



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 9, 2013

Mr. Clay T. Grover  
For Friendswood Independent School District  
Rogers, Morris & Grover, L.L.P.  
5718 Westheimer Road, Suite 1200  
Houston, Texas 77057

OR2013-07737

Dear Mr. Grover:

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# 489540.

The Friendswood Independent School District (the "district"), which you represent, received a request for six categories of information related to CSCOPE, including specified CSCOPE materials seen by the requestor's son during the course of his education. You state the district will release most of the requested information to the requestor. You claim that the submitted information is excepted from disclosure under section 552.122 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup>

We note that the tests at issue are subject to section 26.006 of the Education Code. Section 26.006 provides in relevant part:

(a) A parent is entitled to:

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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(1) review all teaching materials, instructional materials, and other teaching aids used in the classroom of the parent's child; and

(2) review each test administered to the parent's child after the test is administered.

(b) A school district shall make teaching materials and tests readily available for review by parents. The district may specify reasonable hours for review.

Educ. Code § 26.006(a), (b). You state the submitted information constitutes tests that teachers administer to students to evaluate their knowledge in particular TEKS content areas. In this instance, the requestor is a parent of the child to whom the tests at issue were administered. Thus, section 26.006 is applicable to the tests at issue. However, you claim that these tests are excepted from disclosure under section 552.122 of the Government Code, an exception to disclosure found in the Act. We note that statutes that govern access to specific information prevail over the Act's general exceptions. *See* Open Records Decision Nos. 613 at 4 (1993) (exceptions in Act cannot impinge on statutory right of access to information), 451 (1986) (specific statutory right of access provisions overcome general exceptions to disclosure under the Act). Thus, we find the requestor has a right of access to the submitted information. Therefore, the submitted information may not be withheld under section 552.122 of the Government Code and must be released to the requestor.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Vanessa Burgess  
Assistant Attorney General  
Open Records Division

VB/dls

Ref: ID# 489540

Enc. Submitted documents

c: Requestor  
(w/o enclosures)