



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTON  
ATTORNEY GENERAL

March 12, 1990

Mr. James D. Lehmann  
Superintendent  
Seguin Independent School District  
P.O. Drawer 31  
Seguin, Texas 78156-0031

OR90-097

Dear Mr. Lehmann:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8246.

You advise that you have been asked to release three tests used by the Seguin Independent School District to screen nominees for the gifted program operated under State Board of Education guidelines. The parents of two children nominated for the program have made this request.

Section 3(a)(22) of the Texas Open Records Act, article 6252-17a, V.T.C.S., provides that the following information is not open to the public:

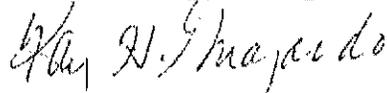
curriculum objectives and test items developed by educational institutions that are funded wholly or in part by state revenue and test items developed by licensing agencies or governmental bodies.

Section 3(a)(22) provides express authority to a school district to withhold from the public copies of examination questions. Open Records Decision No. 537 (1990). Thus, you may not release copies of the three tests used for screening for the gifted program. Please find enclosed a copy of Open Records Decision No. 537, which resolves this request.

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 OR90-097.

Yours very truly,



Kay H. Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/le

Ref.: ID# 8246

Enclosure: Open Records Decision No. 537