



**THE ATTORNEY GENERAL
OF TEXAS**

April 24, 1989

**JIM MATTOX
ATTORNEY GENERAL**

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Mr. Jeffrey J. Horner
Attorney for Dickinson
Independent School District
Bracewell & Patterson
2900 South Tower Pennzoil Place
Houston, Texas 77002-2781

Dear Mr. Horner:

On September 13, 1988, this office issued informal decision OR88-267. In that decision, we declined to respond to your request on the public availability of teachers college transcripts on the basis of an Agreed Order abating a lawsuit on same issue.

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), overturning that agreed order, the purpose of this letter is to provide the Dickinson Independent School District with an explicit statement regarding the public availability of public school teachers' and administrators' college transcripts.

This office has issued several previous determinations on the public availability of professional public school employees' college transcripts. See, e.g., Open Records Decision Nos. 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 Dep't of Mental Health and Mental Retardation, 746 S.W.2d 203 (Tex. 1987). The decision in Texas

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State Employees Union is not applicable to the 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 OR89-134.

Yours very truly,

Open Government Section
of the Opinion Committee

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of the Opinion Committee
Prepared by Jennifer S. Riggs
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JSR/bc

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