



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 7, 2016

Ms. Leah Wingerson
Coordinator of Legal Services
Lewisville Independent School District
P. O. Box 217
Lewisville, Texas 75067

OR2016-22539

Dear Ms. Wingerson:

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# 629952.

The Lewisville Independent School District (the "district") received a request for disciplinary history, employment documents, and any other document related to a named individual. The requestor is an investigator for the Texas Education Agency (the "TEA"). You state you will release some information. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We note the request states the TEA is seeking the requested information under the authority provided to the State Board for Educator Certification ("SBEC") by section 249.14 of title 19 of the Texas Administrative Code. Chapter 249 of title 19 of the Texas Administrative Code governs disciplinary proceedings, sanctions, and contested cases involving SBEC. See 19 T.A.C. § 249.4. Section 249.14 provides, in relevant part:

(a) [TEA] staff may obtain and investigate information concerning alleged improper conduct by an educator, applicant, examinee, or other person subject to this chapter that would warrant the [SBEC] denying relief to or taking disciplinary action against the person or certificate.

...

(c) TEA staff may also obtain and act on other information providing grounds for investigation and possible action under this chapter.

19 T.A.C. § 249.14(a), (c). In this instance, the requestor states she is investigating allegations made against the named individual, which could warrant disciplinary action relating to that person's educator certification. Thus, we find the submitted information is subject to the general right of access afforded to the TEA under section 249.14. The district asserts the submitted information is excepted from disclosure under section 552.101 of the Government Code in conjunction with common-law privacy and section 552.147 of the Government Code. However, a statute governing the release of specific information prevails over the common-law and general exceptions to disclosure found in the Act. *CenterPoint Energy Houston Elec. LLC v. Harris County Rd. Auth.*, 436 F.3d 541, 544 (5th Cir. 2006) (common-law controls only where there is no conflicting or controlling statutory law); Attorney General Opinion DM-146 at 3 (1992); Open Records Decision Nos. 613 at 4 (1993) (exceptions in Act cannot impinge on statutory right of access to information), 451 at 4 (1986) (specific statutory right of access provisions overcome Act's general exceptions to disclosure). Therefore, the district may not withhold the submitted information from the requestor under section 552.101 of the Government Code in conjunction with common-law privacy, or section 552.147 of the Government Code. The district must release the submitted information to the TEA pursuant to section 249.14 of title 19 of the Texas Administrative Code.¹

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

¹We note that because the TEA has a statutory right of access to certain information in this instance that would otherwise be confidential, the district must again seek a decision from this office if it receives another request for the same information from another requestor.

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kelly McWethy
Assistant Attorney General
Open Records Division

KSM/eb

Ref: ID# 629952

Enc. Submitted documents

c: Requestor
(w/o enclosures)

