



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 26, 2019

Ms. Felicia Webb
Counsel for Weatherford Independent School District
Leasor Crass P.C.
302 West Broad Street
Mansfield, Texas 76063

OR2019-27046

Dear Ms. Webb:

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# 785978.

The Weatherford Independent School District (the "district"), which you represent, received a request for investigation records and the personnel file pertaining to the requestor's client.¹ We understand the district will release some information to the requestor. You state you have redacted student-identifying information from the submitted documents pursuant to the Family Educational Rights and Privacy Act ("FERPA"), section 1232g of title 20 of the United States Code.² You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

¹You state the district sought and received clarification of the request. *See* Gov't Code § 552.222(b) (providing that if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when governmental entity, acting in good faith, requests clarification or narrowing of unclear or overbroad request for public information, ten-day period to request attorney general ruling is measured from date request is clarified or narrowed).

²The 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 or an adult student's 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 educational records. We have posted a copy of the letter from the DOE on the Attorney General's website at <https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/20060725-USDOE-FERPA.pdf>.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. Section 552.101 encompasses section 414.007 of the Government Code, which reads as follows:

A record relating to a tip received under Section 414.0015(a) maintained by the [Texas Crime Stoppers Council], a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school, including the identity of the person who submitted the tip, is confidential and is not subject to disclosure under Chapter 552.

Act of May 27, 2019, 86th Leg., R.S., H.B. 3316, § 6 (to be codified at Gov’t Code § 414.007). Upon review, we find the information we marked relates to a tip made to a crime stoppers organization pursuant to section 414.0015 of the Government Code. *See id.* § 1 (to be codified at Gov’t Code § 414.001(2)(B)) (defining “crime stoppers organization”); *see also id.* § 2 (to be codified at Gov’t Code § 414.0015) (establishing procedures for accepting and forwarding crime stoppers tips). Therefore, the information we marked is confidential under section 414.007 of the Government Code. Thus, the district must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 414.007 of the Government Code. However, the district has not demonstrated the remaining information at issue is confidential under section 414.007, and may not withhold it under section 552.101 on that basis. The district must release the remaining 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Britni Ramirez
Assistant Attorney General
Open Records Division

BR/rm

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Enc. Submitted documents

c: Requestor
(w/o enclosures)