



The Attorney General of Texas

November 28, 1978

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Mr. Rick Peebles
Reid, Strickland, Gillette & Elkins
1515 North Alexander Drive
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Open Records Decision No. 210

Re: Whether complaints presented by citizens to a school board about actions of the school superintendent are available to the superintendent.

Dear Mr. Peebles:

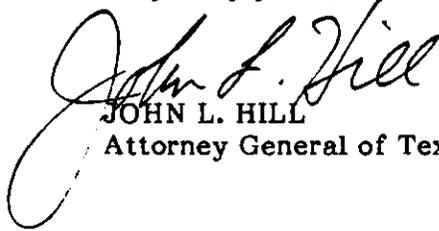
The Goose Creek Consolidated Independent School District has received a request from its superintendent for access to certain documents relating to him. You explain that several citizens of the school district approached the president of the school board and requested an opportunity to appear before the board in executive session to discuss the performance of the district's superintendent. The citizens appeared before the board in an executive session at which the superintendent was not present and presented the board with a written booklet relating to the superintendent's job performance. The citizens also made an oral presentation to the board which was recorded. The board authorized the hiring of an independent law firm to investigate the allegations made by the citizens. The law firm investigated several of the allegations and subsequently reported back to the board. The board determined to conduct a hearing on one of the allegations and after a lengthy hearing voted to dismiss the allegation for lack of substantial evidence to support it.

The superintendent has requested access to various documents relating to this case, and you have provided us with the documents in the district's possession which are relevant to the request. The documents in question are: (1) the booklet prepared by the citizens' group which outlines charges against the superintendent, (2) the transcript of the meeting held on the day the booklet was presented to the board and (3) correspondence between the board and the law firm including the firm's report to the board.

The superintendent is clearly entitled under section 3(a)(2) of the Open Records Act to examine information relevant to his employment relationship. E.g., Open Records Decision Nos. 191 (1978); 31 (1974). We believe it is clear that the booklet and transcript are required to be released to him. We have carefully examined those and found no information which might be excepted. Compare Open Records Decision No. 172 (1977).

We believe, however, that the correspondence between the board and the law firm is excepted from disclosure to the superintendent under section 3(a)(1) as information deemed confidential by law by virtue of the attorney-client privilege. A virtually identical question was considered in Open Records Decision No. 200 (1978) where we determined that a public employee was not entitled to examine information relating to him where the information was otherwise excepted under the attorney-client privilege. In summary, it is our decision that a school superintendent is entitled to have access to documents presented to the board which outline charges against him, but he is not entitled to examine correspondence between the board and its attorneys concerning the matter.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee

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