



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 8, 2016

Mr. Ricardo R. Lopez
Counsel for the North East Independent School District
Schulman, Lopez, Hoffer, & Adelstein, L.L.P.
517 Soledad Street
San Antonio, Texas 78205-1508

OR2016-02990

Dear Mr. Lopez:

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# 597787.

The North East Independent School District (the "district"), which you represent, received a request for a named former employee's disciplinary records, her position with the district, the name of the previous school where she was employed, the reason she is no longer employed with the district, and whether she was criminally investigated or charged. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 21.355 of the Education Code, which provides, in relevant part, "[a] document evaluating the performance of a teacher or administrator is confidential." Educ. Code § 21.355(a). This office has interpreted section 21.355 to apply to any document that evaluates, as that term is commonly understood, the performance of a teacher or administrator. *See* Open Records Decision No. 643 (1996). In Open Records Decision No. 643, we determined an "administrator" for purposes of section 21.355 means a person who is required to, and does in fact, hold an administrator's certificate under subchapter B

of chapter 21 of the Education Code, and is performing the functions of an administrator, as that term is commonly defined, at the time of the evaluation. *Id.*

You contend the submitted information consists of confidential evaluations of an administrator by the district. You state the individual at issue served in an administrative capacity and was employed under a contract governed by Chapter 21 of the Education Code. Thus, we understand the individual at issue was certified as an administrator and was acting as an administrator when the evaluations were prepared. Upon review, we agree the submitted information consists of confidential evaluations for the purposes of section 21.355 of the Education Code, and the district must withhold the submitted information under section 552.101 of the Government Code on that basis.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Katelyn Blackburn-Rader
Assistant Attorney General
Open Records Division

KB-R/bw

Ref: ID# 597787

Enc. Submitted documents

c: Requestor
(w/o enclosures)