



September 3, 1999

Mr. Eric Moye  
Vial, Hamilton, Koch & Knox, L.L.P  
Attorneys and Counselors  
1717 Main Street, Suite 4400  
Dallas, Texas 75201-7388

OR99-2472

Dear Mr. Moye:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 127013.

Paul Quinn College (the "college") received a request for information relating to the number of minority students admitted to the college during a specified time. You assert that the college is not a governmental body subject to the act. In the alternative, you assert that the requested records include information that is protected from disclosure under section 552.101 of the Government Code.

The act applies to "governmental bodies" as that term is defined in section 552.003(1)(A) of the Government Code. A "governmental body" is defined as an entity that spends or is supported in whole or in part by public funds. "Public funds" means funds of the state or of a governmental subdivision of the state. Gov't Code § 552.003(5).

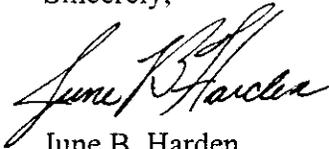
You inform us that Paul Quinn is private college that is not supported by state funds. However, you state that the college receives public funds in the form of two grants: the Texas Equalization Grant and the Texas Teacher Education Grant. Decisions of this office have found an entity receiving public funds to be a governmental body under the act unless its relationship with the governmental body imposes "a specific and definite obligation . . . to provide a measurable amount of service in exchange for a certain amount of money as would be expected in a typical arms-length contract for services between a vendor and purchaser." *See, e.g.,* Open Records Decision Nos. 602 (1992), 228 (1979). In Open Records Decision No. 602 (1992), this office examined the Dallas Museum of Art ("DMA"), which received partial funding from the City of Dallas (the "city") in exchange for the DMA's obligation to care for and preserve the city's art collection and to maintain, operate,

and manage the art museum. The decision determined that the nature of the services the DMA provided the city could not be known, specific, or measurable. Thus, to the extent the DMA received the city's support, the DMA was a governmental body subject to the act. *See* Open Records Decision No. 602 at 5 (1992). Accordingly, only documents relating to those sections of the DMA that are supported by public funds were found to be public documents subject to the act. *Id.* Documents related to areas of the DMA that are not supported with public funds are not subject to the act. *Id.*

In Open Records Decision No. 510 (1988), this office ruled that private universities are not governmental bodies within the meaning of the act simply because their students receive tuition equalization grants. As for the Teacher Education Grant, you explain that these funds are used solely to improve the teacher education preparation of minority teachers; these funds are not used as general support for the college. Therefore, we conclude that since the college is not supported by public funds, it is not governmental body for the purposes of this request.<sup>1</sup>

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 127013

cc: Mr. Matt Holder  
Texas Civil Rights Project  
2212 East Martin Luther King Boulevard  
Austin, Texas 78702-1344

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<sup>1</sup>We need not determine whether information relating to the Teacher Education Grant is subject to the act because such information was not requested.