



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 20, 1995

Ms. M. Kaye DeWalt
School Attorney
Houston Independents School District
Hattie Mae White Administration Building
3830 Richmond Avenue
Houston, Texas 77027-5838

OR95-1520

Dear Ms. DeWalt:

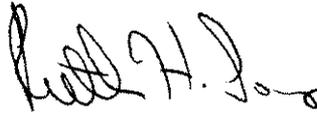
You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36949.

The Houston Independent School District ("the district") received an open records request for the minutes of a closed executive session. You indicate the district has a certified agenda of the closed session, which is responsive to the request. However, you assert that the certified agenda is confidential and may not be released. We agree.

Section 551.146 of the Government Code provides that it is a criminal offense to disclose to a member of the public a certified agenda of a closed meeting. Section 551.104(c) of the Open Meetings Act, Government Code chapter 551, provides that "[t]he certified agenda or tape of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b)(3)." Gov't Code § 551.104(c); *see also* Attorney General Opinion JM-995 (1988); Open Records Decision No. 495 (1988) (attorney general lacks authority to review certified agendas of closed executive sessions). The district's certified agenda is confidential by law and may not be disclosed except as provided by section 551.104. *See* Gov't Code §§ 552.101; 552.352 (disclosure of confidential information is a criminal offense); Open Records Decision No. 563 (1990) at 6.

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 may 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,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with the first name "Ruth" being the most prominent.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 36949

cc: Ms. Rosemary Covalt
Hispanic Education Committee
14502 Draycott Lane
Houston, Texas 77045