



May 4, 1999

Ms. Laura Enriquez-Guerra
Records Management Specialist
Ysleta Independent School District
9600 Sims Drive
El Paso, Texas 79925-7225

OR99-1219

Dear Ms. Enriquez-Guerra:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123817.

The Ysletta Independent School District (the "YISD"), received a request for information related to an investigation of an YISD employee. You have provided the responsive information to our office for review, asserting that it is excepted from public disclosure by section 552.101 of the Government Code in conjunction with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C. 1232(g). We have considered the exception that you raise and the subject information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. 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 enumerated federal, state, and local officials and institutions, unless otherwise authorized by the student's parent. *See* 20 U.S.C. § 1232g(b)(1). Under the federal statute, "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). Section 552.114 of the Government Code excepts from disclosure, "information in a student record at an educational institution funded wholly or partly by state

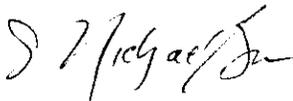
revenues.” Gov’t Code § 552.114. The term “student record” in section 552.114 of the Government Code is considered to be the equivalent of “education record” in FERPA. Open Records Decision No. 634 (1995).

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). FERPA also provides that, “directory information” may be released to the public if the institution or agency complies with section 1232g(a)(5)(B) of title 20 of the United States Code. “Directory information” includes the student’s name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

As regards the information in this case, we agree with your assertion that “[the requestor] can and will identify the students through their penmanship and individually recorded statements or reported actions.” We therefore conclude that the responsive information identifies particular students; as it is not “directory” information, this information may not be released. 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* 20 U.S.C. § 1232g(a)(5)(B).

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.

Sincerely,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 123817

encl. Submitted documents

cc: Susan M. Salinas
TSTA, Region 32
7500 Viscount, Suite 130
El Paso, Texas 79925
(w/o enclosures)