapes contain the visual images of students riding in a school bus and thus constitute "education records" for purposes of the Buckley Amendment. Although the video tapes presumably contain the visual image of the requestor's child to which he would otherwise be entitled, the tapes at all times contain the images of other students as well. Absent the written consent of the parents of the other students, the district is prohibited from releasing any portion of the tapes to the requestor except for those portions of the video tape that recorded the inside of the busses while they were empty. *See generally* Open Records Decision No. 332 (1982).

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 contact this office.

Yours very truly,



Susan L. Garrison
Assistant Attorney General
Open Government Section

SLG/RWP/rho

Ref.: ID# 22666
ID# 23111

Enclosure: Submitted video tapes

cc: Mr. William Peacock
63A Scott Circle
Waco, Texas 76705
(w/o enclosure)