



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

April 14, 1989

Donald R. Boehm
Assistant Superintendent
Legal Services
Houston Independent School District
3930 Richmond Avenue
Houston, Texas 77027

Dear Mr. Boehm:

By letter dated August 17, 1988, you asked whether the Texas Open Records Act, article 6252-17a, V.T.C.S., requires that the Houston Independent School District release district administrators' college transcripts. On August 23, 1988, this office responded that it could not issue a decision on your request.

In light of the recent decision of the Texas Supreme Court in Houston Chronicle Publishing Co. v. Jim Mattox, Attorney General of the State of Texas, No. C-7911 (March 22, 1989), the purpose of this letter is to provide the Houston Independent School District with an explicit statement regarding the public availability of public school administrators' college transcripts. This decision is OR89-105.

This office has issued several previous determinations on the public availability of professional public school employees' college transcripts. See, e.g., Open Records Decision No. 467 (1987) (college transcripts of teachers in McAllen Independent School District are public); 284 (1981) (college transcripts and teacher certificates in Richardson Independent School District are public); Informal Open Records Decision No. OR88-080 (1988) (college transcripts of teachers and administrators in the Salado Independent School District are public). Additionally, in Klein Indep. School Dist. v. Mattox, 830 F.2d 576 (5th Cir. 1987), cert. denied, 108 S.Ct. 1473 (1988) the Fifth Circuit upheld an informal open records decision that college transcripts of teachers in the Klein Independent School District are public.

These previous determinations are not affected by the Texas Supreme Court's decision in Texas State Employees Union v. Texas Department of Mental Health and Mental Retardation, 746 S.W.2d 203 (Tex. 1987). The decision in Texas State Employees Union is not applicable to the

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disclosure of the qualifications of professional public school employees to teach, i.e., courses taken, grades received, and general academic performance. Disclosing the job qualifications that a public employee has submitted to a public employer is not the equivalent of asking public employees the intrusive type of questions at issue in the Texas State Employees Union case, i.e., whether their parents use drugs or whether they beat their children.

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 OR89-105.

Yours very truly,
Open Government Section
of the Opinion Committee

Open Government Section
Prepared by Jennifer S. Riggs
Chief, Open Government Section
of the Opinion Committee

JAM/JSR/mc

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