



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 22, 1995

Mr. John S. Aldridge  
Walsh, Anderson, Underwood,  
Schulze & Aldridge, P.C.  
P.O. Box 2156  
Austin, Texas 78768

OR95-832

Dear Mr. Aldridge:

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# 34511.

The Leander Independent School District (the "district") received a request for the complete records on the requestor's son and a copy of a nurse's report of an injury to another student. You state that the district has informed the requestor that all student records regarding her son will be released to her. However, you claim that the requested nurse's report is excepted from disclosure under the federal Family Educational Rights and Privacy Act of 1974 ("FERPA") and section 552.114 of the Government Code. We have considered the exceptions you claimed and have reviewed the document at issue.

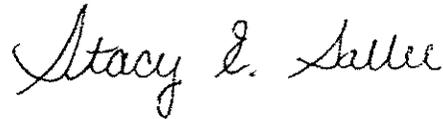
Section 552.026 of the Government Code incorporates the requirements of FERPA, 20 U.S.C. § 1232g, into the Open Records Act. Open Records Decision No. 431 (1985). FERPA prohibits the release of education records of students without the written consent of their parents. 20 U.S.C. § 1232g(b)(1). "Education records" are records that (i) contain information directly related to a student; and (ii) are maintained by an educational institution. *Id.* § 1232g(a)(4)(A); *see also* Open Records Decision Nos. 462 (1987) at 14-15, 447 (1986). For purposes of FERPA, we conclude that the submitted document is an "education record." Additionally, the document would identify or tend to identify a student. We understand that the parents of the student involved have not given their consent to the release of this information. Therefore, the district must not release the requested information to the requestor.<sup>1</sup>

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<sup>1</sup>This office generally applies the same analysis under section 552.114 as the one used under FERPA. Open Records Decision No. 539 (1990). Therefore, we need not address your section 552.114 argument separately.

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,

A handwritten signature in cursive script that reads "Stacy E. Sallee".

Stacy E. Sallee  
Assistant Attorney General  
Open Government Section

SES/KHG/rho

Ref.: ID# 34511

Enclosure: Submitted document