



August 30, 1999

Mr. Aric J. Garza
Escamilla & Poneck, Inc.
1200 South Texas Building
603 Navarro Street
San Antonio, Texas 78205-1826

OR99-2441

Dear Mr. Garza:

On behalf of the San Antonio Independent School District (the "school district"), you ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127615.

The school district received a request for "the May student activity financial report for the Lasso Organization." You claim that portions of the financial report are excepted from disclosure under sections 552.026, 552.101, and 552.114 of the Government Code.

In Open Records Decision No. 634 (1995), this office concluded that (1) an educational agency or institution may withhold from public disclosure information that is protected by the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, 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. In this instance, however, you have submitted to this office documents containing student names.

"Education records" under FERPA are records that

- (i) 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). Because the submitted documents contain information directly related to students, the documents are education records under FERPA. Before releasing these documents to the public, FERPA requires the school district to delete information from the documents to the extent "reasonable and necessary to avoid personally identifying a particular student." Open Records Decision Nos. 332 (1982), 206 (1978). We have marked the information in the documents that identifies students. This identifying information is deemed confidential under FERPA and must be withheld from disclosure. The remaining information in these documents 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.

Sincerely,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 127615

Encl. Submitted documents

cc: Ms. Jo Ann Coleman
358 Gazel
San Antonio, Texas 78213
(w/o enclosures)