



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 7, 1998

Ms. Betsy Hall Bender
Attorney at Law
P.O. Box 26715
Austin, Texas 78755-0715

OR98-0073

Dear Ms. Bender:

On behalf of the Palestine Independent School District (the "school district"), you ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 112171.

The school district received a request for the following information:

- 1) The agendas for the Palestine Independent School District Board Meetings of October 13, 1997 and October 20, 1997; and
- 2) All minutes, audiotapes, and any other documentation relating to these meetings.

You state that the information responsive to this request includes certified agendas of closed sessions of school district board meetings on October 13 and 20, 1997.

Section 552.101 of the Government Code excepts from required public disclosure information that is deemed confidential by law. Section 551.104 of the Government Code reads in pertinent part as follows:

(b) In litigation in a district court involving an alleged violation of this chapter, the court:

(1) is entitled to make an in camera inspection of the certified agenda or tape;

(2) may admit all or part of the certified agenda or tape as evidence, on entry of a final judgment;

(3) may grant legal or equitable relief it considers appropriate, including an order that the governmental body make available to the public the certified agenda or tape of any part of a meeting that was required to be open under this chapter.

(c) The 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).

Certified agendas and tapes of executive sessions are deemed confidential by law for purposes of section 552.101 of the Government Code. Open Records Decision No. 495 (1988) (construing predecessor provision). Thus, to the extent the requested information consists of certified agendas of executive sessions of the school district board, the school district must not release the information based on section 552.101 of the Government Code.

We are resolving this matter with this 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,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 112171

cc: Mr. Craig A. Flory
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