



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 29, 1996

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

OR96-0628

Dear Mr. Goulet:

The San Angelo Independent School District (the "school district"), which you represent, has received a request for copies of "any written complaints made against" the requestor's client, a school district employee. You maintain that the responsive records are exempt from required public disclosure, in whole, pursuant to the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, because they are maintained by the school district and contain personally identifiable student information. You have not submitted the responsive documents for our review, claiming that you are not required to do so under our recent ruling in Open Records Decision No. 634 (1995). Your request was assigned ID# 38703.

In Open Records Decision No. 634 (1995), this office concluded that

[a]n educational agency or institution may withhold from public disclosure personally identifiable nondirectory information in "education records" as defined in the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, which information is excepted from required public disclosure by Government Code section 552.026, without the necessity of requesting an attorney general decision as to that exception. Furthermore, an educational agency or institution may withhold from public disclosure information that is protected by FERPA and excepted from required public disclosure by Government Code section 552.101 as "information considered to be confidential by law," without the necessity of requesting an attorney general decision as to that exception. Finally, an educational agency or

institution that is also state-funded may withhold from public disclosure information that is excepted from required public disclosure by Government Code section 552.114 as a "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) at 10. Thus, the school district need not request a decision from this office when it receives a request for personally identifiable non-directory information in education records as defined by FERPA. As you have determined that the requested information is protected by FERPA, you may withhold this information from 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Todd Reese", with a long horizontal flourish extending to the right.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID# 38703

cc: Mr. Derrell A. Coleman
Attorney at Law
Texas Classroom Teachers Association
P.O. Box 1489
Austin, Texas 78767