



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 28, 1995

Mr. Yuri Calderon
Assistant School Attorney
Houston Independent School District
Hattie Mae White Administration Building
3830 Richmond Avenue
Houston, Texas 77027-5838

OR95-860

Dear Mr. Calderon:

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# 32743.

The Houston Independent School District received a request for information relating to allegations made against a school district employee. You state that you have released some of the requested information. You contend, however, that the information submitted for our review is excepted from required public disclosure under sections 552.026, 552.101, and 552.114 of the Government Code.

Under section 552.114(a), information is excepted "if it is information in a student record at an educational institution funded wholly or partly by state revenue." Section 552.026 incorporates another source of law, specifically, the federal Family Educational Rights and Privacy Act of 1974 ("FERPA"), into the Open Records Act, providing that the act

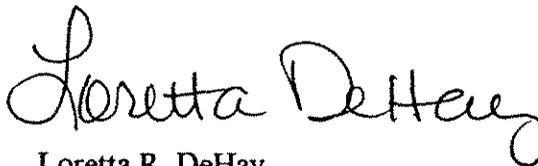
does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, Sec. 513, Pub. L. No. 93-380, 20 U.S.C. Sec. 1232g.

Gov't Code § 552.026; *see also* Open Records Decision No. 431 (1985). Sections 552.026 and 552.114(a) 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 particular student" or "one or both parents of such a student." Open Records Decision No. 332 (1982) at 3. Thus, only information identifying or tending to identify students or their parents must be withheld from required public disclosure.

You submitted the handwritten statements of two officers of the school district and the handwritten statements of several students. You must withhold the handwritten statements of the students under FERPA and section 552.114 of the Government Code. The handwritten statements of the two officers, however, must be released after identifying information relating to any students is redacted. For your convenience, we have marked the identifying information that must be redacted from the officer's statements. The remaining information in the officer's statements must be released.

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/LBC/ch

Ref: ID# 32743

Enclosures: Marked documents

cc: Mr. Roberto Centeno
3404 Garrett, #9
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(w/o enclosures)