



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 15, 2017

Ms. Priscilla de Mata  
Counsel for Socorro Independent School District  
Blanco Ordoñez Mata & Wallace, P.C.  
5715 Cromo Drive  
El Paso, Texas 79912

OR2017-13226

Dear Ms. De Mata:

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# 662177 (ORR #s 2017-164-A. Reyes & 2017-165-A. Reyes).

The Socorro Independent School District (the "district"), which you represent, received two requests from the same requestor for information pertaining to teachers who received the highest number of student referrals during a specified time, teacher evaluations completed by a named employee during a specified time, and information pertaining to "walk throughs" conducted by a named employee. You state you will release some information. 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.

Initially, we note some of the submitted information, which we indicated, is not responsive to the instant request for information. 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.

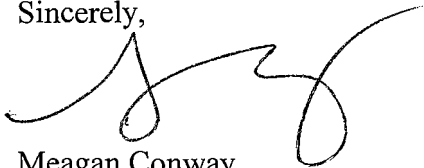
You assert the submitted information is confidential under section 21.355. You inform us the teachers at issue held the appropriate certifications under chapter 21 of the Education Code at the time the information at issue was created. Based on your representations and our review, we agree some of the submitted information, which we indicated, constitutes evaluations as contemplated by section 21.355. Accordingly, the district generally must withhold the information we indicated under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code.

However, we note 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 one of the teachers whose evaluations are at issue. Therefore, if the requestor’s evaluations we indicated are of the type contemplated by section 21.352, then this requestor has a right of access to them under section 21.352(c) and the district may not withhold that information under section 552.101 of the Government Code in conjunction with section 21.355 of the Government Code. However, if the requestor’s evaluations we indicated are not of the type contemplated by section 21.352, the requestor does not have a right of access under section 21.352(c), and the district must withhold all of the requestor’s evaluations under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code. In either event, the district must withhold the evaluations we indicated that do not belong to the requestor under section 552.101 of the Government Code in conjunction with section 21.355. However, we find the remaining information consists of self-evaluation forms or does not evaluate the performance of a teacher for purposes of section 21.355 of the Education Code. Accordingly, the district may not withhold any of the remaining information at issue under section 552.101 in conjunction with section 21.355 of the Education Code. As no further exceptions to disclosure have been raised, the district must release the remaining responsive information.

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,

A handwritten signature in black ink, appearing to read 'Meagan Conway', with a large, stylized flourish extending to the right.

Meagan Conway  
Assistant Attorney General  
Open Records Division

MC/sb

Ref: ID# 662177

Enc. Submitted documents

c: Requestor  
(w/o enclosures)