



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 20, 1995

Mr. William M. Lawton
Executive Director
Gulf Coast Community Services Association
P.O. Box 14107
Houston, Texas 77221

OR95-1491

Dear Mr. Lawton:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34457.

The Gulf Coast Community Services Association received a request for the following information:

All Purchase orders submitted to Cole Educational Supplies in the years 1993 and 1994.

Any document indicating the amount, type and cost of supplies purchased from Cole Educational Supplies in 1993 and 1994.

Proof of deliver, either in the form of shipping tickets, invoices or any other documentation showing supplies and/or merchandise received from Cole Educational Supplies in 1993 and 1994.

Any documents indicating payments made to Cole Educational Supplies in 1993 and 1994.

Any document indicating total monies paid to Cole Educational Supplies in 1993 and 1994.

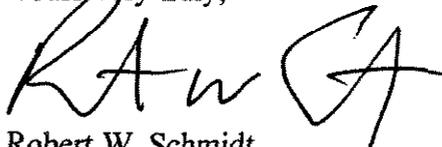
You state that "these documents all relate to the Project Head Start program, which receives all its funds from federal sources through the Project Head Start Act, 42 U.S.C. Sec. [9831], et seq."

You do not claim that the requested information is excepted from required public disclosure under any sections of chapter 552 of the Government Code, nor do you claim that any federal or state law makes the requested information confidential. Moreover, you did not make a timely request to this office as required by section 552.301 of the Government Code nor did you submit the information at issue as required by section 552.303.

Although this office has authority to rule that the information is presumed to be public due to your failure to request a decision within ten days, to raise exceptions to disclosure, and to submit the requested information,¹ we need not make such a presumption. The federal law governing the Head Start Program expressly provides that the requested information is to be made available to the public. 42 U.S.C. §§ 9839(a) ("Each [Head Start] agency shall also provide . . . reasonable public access to books and records of the agency or other agencies engaged in program activities or operations involving the use of authority or funds for which it is responsible."), 9842(a) ("Each recipient of financial assistance under this subchapter shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such financial assistance, the total cost of the project or undertaking in connection with which such financial assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit."); 45 C.F.R. § 1301.30 ("Each [Head Start agency and delegate] agency shall also provide reasonable public access to information and to the agency's records pertaining to the Head Start program."). Accordingly, you must release the requested information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Robert W. Schmidt
Assistant Attorney General
Open Records Division

¹See Gov't Code § 552.302 (information presumed to be public upon failure to comply with § 552.301); Open Records Decision Nos. 565 (1990) (where governmental body fails to indicate applicable exception, information in question is presumed to be open), 325 (1982) (same), 321 (1982) (same), 197 (1978) (where governmental body refuses to furnish information to Attorney General, there is presumption that information is public), 195 (1978) (same), 150 (1977) (same).

RWS/LBC/rho

Ref: ID# 34457

cc: Mr. R. A. "Jake" Dyer
Houston Chronicle
P.O. Box 4260
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