



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1996

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

OR96-2464

Dear Mr. Horner:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102645.

The Galena Park Independent School District (the "district") received requests for information concerning complaints that were made about the behavior of an employee. You state that the district has provided some of the requested documents. However, you contend that other documents responsive to the request are confidential under the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, or section 552.114 of the Government Code. You have marked the information that you contend is excepted from disclosure.

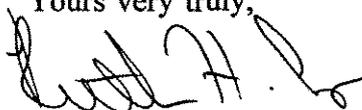
We note initially that the district may withhold from disclosure information that is protected by FERPA or section 552.114 without the necessity of requesting a decision from this office. Open Records Decision No. 634 (1995). However, as you have chosen to seek a decision from this office, we will address your request for a decision.

FERPA provides that federal funding shall not be made available to "any educational agency or institution which has a policy or practice of permitting the release of educational records" of students without the written consent of the parents of a minor student. 20 U.S.C. § 1232g(b)(1). Education records are those records that "contain information directly related to a student and are maintained by an educational agency or institution." *Id.* § 1232g(a)(4)(A). Section 552.114 excepts from disclosure student records at an educational institution funded completely or in part by state revenue. Section 552.026 excepts from disclosure educational records unless released in conformity with FERPA. The term "student record" in section 552.114 has been generally construed to be the equivalent of "education record." See generally Attorney General Opinion H-447 (1974); Open Records Decision Nos. 539 (1990), 477 (1987), 332 (1982).

Information must be withheld from required public disclosure under section 552.114 and FERPA only to the extent "reasonable and necessary to avoid personally identifying a particular student." Open Records Decision Nos. 332 (1982), 206 (1978). We agree that certain information in the records submitted to this office is confidential, as it identifies students and their parents. We have marked the type of information that must be withheld from disclosure. The remaining information must be released to the requestor.

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.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 102645

Enclosures: Submitted documents

cc: Ms. Pam Evans
Galena Park Independent School District
P. O. Box 565
Galena Park, Texas 77547
(w/o enclosures)