



October 5, 1999

Mr. John Lawhon
General Counsel
Texas Woman's University
P.O. Box 425497
Denton, Texas 76204-5497

OR99-2828

Dear Mr. Lawhon:

You have asked whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 127754.

The Texas Woman's University (the "University") received, from a faculty member, a request for "the audio tape" and "a full and complete report . . . about the deliberations and decisions of the committee that heard the formal grievance against [a named student] on June 25, 1999," concerning disciplinary matters. In response to the request, you submit to this office for review the information which you assert is responsive. You contend that the requested student education records are excepted from required public disclosure by section 552.101 of the Government Code, in conjunction with the Family Educational Rights and Privacy Act of 1974 ("FERPA"). We have considered the exception and arguments you raise, and have reviewed the information submitted.

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 *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 the following:

No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable

information contained therein . . .) of students without the written consent of their parents to any individual, agency, or organization¹

20 U.S.C. § 1232g(b)(1) (footnote added). “Education records” are records that

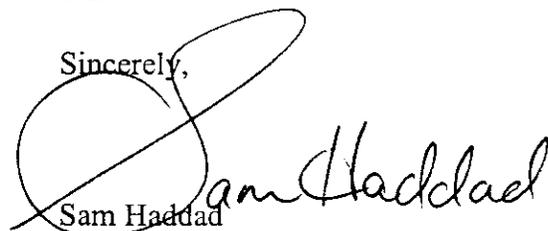
- (i) contain information directly related to a student; and
- (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

Id. § 1232g(a)(4)(A); *see also* Open Records Decision Nos. 462 at 14-15 (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).

In this instance, the University has made a determination that the responsive student records are excepted from disclosure under FERPA. We conclude that since the identity of the student cannot be adequately protected by redacting the student’s identity, the entire submitted student records are protected under FERPA, pursuant to sections 552.026 and 552.114 of the Government Code, and may not be released to the requestor. 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.² *See* Open Records Decision No. 634 at 4, n. 6, 8 (1995).

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,

A handwritten signature in cursive script that reads "Sam Haddad". The signature is written in black ink and is positioned to the right of the word "Sincerely,". The signature is partially enclosed by a large, loopy circular flourish that starts under "Sincerely," and loops around the signature.

Sam Haddad
Assistant Attorney General
Open Records Division

¹It does not appear that the parents of the student, as applicable, have given written consent to the release of the education records. *See* 20 U.S.C. § 1232g(b)(1), (d).

²The Family Compliance Office of the Department of Education may be contacted by mail at 400 Maryland Ave. S.W., Washington, D.C. 20202-4605 or by telephone at (202)260-3887.

SH/nc

Ref.: ID# 127754

Encl. Submitted information

cc: Ms. Linda Marshall
Texas Woman's University
P.O. Box 425887
Denton, Texas 76204-5887
(w/o enclosures)