



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 20, 2013

Ms. Sarah Orman
Walsh, Anderson, Gallegos, Green and Treviño, P.C.
P.O. Box 2156
Austin, Texas 78768-2156

OR2013-04594

Dear Ms. Orman:

You ask 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# 481649.

The Dripping Springs Independent School District (the "district"), which you represent, received a request for eleven categories of information related to an investigation of a named individual and minutes of Dripping Springs FFA chapter meetings during a specified time period. The district has released some of the requested information to the requestor. You state the district has redacted student-identifying information pursuant to the Family Educational Rights and Privacy Act ("FERPA"), section 1232g of title 20 of the United States Code.¹ You claim the submitted information is excepted from disclosure under sections 552.101, 552.107, 552.111, and 552.135 of the Government Code.² We have considered the exceptions you claim and reviewed the submitted information.

Initially, you inform us some of the requested information, which you have submitted as Exhibit 2, was the subject of previous requests for information, in response to which this

¹The United States Department of Education Family Policy Compliance Office (the "DOE") has informed this office that FERPA does not permit state and local educational authorities to disclose to this office, without parental consent, unredacted, personally identifiable information contained in education records for the purpose of our review in the open records ruling process under the Act. The DOE has determined that FERPA determinations must be made by the educational authority in possession of the education records. We have posted a copy of the letter from the DOE to this office on the Attorney General's website: <http://www.oag.state.tx.us/open/20060725usdoe.pdf>.

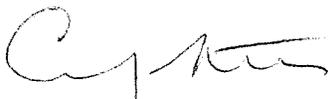
²Although you also raise rule 503 of the Texas Rules of Evidence, we note section 552.107 of the Government Code is the proper exception to raise for asserting the attorney-client privilege in this instance. See Open Records Decision No. 676 (2002).

office issued Open Records Letter Nos. 2012-18622 (2012), 2012-17791 (2012), and 2012-17075 (2012). In those rulings, we determined, in part, the district may withhold the information at issue under section 552.107(1) of the Government Code. We note the information you have submitted as Exhibit 3 also was responsive to the request for information that was the subject of our ruling in Open Records Letter Nos. 2012-18622. We have no indication that the law, facts, or circumstances on which the prior rulings were based have changed. Accordingly, the district may continue to rely on Open Records Letter Nos. 2012-18622, 2012-17791, and 2012-17075 as previous determinations and withhold the previously ruled upon information in Exhibits 2 and 3 under section 552.107(1) of the Government Code in accordance with these rulings. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As our ruling is dispositive, we do not address your arguments.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 481649

Enc. Submitted documents

c: Requestor
(w/o enclosures)