



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 19, 1997

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

OR97-2805

Dear Mr. Raup:

You ask this office to reconsider our ruling in Open Records Letter No. 97-2407 (1997). Your request for reconsideration was assigned ID# 112008.

The Austin Independent School District (the "district"), which you represent, received a request for information on August 8, 1997. The request is for "[a] list of all [district] principals who have had grievances filed against them, including redacted copies of those grievances and information regarding sanctions or other restrictions placed upon the principal as a result of a grievance." In Open Records Letter No. 97-2407 (1997), this office concluded that the district had failed to timely request a ruling from this office under section 552.301(a), and, therefore, could only withhold certain information that is confidential under other law. In your request for reconsideration, you state that "the breadth of the request, the time required to collect the documents, and the review required made AISD's compliance with the ten-day requirement impossible."

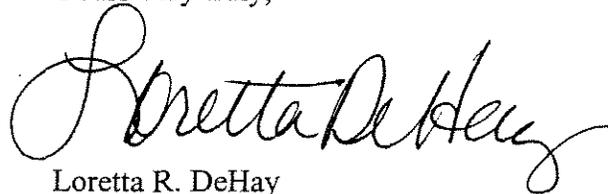
We have reviewed your arguments for reconsideration regarding our conclusion that the district failed to timely request a ruling from this office. We disagree with your contention that it was impossible for the district to request a ruling from this office within ten days of receiving the request. The notes on the open records request indicate that the district contacted the requestor on August 13, 1997, regarding the breadth of the request, and regarding when the records would be made available. The deadline for requesting a ruling was August 18, 1997. You do not explain why the district was unable to comply with the requirement to request an opinion by that date once the request was clarified. Therefore, we affirm our ruling in Open Records Letter No. 97-2407 (1997), that the district failed to timely request a ruling from this office under section 552.301(a).

You also ask for clarification regarding our conclusion that section 21.355 of the Education Code does not make the requested grievances confidential. You ask us to compare our conclusion in Open Records Letter No. 96-0849 (1996), where we concluded that

anonymous teacher surveys are protected under section 21.355, to the conclusion in the present request that the grievances are not confidential under that provision. We have reviewed both rulings and the documents at issue in this request. We believe that the records at issue in this request are substantially different from the records at issue in Open Records Letter No. 96-0849 (1996). We do not believe that the requested grievances are documents that evaluate, as that term is commonly understood, the performance of a teacher or administrator, and therefore, are not confidential under section 21.355. The records at issue in this request are grievances regarding renewals of contracts and do not evaluate a teacher or administrator for purposes of section 21.355 as contemplated in Open Records Decision No. 643 (1996). Thus, we affirm Open Records Letter No. 97-2407 (1997).

If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/rho

Ref.: ID# 112008

Enclosures: Submitted documents

cc: Ms. Sharon Jayson  
Education Reporter  
Austin American-Statesman  
P.O. Box 670  
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(w/o enclosures)