



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 9, 1996

Mr. Tim Sonnenberg
Superintendent
White Oak Independent School District
200 South White Oak Road
White Oak, Texas 75693-1597

OR96-2322

Dear Mr. Sonnenberg:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102470.

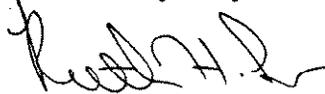
The White Oak Independent School District (the "district") received a request for names of the students who attend district schools but live outside of the district. A list showing transfer students for the current school year was submitted to this office. We assume that the list of transfer students is responsive to the request for names of students who attend district schools but live outside of the district. You assert that the list at issue is excepted from disclosure pursuant to section 552.114 of the Government Code.

Under section 552.114(a), you must withhold "information in a student record at an educational institution funded wholly or partly by state revenue." Section 552.026 of the Government Code provides that education records may not be disclosed unless released in conformity with the Family Educational Rights and Privacy Act of 1974 ("FERPA"), title 20 of the United States Code, section 1232g. FERPA provides that no federal funds will be made available under any applicable program to an educational agency or institution that releases identifying information in a minor student's records without parental consent. 20 U.S.C. § 1232g(b)(1).

However, FERPA does not prohibit the release of directory information, which includes names of students. *Id.* § 1232g(a)(5)(A). FERPA requires an educational agency or institution to provide notice to parents about the categories of information designated as directory information, to allow parents to designate whether directory information about their child must be withheld from public disclosure. *Id.* § 1232g(a)(5)(B). The list at issue appears to be directory information. The district may not disclose information to which an objection has been filed pursuant to section 1232g(a)(5)(B). The remaining information, if any, must be disclosed. Open Records Decision No. 244 (1980).

We are resolving this matter with this 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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 102470

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

cc: Mr. Max E. Hill
P.O. Box 233
White Oak, Texas 75693
(w/enclosure - Open Records Decision No. 634 (1995))