



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

June 26, 1991

Mr. James R. Raup
McGinnis, Lochridge & Kilgore
1300 Capitol Center
919 Congress Avenue
Austin, Texas 78701

OR91-307

Dear Mr. Raup:

On behalf of the Austin Independent School District, 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# 12359 and not ID# 12354 as we previously notified you.

You argue that the requested information is excepted from disclosure pursuant to section 3(a)(3) of the Open Records Act. We agree. This office has previously held that section 3(a)(3) is not limited to cases before the courts, but also applies to quasi-judicial proceedings conducted by various governmental bodies. *See generally* Open Records Decision Nos. 474 (1987), 368 (1983); *see also* Open Records Decision No. 551 (1990) (copies enclosed).

The information at issue here is requested in conjunction with a contested termination proceeding before the district. Chapter 13 of the Education Code describes the various notice, hearing and appeal rights that a teacher possesses with regard to such a proceeding. Section 13.112 of that chapter, in particular, provides that a teacher may request a hearing on the proposed termination, and at that hearing, he may employ counsel and shall have the right to hear and present evidence as well as cross-examine adverse witnesses. *See also* Educ. Code § 13.115 (providing for appeals to the commissioner of education and the district court). Given the contested nature of teacher termination hearings and the detailed statutory rights available in such hearings, we conclude that section 3(a)(3) applies to except from disclosure the information at issue here. However, please note the discussion on page 4 of Open Records Decision No. 551 (1990) regarding the

duration of the exception. We do not address the other exceptions to disclosure that you raised since we have resolved your request on the basis of section 3(a)(3).

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 OR91-307.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/lb

Ref.: ID# 12359

Enclosures: Open Records Decision Nos. 551, 474, 368

cc: Mr. Mark W. Robinett
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