



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 18, 1995

Ms. Laura S. Groce
Law Offices of Henslee, Ryan & Groce
Great Hills Plaza
9600 Great Hills Trail, Suite 300 West
Austin, Texas 78759-6303

OR95-638

Dear Ms. Groce:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31333.

The Bishop Independent School District (the "district"), which you represent, received an open records request for copies of

all grievances and complaints filed in your district for the last five (5) school years by or on behalf of students under Section 504 of the Rehabilitation Act of 1973, and its implementing regulations at 34 CFR 104. In addition, please provide copies of all written decisions rendered by an impartial hearing officer with respect to each grievance or complaint for which materials are furnished.

You contend that the requested information constitutes "education records" and thus must be withheld from the public pursuant to the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g.

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.

FERPA provides that no federal funds will be made available under any applicable program to an educational agency or institution that releases personally identifiable information (other than directory information) contained in a student's education records to anyone but certain numerated federal, state, and local officials and institutions, unless otherwise authorized by the student's parent. See 20 U.S.C. § 1232g(b)(1). When a student has attained the age of eighteen years or is attending an institution of postsecondary education, the student holds the rights accorded by Congress to inspect these records. *Id.* § 1232g(d). "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. *Id.* § 1232g(a)(4)(A).

After reviewing the records at issue, this office agrees that the requested information constitutes education records for purposes of FERPA. This office has previously held, however, that information contained in education records must be withheld from the public under FERPA only to the extent "reasonable and necessary to avoid personally identifying a particular student." Open Records Decision Nos. 332 (1982), 206 (1978). We have marked the portions of the requested records that the district must withhold in order to protect the identity of particular students.¹ See also 34 C.F.R. § 300.571. The district must release all remaining information in these records to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/RWP/rho

¹Please note that some of the information we have not marked, *i.e.*, the names of certain district employees, may nevertheless tend to indirectly identify the student who is the subject of the records by revealing the school that the student attends. If such is the case, the district must withhold those names as well. On the other hand, to the extent that the names are of district administrators who are not assigned to a particular school, those names must be released.

Ref.: ID# 31333

Enclosures: Marked documents

cc: Ms. Ann Wilson
P.O. Box 1049
Buda, Texas 78610
(w/o enclosures)