

January 28, 1999

Dr. Barney Iles  
Associate Superintendent  
La Porte Independent School District  
301 East Fairmont Parkway  
La Porte, Texas 77571

OR99-0272

Dear Dr. Iles:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121892.

The La Porte Independent School District (the "district") received a request for twenty-six categories of information relating to documentation, budgets, operations, policies, procedures, and reports of suspected abuse or neglect. You indicate that you will release most of the requested material. You ask, however, whether you must withhold personally identifying information in the requested student records.

You explain that categories one, three, six, seven, eight, eleven, twelve, thirteen, fourteen, seventeen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, and twenty-four of the request seek information that may identify a student. You assert that some of the requested information is excepted from disclosure because it contains education records made confidential by the federal Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, or section 552.114 of the Government Code. In Open Records Decision No. 634 (1995), this office 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 "student record," insofar as the "student record" is protected by FERPA, without the necessity of requesting an attorney general decision as to that exception.<sup>1</sup>

---

<sup>1</sup>The district is not required to submit copies of education records to this office. See Open Records Decision No. 634 at 10 (1995) (if district does not make a determination but seeks determination from this office, district must first obtain parental consent to disclose personally identifiable information or must edit records to protect personally identifiable information).



OFFICE OF THE  
ATTORNEY GENERAL  
STATE OF TEXAS

— \* —

JOHN CORNYN  
Attorney General

— \* —

P.O. Box 12548  
Austin, Texas  
78711-2548

(512) 463-2100  
www.oag.state.tx.us

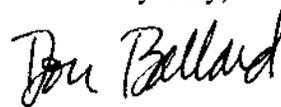
This ruling applies only to "education records" under FERPA. "Education records" are records that:

- (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 only to the extent "reasonable and necessary to avoid personally identifying a particular student." Open Records Decision Nos. 332 (1982), 206 (1978).<sup>2</sup> 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 at 4, n.6, 8 (1995). We believe that this ruling is dispositive as to the records that are excepted from required public disclosure by FERPA or section 552.114 of the Government Code.

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\nc

---

<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).

Ref: ID# 121892.

Enclosures: Open Records Decision No. 634 (1995)

cc: Founder, President Burton Randy  
Justice For Children  
412 Main Street, Suite 400  
Houston, Texas 77002-1814  
(w/Open Records Decision No. 634 (1995))