



OFFICE *of the* ATTORNEY GENERAL
GREG ABBOTT

December 18, 2002

Mr. James R. Raup
McGinnis, Lochridge & Kilgore, L.L.P.
919 Congress Avenue, Suite 1300
Austin, Texas 78701

OR2002-7270

Dear Mr. Raup:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 173871.

The Round Rock Independent School District (the "district"), which you represent, received a request for the name, address, and phone number of the parents or guardians of a student who was involved in a specified incident. You claim that the requested information is excepted from disclosure under the federal Family Educational Rights and Privacy Act ("FERPA"). However, you have failed to submit a copy of the requested information to this office for review.

The Public Information Act (the "Act"), chapter 552 of the Government Code, requires a governmental body to submit to this office a copy of the information requested in order for this office to issue an open records decision in the matter. *See* Gov't Code § 552.301(e). The district has not availed itself of the procedures for seeking an open records ruling with regard to the information requested, and has instead asked for guidance on an issue under FERPA. *See* Open Records Decision No. 634 (1995) (education agency may withhold education records as defined in FERPA without necessity of requesting attorney general decision). Questions concerning the applicability of FERPA to records held by the district should be directed to the Family Policy Compliance Office of the U.S. Department of Education at (202) 260-3887. A program specialist who may be contacted at that agency is Ms. Ingrid Brault.

Sincerely,

W. Montgomery Meitler
Assistant Attorney General
Open Records Division

WMM/lmt

Ref: ID# 173871

c: Mr. Paul Olson
3725 Cheyenne St.
Round Rock, Texas 78664