



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 17, 2005

Ms. Jo Ann Collier  
Feldman & Rogers, L.L.P.  
517 Soledad Street  
San Antonio, Texas 78205

OR2005-01458

Dear Ms. Collier:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 219050

The North East Independent School District (the "district"), which you represent, received a request for information concerning a named employee. You state that the district has released some information, but claim that the submitted information is excepted from disclosure under sections 552.101 and 552.102 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You claim that portions of the employee's transcript are excepted under section 552.102(b). Section 552.102(b) excepts from disclosure all information from transcripts of professional public school employees other than the employee's name, the courses taken, and the degree obtained. Gov't Code § 552.102; Open Records Decision No. 526 (1989). Thus, with the exception of the employee's name, the courses taken, and the degree obtained, the district must withhold the information in the requested transcript pursuant to section 552.102(b) of the Government Code.

This office is currently in litigation with the district in *North East Independent School District v. Abbott*, Cause No. GN304566 (345<sup>th</sup> Dist. Ct., Travis County, Tex.), *appeal filed*, No. 03-04-00744-CV (Tex. App.—Austin Nov. 15, 2004). Your arguments and the remaining information you seek to withhold are similar to the issue and information involved in the pending litigation. Accordingly, we will not issue a decision on the remaining

information and will allow the trial court to determine whether this type of information must be released to the public.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Tex. Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code

§ 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacklyn N. Thompson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jacklyn N. Thompson  
Assistant Attorney General  
Open Records Division

JNT/krl

Ref: ID# 219050

Enc. Submitted documents

c: Mr. John S. Lopez  
State Board for Educator Certification  
1701 Congress Avenue, 5<sup>th</sup> Floor  
Austin, Texas 78701  
(w/o enclosures)