



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 29, 1998

Mr. Jeffrey J. Horner
Bracewell & Patterson
711 Louisiana St. Ste. 2900
Houston, Texas 77002-2781

OR98-2333

Dear Mr. Horner:

On behalf of the Brazosport Independent School District (the "school district"), you ask whether a transcript of a level two hearing the school district conducted on April 30, 1998 is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. This transcript was the subject of Open Records Letter No. 98-1612 (1998), but you ask that we clarify that letter ruling in regard to the transcript. Your request was assigned ID# 118606.

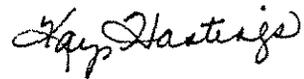
The hearing concerns complaints about the 1997 cheerleader tryouts. We find that, in compliance with Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, the school district must withhold the entire transcript from public disclosure. 20 U.S.C. § 1232g(b)(1). The transcript is an "education record" for purposes of FERPA. 20 U.S.C. § 1232g(a)(4)(A); *see* Open Records Decision No. 332 (1982). Generally, section 552.026 in conjunction with FERPA may not be used to withhold entire documents; a school district must delete information only to the extent "reasonable and necessary to avoid personally identifying a student" or one or both of the student's parents. *See* Open Records Decision No. 206 (1978). However, in this case, we do not believe that de-identifying the transcript will adequately protect the privacy of the students concerned.

In conclusion, we affirm Open Records Letter No. 98-1612. Additionally, the school district must withhold from disclosure the entire transcript of the level two hearing.

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,



Kay Hastings
Deputy Chief
Open Records Division

KHH/mjc

Ref.: ID# 118606

Enclosures: Submitted documents

cc: Mr. James Davis
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Lake Jackson, Texas 77566
(w/o enclosures)