



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

March 11, 1991

Mr. Steve Nash  
Principal  
Hawkins High School  
P. O. Drawer L  
Hawkins, Texas 75765

OR91-130

Dear Mr. Nash:

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# 11689; your most recent correspondence to this office was assigned ID# 11804.

As principal of Hawkins High School, you have received an open records request for all notes that you took during an evaluation of a teacher at your school. You contend that, pursuant to Open Records Decision No. 450 (1986), you may withhold these notes in their entirety.

In Open Records Decision No. 450 (copy enclosed), this office determined that notes taken during the teacher appraisal process were subject to the Open Records Act, even if they did not become a permanent part of the documentation required by State Board of Education administrative regulations, *see, e.g.*, 19 T.A.C. § 149.44, because they were taken during an evaluation process required by school district policy, state law, or both. This office further held in that open records decision that the notes could be withheld pursuant to section 3(a)(11) of the Open Records Act from the public in general and the evaluated teachers in particular only to the extent that they consisted of "advice, opinion, or recommendation." Objective observation of facts and events do not come under the protection of section 3(a)(11) and this type of information has to be released.

Open Records Decision No. 450 governs your request. We have reviewed the documents at issue and have marked the information that you may withhold pursuant to section 3(a)(11). The remaining information must, however, be released at this time.

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 OR91-130.

Yours very truly,



William Walker  
Assistant Attorney General  
Opinion Committee

WW/RWP/lcd

Ref: ID# 11689  
ID# 11804

Enclosures: Open Records Decision No. 450  
Marked documents