



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 11, 2019

Ms. Karla Schultz
Counsel for the Alice Independent School District
Walsh, Gallegos, Trevino, Russo & Kyle, P.C.
P.O. Box 2156
Austin, Texas 78768-2156

OR2019-06657

Dear Ms. Schultz:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 755951.

The Alice Independent School District (the "district"), which you represent, received a request for information pertaining to the requestor's client. The district states it is redacting some information pursuant to the Family Educational Rights and Privacy Act ("FERPA"), section 1232g of title 20 of the United States Code.¹ The district claims the submitted information is excepted from disclosure under section 552.135 of the Government Code.² We have considered the claimed exception and reviewed the submitted information.

¹The United States Department of Education Family Policy Compliance Office (the "DOE") has informed this office FERPA 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 Act. The DOE has determined FERPA determinations must be made by the educational authority in possession of the education records. We have posted a copy of the letter from the DOE to this office on the Attorney General's website: <https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/20060725-USDOE-FERPA.pdf>.

²Although the district also raises sections 552.101, 552.107, and 552.111 of the Government Code, it has not submitted arguments explaining how these exceptions apply to the submitted information. Therefore, we presume the district no longer asserts these exceptions. See Gov't Code §§ 552.301, .302.

Section 552.135 of the Government Code provides, in part, the following:

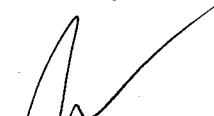
- (a) "Informer" means a student or former student or an employee or former employee of a school district who has furnished a report of another person's or persons' possible violation of criminal, civil, or regulatory law to the school district or the proper regulatory enforcement authority.
- (b) An informer's name or information that would substantially reveal the identity of an informer is excepted from [required public disclosure].

Gov't Code § 552.135(a)-(b). Because the legislature limited the protection of section 552.135 to the identity of a person who reports a possible violation of "law," a school district that seeks to withhold information under that exception must clearly identify to this office the specific civil, criminal, or regulatory law that is alleged to have been violated. *See* Gov't Code § 552.301(e)(1)(A). However, although section 552.135 protects an informer's identity, it does not generally encompass protection for witness statements. Upon review, we find the district has not demonstrated any of the submitted information identifies an informer for purposes of section 552.135. Therefore, the district may not withhold any of the information at issue on that basis. Consequently, the district must release the submitted information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/mo

Ref: ID# 755951

Enc. Submitted documents

c: Requestor
(w/o enclosures)