



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 5, 2016

Ms. Alyssa L. Romero  
Counsel for the Rio Grande City Consolidated School District  
Guerra & Farah, P.L.L.C.  
421 South 12th Street  
McAllen, Texas 78501

OR2016-26831

Dear Ms. Romero:

The United States Department of Education Family Policy Compliance Office (the "DOE") has informed this office that the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g(a), does not permit state and local educational authorities to disclose to this office, without parental consent, unredacted, personally identifiable information contained in education records for the purpose of our review in the open records ruling process under the Public Information Act (the "PIA"). Consequently, state and local educational authorities that receive a request for education records from a member of the public under the PIA must not submit education records to this office in unredacted form, that is, in a form in which "personally identifiable information" is disclosed. *See* 34 C.F.R. § 99.3 (defining "personally identifiable information"). Thus, in accordance with the requirement of section 552.301(e)(1)(D) of the PIA, state and local educational authorities must submit to this office for our review requested education records in redacted form when seeking a ruling on the applicability of a raised exception (other than section 552.101 in conjunction with FERPA). Accordingly, as a general rule, this office will not review education records to determine whether an educational authority has appropriately redacted a requested education record in compliance with FERPA. However, if a state or local educational authority does obtain parental consent to submit unredacted education records from a parent or, if the student is eighteen or attending a postsecondary educational institution, from the student, and the authority seeks a ruling from this office on the proper redaction of those education records in compliance with FERPA, we will rule accordingly. Because the DOE has determined that educational agencies and institutions are in the best position to make determinations under FERPA, such agencies and institutions may withhold from public

disclosure personally identifiable information in education records without the necessity of requesting an attorney general decision. *See also* Open Records Decision No. 634 (1995).

We have posted a copy of the letter from the DOE to this office on the Attorney General's website at <https://www.texasattorneygeneral.gov/files/og/20060725usdoe.pdf>. If you have questions about this matter, you may call the DOE at 202.260.3887.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cristian Rosas-Grillet', with a long horizontal flourish extending to the right.

Cristian Rosas-Grillet  
Assistant Attorney General  
Open Records Division

CRG/bw

Ref: ID# 636609

Enc. Submitted documents

c: Requestor  
(w/o enclosures)