



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

July 12, 1990

Mr. Guy N. Fields, III
Attorney for Clint I.S.D.
Southwestern Plaza
8340 Gateway Boulevard East, Suite 207
El Paso, Texas 79907-1512

OR90-330

Dear Mr. Fields:

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# 9279.

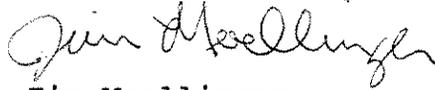
The Clint Independent School District (the district) received an open records request from one of the district's former teachers. The requestor seeks a "non-renewal packet" that was presented to the district's board of trustees during a meeting held in executive session in which the renewal of the teacher's probationary contract was to be discussed. The packet consists of a narrative summary of the teacher's job performance during the current year, pages from a desk calendar that contain notations regarding the teacher, job performance evaluations, and a chart comparing various teachers' grade assignments. You contend that this information may be withheld pursuant to section 3(a)(11) of the Open Records Act. We presume that the district did not make the packet available to the teacher/requestor during the executive meeting.

We have reviewed the documents at issue and determined that only portions of the packet come under the protection of section 3(a)(11). In this instance, you must release to the requestor all records that have previously been made available to her, e.g. performance evaluations, related correspondence, etc. Because section 3(a)(11) protects only advice, opinion, and recommendation that plays a role in the decision making process, see Open Records Decision No. 350 (1982), all factual information contained in the packet must be released. We have marked the portions of the packet that

you may withhold; you must release the remaining portions to the requestor.

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 OR90-330.

Yours very truly,



Jim Moellinger
Assistant Attorney General
Opinion Committee

SG/RWP/le

Ref.: ID# 9279

cc: Margaret Thomas
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