



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 7, 1996

Ms. Glenda Brock Simmons  
Vice President for Student Life  
Texas Women's University  
P.O. box 22305  
Denton, Texas 76204-0305

OR96-0296

Dear Ms. Simmons:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37495.

Texas Women's University (the "university") received a request concerning complaints made against the requestor who, apparently, is a student. You submitted to this office as responsive to the request a handwritten letter from another student, with the name redacted.<sup>1</sup> You assert that the requested records may be excepted from disclosure pursuant to the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, or section 552.114 of the Government Code.

Please note that this office recently issued Open Records Decision No. 634 (1995) (copy enclosed), which concluded: (1) an educational agency or institution may withhold from public disclosure information that is protected by FERPA and excepted from required public disclosure by sections 552.026 and 552.101 without the necessity of requesting an attorney general decision as to those exceptions and (2) an educational agency or institution that is state-funded may withhold from public disclosure information that is excepted from required public disclosure by section 552.114 as a

---

<sup>1</sup>You indicate that there are several student complaints. We assume that the student complaint submitted to this office is a "representative sample" of responsive records and that it is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

“student record,” insofar as the “student record” is protected by FERPA, without the necessity of requesting an attorney general decision as to that exception. Open Records Decision No. 634 (1995) applies only to “education records” which are defined under FERPA as records that

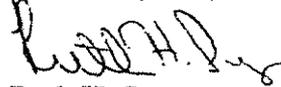
- (i) contain information directly related to a student; and
- (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

20 U.S.C. § 1232g(a)(4)(A). *See also* Open Records Decision Nos. 462 (1987), 447 (1986).

Information must be withheld from required public disclosure under FERPA to the extent “reasonable and necessary to avoid personally identifying a particular student.” *See* Open Records Decision No. 224 (1979) (release of student’s handwritten comments, even unsigned, would be personally identifying).<sup>2</sup> We believe that Open Records Decision No. 634 (1995) is dispositive as to the records at issue.

If you have further questions as to the applicability of FERPA to information that is the subject of an open records request, you may consult with the United States Department of Education’s Family Policy Compliance Office. *See* Open Records Decision No. 634 (1995) at 4, n.6, 8. If you have any questions regarding this ruling, please contact this office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 37495

Enclosures: Open Records Decision No. 634 (1995)  
Submitted documents

---

<sup>2</sup>*But see* 20 U.S.C. § 1232g(a)(1)(A), (d) (parent or adult student has affirmative right of access to that student’s education records). *See also* Open Records Decision No. 431 (1985) (Open Records Act’s exceptions to required public disclosure do not authorize withholding of “education records” from adult student).