



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 26, 2022

Mr. Montgomery Meitler  
Senior Counsel  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

OR2022-29769

Dear Mr. Meitler:

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# 973760. (Ref. No. PIR# 54549).

The Texas Education Agency (the "agency") received a request for information pertaining to a specified complaint. You state you withheld some information under sections 552.137 of the Government Code pursuant to ORD No. 684 (2009). You claim the submitted information is excepted from disclosure under section 552.116 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.116 of the Government Code provides,

(a) An audit working paper of an audit of the state auditor or the auditor of a state agency, an institution of higher education as defined by Section 61.003, Education Code, a county, a municipality, a school district, a hospital district, or a joint board operating under Section 22.074, Transportation Code, including any audit relating to the criminal history background check of a public-school employee, is excepted from [required public disclosure]. If information in an audit working paper is also maintained in another record, that other record is not excepted from [public disclosure] by this section.

(b) In this section:

(1) "Audit" means an audit authorized or required by a statute of this state or the United States, the charter or an ordinance of a municipality, an order of the commissioners court of a county, the bylaws adopted by or other

action of the governing board of a hospital district, a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, or a resolution or other action of a joint board described by Subsection (a) and includes an investigation.

(2) “Audit working paper” includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including:

(A) intra-agency and interagency communications; and

(B) drafts of the audit report or portions of those drafts.

Gov’t Code § 552.116. You state the submitted information consists of audit working papers that were prepared or are maintained by the agency’s Divisions of Educator Standards, Testing, and Preparation in connection with a pending investigation. You inform us this investigation was authorized by section 21.0455 of the Education Code and section 228.70 of title 19 of the Texas Administrative Code. *See* Educ. Code § 21.0455 (State Board of Educator Certification shall establish process for candidate for teacher certification to direct complaint against educator preparation program to agency); 19 T.A.C. § 228.70 (agency shall maintain a process through which candidate or former candidate in educator preparation program may submit a complaint about an educator preparation program for investigation and resolution). Based upon these representations and our review, we agree the information at issue consists of audit working papers for purposes of section 552.116. Therefore, the agency may withhold the submitted information under section 552.116 of the Government 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Melanie J. Villars  
Assistant Attorney General  
Open Records Division

MJV/eb

Ref: ID# 973760

Enc. Submitted documents

c: Requestor  
(w/o enclosures)