



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

September 23, 1991

Ms. Elena M. Gallegos
Attorney at Law
Walsh, Judge Anderson, Underwood & Schulze, P.C.
811 Barton Springs Road, Suite 500
Austin, Texas 78704

OR91-435

Dear Ms. Gallegos:

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# 13415.

You have received a request for "copies of all test protocols in the student's files." Although you do not object to releasing much of the requested information, you claim that the remainder is excepted from required public disclosure by sections 3(a)(14) and 3(a)(22) of the Open Records Act.

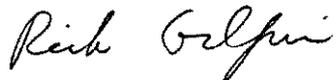
We have considered the exceptions you claimed and have reviewed the documents submitted to us. Previous open records decisions issued by this office resolve your request. Open Records Decision No. 537 (1990) held that section 3(a)(22) provides express authority to a school district to withhold from the public copies of examination questions and answer keys. All but the first page of Exhibit A includes such information and may be withheld from required public disclosure under section 3(a)(22).

The first page of Exhibit A contains general information relating to the student being tested, a summary of the results of the test, and the conditions under which the test was administered. This page does not include test items or an answer key of any sort and may not be withheld under section 3(a)(22). Section 3(a)(14) excepts from required public disclosure student records at schools funded by state revenue, but provides that records be made available to certain individuals, including the student's parents. V.T.C.S. art. 6252-17a, § 3(a)(14). The first page of Exhibit A is such a record and must be disclosed under section 3(a)(14).

Ms. Elena M. Gallegos - 2 (OR91-435)

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 OR91-435.

Very truly yours,



Rick Gilpin
Assistant Attorney General
Opinion Committee

RG/GK/lcd

Enclosure: Open Records Decision No. 537 (1990)

Ref.: ID# 13415