



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

May 2, 1989

Mr. Tommy P. Herring  
Attorney at Law  
Post Office Box 4355  
Waco, Texas 76705

Dear Mr. Herring:

By letter dated April 14, 1989, you asked whether the Texas Open Records Act, article 6252-17a, V.T.C.S., requires that an unnamed school district release district administrators' college transcripts. This decision is OR89-145.

Under the Open Records Act, all information held by governmental bodies is open unless the information falls within one of the act's specific exceptions to disclosure. The act places on the custodian of records the burden of proving that records are excepted from public disclosure. If a governmental body fails to claim an exception, the exception is ordinarily waived unless the information is deemed confidential under the act. See Attorney General Opinion JM-672 (1987). The act does not require this office to raise and consider exceptions that you have not raised.

You suggest that section 3(a)(2) protects teachers' college transcripts from required public disclosure. This office has issued several previous determinations on the public availability of professional public school employees' college transcripts. See, e.g., Open Records Decision No. 467 (1987) (college transcripts of teachers in McAllen Independent School District are public); 284 (1981) (college transcripts and teacher certificates in Richardson Independent School District are public); Informal Open Records Decision No. OR88-080 (1988) (college transcripts of teachers and administrators in the Salado Independent School District are public). Additionally, in Klein Indep. School Dist. v. Mattox, 830 F.2d 576 (5th Cir. 1987), cert. denied, 108 S.Ct. 1473 (1988), the Fifth Circuit upheld an informal open records decision that college transcripts of teachers in the Klein Independent School District are public.

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Section 3(a)(2) does not protect from disclosure a teacher's qualifications to teach, including the teacher's college transcript.

You also claim section 3(a)(11). Section 3(a)(11) protects advice and opinion used in the executive decision making process. See Open Records Decision No. 464 (1987). Section 3(a)(11) does not apply to teachers college transcripts.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR89-145.

Yours very truly,

*Open Government Section  
of the Opinion Committee*

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of the Opinion Committee  
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JSR/bc

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