



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 11, 2016

Ms. Leticia D. McGowan  
School Attorney  
Dallas Independent School District  
3700 Ross Avenue  
Dallas, Texas 75204

OR2016-03389

Dear Ms. McGowan:

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# 600508 (ORR# 14800).

The Dallas Independent School District (the "district") received a request for (1) information pertaining to "Distinguished" teachers; (2) information pertaining to teachers who received, or will receive, a performance bonus and/or a bonus attributable to the Teachers Excellence Initiative; (3) documents showing the number of "Distinguished" teachers who achieved specified effectiveness levels; and (4) documents showing the number of teachers who achieved other specified effectiveness levels. You state the district will release some responsive information. You claim some of 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.

Initially, we note the teachers' names and employee identification numbers are not responsive to the instant request because the requestor specifically excluded this information from the request. This ruling does not address the public availability of any information that is not responsive to the request and the district is not required to release such information in response to this request.

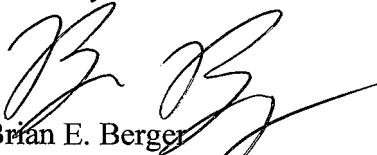
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't

Code § 552.101. This section encompasses information protected by other statutes. Section 21.355 of the Education Code 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 for purposes of section 21.355, the word “teacher” means a person who is required to and does in fact hold a teaching certificate under subchapter B of chapter 21 of the Education Code and who is in the process of teaching, as that term is commonly defined, at the time of the evaluation. *See id.* at 4. You state the information you have marked consists of evaluations of teachers by the district. Although this information is not itself identifying, you assert the requestor could use information that has been or will be released to her to identify the teachers to whom the evaluations pertain. You also inform us the teachers at issue were certified as teachers by the State Board of Educator Certification and were acting as teachers at the time the evaluations were prepared. Based on your representations and our review, we find the information consists of evaluations of teachers by the district for purposes of section 21.355. Accordingly, the district must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code. As you raise no exceptions to disclosure for the remaining information, it must be released.

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](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,



Brian E. Berger  
Assistant Attorney General  
Open Records Division

BB/akg

Ref: ID# 600508

Enc. Submitted documents

c: Requestor  
(w/o enclosures)