



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 25, 1994

Mr. Jeffrey J. Horner  
Law Offices of Bracewell & Patterson, L.L.P.  
South Tower Pennzoil Place  
711 Louisiana Street, Suite 2900  
Houston, Texas 77002-2781

OR94-174

Dear Mr. Horner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code.<sup>1</sup> Your request was assigned ID# 23090.

The Galena Park Independent School District (the "district") received an open records request for the names and addresses of the parents of two district students. You contend that the district must withhold this information because "this information is kept only with respect to records maintained on these students." We assume that you mean to invoke the confidentiality provisions of the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g.

Section 552.026 of the Government Code provides as follows:

This chapter does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, Sec. 513, Pub. L. No. 93-380, 20 U.S.C. Sec. 1232g.

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<sup>1</sup>The Seventy-third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

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). "Education records" consist of those records that contain information directly related to a student and that an educational agency or institution or a person acting for such agency or institution maintains. 20 U.S.C. § 1232g(a)(4)(A).

This office agrees that the home address of a student's parent constitutes "personally identifiable information" about a student for purposes of FERPA. However, because the home addresses of the named students' parents constitute directory information, the district must release this information. *See* 20 U.S.C. § 1232g(a)(5)(A) (defining "directory information"); Open Records Decision Nos. 242 (1980) at 2 (stating that, under the Open Records Act, educational agency or institution must accord directory information status to any education record that agency or institution may treat as such); 96 (1975) at 2 (concluding that addresses of parents of students at particular school are directory information).

The requestor also seeks the name and address of the district's liability insurance carriers and the respective insurance policy numbers. You contend that this information is confidential under section 101.104 of the Civil Practice and Remedies Code. Section 101.104 provides:

(a) Neither the existence nor the amount of insurance held by a governmental unit *is admissible in the trial of a suit under this chapter.*

(b) Neither the existence nor the amount of the insurance is *subject to discovery.* [Emphasis added.]

Section 101.104 governs the discovery and admissibility of information pertaining to the district's insurance coverage during a civil lawsuit brought pursuant to the Texas Tort Claims Act. *See* Civ. Prac. & Rem. Code ch. 101. This section is irrelevant to whether information pertaining to the district's insurance coverage is available to the general public under the Open Records Act. *See* Open Records Decision No. 551 (1990) at 3; *see also* Open Records Decision No. 575 (1990) at 2 (stating that former V.T.C.S. article 6252-17a, section 3(a)(1) does not encompass discovery privileges).

The requested information is not confidential under section 101.104 of the Civil Practice and Remedies Code, and you have raised none of the act's other exceptions to required public disclosure. The district therefore must release the requested information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Kyemberly K. Oltrogge  
Assistant Attorney General  
Open Government Section

KKO/RWP/rho

Ref.: ID# 23090

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