



September 22, 1999

Mr. Sam Monroe
President
Lamar University-Port Arthur
P.O. Box 310
Port Arthur, Texas 77641-0310

OR99-2657

Dear Mr. Monroe:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128407.

Lamar University (the "university") received a request for all information on a particular student for the year 1998. You claim that the requested information is excepted from disclosure under the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g. We have considered your arguments and reviewed the documents at issue.

In Open Records Decision No. 634 (1995), this office concluded that (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 of the Government Code 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 of the Government Code 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. In this instance, however, you have submitted the documents at issue to this office for consideration. Therefore, we will consider whether these documents are protected by FERPA.

"Education records" under FERPA 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). The documents at issue are education records under FERPA, and, therefore, must be withheld from disclosure to the extent “reasonable and necessary to avoid personally identifying a particular student.” *See* Open Records Decision Nos. 539 (1990), 332 (1982), 206 (1978). You state that you have already disclosed “directory information” in accordance with FERPA. We conclude that you must withhold all of the remaining information from disclosure in order to satisfy the requirements of FERPA.

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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ljp

Ref: ID# 128407

Encl. Submitted documents

cc: Mr. Ernest Dempsey
2101 FM 369N
Iowa Park, Texas 76367
(w/o enclosures)