



May 17, 1999

Ms. Jennifer L. Lehmann
Escamilla & Poneck, Inc.
603 Navarro Street, Suite 1200
San Antonio, Texas 78205-1826

OR99-1350

Dear Ms. Lehmann:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124188.

The San Antonio Independent School District received a request for

1. Itinerant Support Schedule for Mr. Rocha and Ms. Bernal;
2. Itinerant Support Tracking list for 1998-1999; and
3. Class roster for Mr. Murphy's resource class.

You assert that the third requested item, the class roster, is protected from required public disclosure by section 552.114 of the Government Code and the federal Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g because it contains education records made confidential by FERPA.¹ We presume that the remaining requested information will be released to the requestor. You have submitted to this office the information responsive to the third requested item, a document that includes the students' grades and identification numbers. We have considered the exceptions you claim and have reviewed the submitted document.

¹In 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.

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). Section 552.026 of the Government Code requires the release of information requested under the Public Information Act to conform with FERPA. 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. This office has generally treated section 552.114 "student record" information as the equivalent of "education record" information that is protected by FERPA. Open Records Decision Nos. 634 at 5 (1995).

FERPA 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. 20 U.S.C. § 1232g(a)(5)(A). Section 1232g(a)(5)(B) provides as follows:

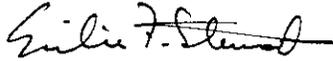
[a]ny educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's prior consent.

20 U.S.C. § 1232g(a)(5)(B). The documents submitted to this office include grades and, possibly, student identification numbers, but the requestor did not ask for grades or identification numbers of students. If you redact the grades and any identification numbers from the submitted documents, they contain only a class roster. This office has previously held that a class roster is directory information. *See* Open Records Decision No. 244 (1980). Accordingly, the district, after complying with federal notice requirements for release of directory information is required to disclose the information to which no appropriate objection has been filed pursuant to federal law. *Id.*

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 truly,

A handwritten signature in cursive script, appearing to read "Emilie F. Stewart".

Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS/nc

Ref: ID# 124188

Encl: Submitted documents

cc: Mr. Dan Naranjo
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8118 Datapoint Drive
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(w/o enclosures)