



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 6, 1996

Mr. Ronald S. Block  
12603 Southwest Freeway, Suite 165  
Stafford, Texas 77477

OR96-2320

Dear Mr. Block:

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# 102739.

The Pasadena Independent School District (the "district"), which you represent, received an open records request for a petition circulated and signed by district students pertaining to allegations of racial discrimination and harassment. You state that the district has released to the requestor the substance of the petition but has withheld the pages containing the names of the students who signed the petition. You contend for a variety of reasons that the students' names should be withheld from the public. Because we resolve your request on other grounds, we need not address the specific arguments you raise in your request for a decision from this office.

Section 552.114(a) of the Government Code requires that the district withhold information in a student record at an educational institution funded wholly or partly by state revenue.

Similarly, 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.

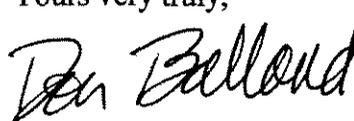
The Family Educational Rights and Privacy Act of 1974 ("FERPA") provides that no federal funds will be made available under any applicable program to an educational agency or institution that releases personally identifiable information (other than directory information) contained in a student's education 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 post-secondary education, the student holds the rights accorded by Congress to inspect these records. 20 U.S.C. § 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. 20 U.S.C. § 1232g(a)(4)(A).

For purposes of FERPA, this office believes that the list of student signatures constitutes an "education record." Consequently, the district must withhold the signature list unless it receives permission to release the information from the parent of the respective student or from the student himself if qualified to do so as specified above. *See also* Open Records Decision No. 634 (1995) (educational institution may withhold from public personally identifiable nondirectory information in "education records" without requesting attorney general decision).

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/RWP/ch

Ref.: ID# 102739

cc: Mr. Celestino M. Perez, Jr.  
502 Berloma  
Pasadena, Texas 77502