



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 7, 1994

Mr. James M. Black  
Black & Black  
3637 Professional Drive  
P.O. Box 3286  
Port Arthur, Texas 77643

OR94-811

Dear Mr. Black:

On behalf of the Port Neches-Groves Independent School District, you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27734. You have received a request for the following information concerning students attending Port Neches and Port Neches-Groves High School for all classes between and including 1943 and 1994:

- (a) full name;
- (b) address;
- (c) telephone number;
- (d) gender;
- (e) date of birth;
- (f) social security number.

This request raises the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, which prevents the public disclosure of "education records" by educational institutions and agencies that receive federal funding under certain programs. 20 U.S.C. § 1232g(a)(1)(A); *id.* § 1232g(a)(4)(A) (defining "education records"). Education records as defined by FERPA are excepted from disclosure pursuant to the Open Records Act. *See* Gov't Code § 552.026. "Directory information," however, may be disclosed, after notice is given in accordance with the procedures of FERPA. 20 U.S.C. § 1232g(a)(5)(A).

We asked for assistance on this request from the Family Policy and Regulations Office of the United States Department of Education, which provides technical assistance to ensure compliance with FERPA. 34 CFR § 99.60(b)(2). A representative of that office<sup>1</sup> has informed us that you have referred your question to them and that they have it under consideration. Since FERPA is a federal law, and the Family Policy and Regulations Office is charged with adjudicating violations of its provisions, *see* 20 U.S.C. § 1232g(g), we will defer to its ruling on this matter. Accordingly, we are closing our file on ID# 27734. If you have any questions about this file, please contact this office.

Yours very truly,



Susan L. Garrison  
Assistant Attorney General  
Open Government Section

SLG/LRD/rho

Ref.: ID# 27734

cc: Dr. Ron Reaves  
Superintendent  
Port Neches-Groves Independent School District  
P.O. Box 877  
Port Neches, Texas 77651

Dr. Kenneth J. Rothman  
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One Newton Executive Park  
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Ms. Sharon Shirley  
Family Policy and Regulations Office  
United States Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

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<sup>1</sup>Telephone conversation between Susan Garrison, Office of Attorney General of Texas, and Sharon Shirley, Family Policy and Regulations Office, (Sept. 20, 1994).