



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 30, 1996

Ms. Yuri Calderon
Assistant School Attorney
Houston Independent School District
3830 Richmond Avenue
Houston, Texas 77027-5838

OR96-0641

Dear Mr. Caldron:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 33440.

The Houston Independent School District ("HISD") received a request for a copy of the letter containing allegations against the requestor, who apparently is a teacher at HISD. You submitted to this office as responsive to the request a letter from the parents of a particular student relating to the allegations involving the teacher. You maintain that "the information in the letter personally identifies students in such great detail that simply redacting the names would be insufficient to protect the identity of the author's son, or the identities of other students referenced in the correspondence." Thus, you assert that the requested records may be excepted from disclosure pursuant to sections 552.026, 552.101 or 552.114 of the Gov't. Code.

Please note that this office recently issued Open Records Decision No. 634 (1995), which concluded: (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. Open Records Decision No. 634 (1995) applies only to "education records", which are defined under FERPA as records that

- (1) 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).

Information must be withheld from required public disclosure under FERPA to the extent "reasonable and necessary to avoid personally identifying a particular student." We believe that Open Records Decision No. 634 (1995) is dispositive as to the records at issue.

If you have further questions as to the applicability of FERPA to information that is subject of an open records request, you may consult with the United States Department of Education's Family Policy Compliance Office. *See* Open Records Decision No. 634 (1995) at 4, n.6, 8. If you have any questions regarding this ruling, please contact this office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/SAB/ch

Ref.: ID# 33440

Enclosures: Open Records Decision No. 634 (1995)

cc: Ms. Gail Levinson
4934 Valkeith
Houston, Texas 77096
(w/enclosure - Open Records Decision No. 634 (1995))