



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 19, 2017

Ms. Patricia Guidry
Director of Risk Management
Aldine Independent School District
2520 W. W. Thorne Drive
Houston, Texas 77073

OR2017-08359

Dear Ms. Guidry:

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# 653957.

The Aldine Independent School District (the "district") received a request for two principals' employment references pertaining to the requestor. The district asserts the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the district claims 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. Section 21.355 provides "[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 an administrator. *See* Open Records Decision No. 643 (1996). In Open Records Decision No. 643, this office also concluded a teacher, for purposes of section 21.355, is someone who is required to hold and does hold a certificate required under chapter 21 of the Education Code and is teaching at the time of her evaluation. *Id.* at 4.

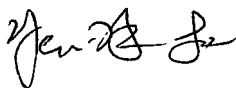
The requestor's references completed the submitted reference feedback forms during the application process addressing her potential as a prospective teacher with the district. The references evaluate the individual as she was engaged in the process of teaching. Upon

review, we agree the references constitute evaluations for the purposes of section 21.355. Further, the district submitted educator certificates showing the requestor held the appropriate teacher's certificate at the time of the evaluations. Therefore, the submitted information is generally confidential under section 21.355. However, section 21.352(c) of the Education Code specifically provides "[e]ach teacher is entitled to receive a written copy of the evaluation on its completion." Educ. Code § 21.352(c); *see id.* § 21.352(a) (prescribing appraisal process and performance criteria each school district shall use). In this instance, the requestor is the individual whose evaluations are at issue. Therefore, to the extent the evaluations are the type contemplated by section 21.352, this requestor has a right of access to the information pursuant to section 21.352(c). However, if this requestor does not have a right of access under section 21.352(c), then the district must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 653957

Enc. Submitted documents

c: Requestor
(w/o enclosures)