



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

September 9, 1991

Ms. Susan Feller Heiligenthal  
Henslee, Ryan & Groce  
9600 Great Hills Trail  
Suite 300 West  
Austin, Texas 78759

OR91-407

Dear Ms. Heiligenthal:

On behalf of the Liberty County Coop, you have requested reconsideration of OR91-340. Your request was assigned ID# 13225.

The independent school districts in the Liberty County Coop received identical open records requests for the following information:

1. How many requests for an Independent Educational Evaluation (IEE) has the district received since January 1987?
2. Please list the dates on which the district received each request for an IEE.
3. How many IEEs have been granted since January 1987?
4. Please list the date when the district granted each IEE since January 1987.
5. What was the cost of each IEE granted since January 1987?
6. How many Due Process Hearings have been filed by the

district since January 1987?

7. How many Due Process Hearings have been filed against the district since January 1987?

Upon receiving this request, you wrote this office requesting a ruling regarding whether this information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. You claimed that the information is exempted from disclosure under sections 3(a)(1), 3(a)(14), and 14(e) of the Open Records Act. Based on our review of the records and your legal arguments, we concluded that the school districts were required to disclose documents containing the information sought in request nos. 1, 2, 3, and 4 on the basis that the records containing the requested information could be redacted to protect the identities of students and are therefore not excepted from disclosure under sections 3(a)(1), 3(a)(14) and 14(e). *See* OR91-340.

Subsequently, you wrote this office requesting reconsideration of our prior ruling, asserting for the first time that Liberty County Coop houses the special education records of these school districts and that responding to these requests would require that coop to search through approximately thirty file drawers and to review approximately 3400 student records to locate documents. You contend that requiring the coop to search through such a large body of records is tantamount to requiring it to conduct research. We agree. We further note that it is well established that the act does not require a governmental body to conduct research or to prepare new information. *See* V.T.C.S. art. 6252-17a, § 3(d); Open Records Decision Nos. 555 (1990); 458 (1987); 342 (1982). Therefore, in light of your representations regarding the volume of records which the coop would be required to review and redact in order to respond to the request and the foregoing open records decisions, we conclude that the Open Records Act does not require disclosure of the student records containing information sought in request nos. 1, 2, 3, and 4.<sup>1</sup>

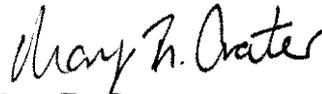
Because prior published open records decisions resolve your request, we are

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<sup>1</sup>In OR91-340, we concluded that the school districts were not required to disclose materials containing information pertaining to request no. 5. We do not reconsider that ruling. The school districts did not object to providing information responsive to request nos. 6 and 7. We did not address those materials in OR91-340, and we assume that the school districts supplied those materials to the requestor as they said they would do.

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 OR91-407.

Very truly yours,



Mary R. Crouter  
Assistant Attorney General  
Opinion Committee

MRC/mc

Ref.: ID# 13225; OR91-340

cc: Ms. Mary Andress  
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