



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

March 15, 1990

Ms. Paige C. Beal
Foster, Lewis, Langley,
Gardner & Banak
Attorneys for Poteet I.S.D.
1100 NBC Bank Plaza
112 East Pecan Street
San Antonio, Texas 78205-1533

OR90-104

Dear Ms. Beal:

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# 8419.

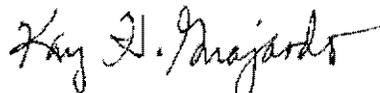
You received a request for an evaluator's written notes made during his observation and during a post-observation conference with a teacher of the school district. The teacher who was the subject of the evaluation seeks this information. You claim exception to required public disclosure under section 3(a)(11) of the Open Records Act, article 6252-17a, V.T.C.S.

In Open Records Decision No. 450 (1986), notes taken by appraisers during their evaluation of school district teachers were found to be within the scope of the Open Records Act. However, to the extent the notes taken by appraisers were advice, opinion, and recommendation, they were withheld under section 3(a)(11), even from the teacher who was the subject of the notes. Id. The post-observation conference is part of the evaluation process required by the school district; therefore, the notes taken during that conference must also be considered within the scope of the Open Records Act. See id. You have indicated that the notes of both the observation and the conference contain advice, opinions, and recommendations of the evaluator. We agree. Factual information is so intertwined with the advice opinions, and recommendations that it cannot be severed. Open Records Decision No. 295 (1981). Accordingly, the notes of the appraisal made during his observation and the post-observation conference, may be withheld under section 3(a)(11). Please find enclosed a

copy of Open Records Decision No. 450 (1986), 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 OR90-104.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/le

Ref.: ID# 8419

Enclosure: Open Records Decision No. 450