



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 7, 2022

Mr. W. Montgomery Meitler
Senior Counsel
Office of Legal Services
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

OR2022-37881

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# 988293 (ORR# 55530).

The Texas Education Agency ("TEA") received a request for information pertaining to a specified grant. TEA claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information. We have also considered comments submitted by Keller Independent School District. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. Section 552.101 encompasses information protected by other statutes, such as section 37.108 of the Education Code, which provides, in part:

(b) At least once every three years, each school district or public junior college district shall conduct a safety and security audit of the district's facilities. To the extent possible, a district shall follow safety and security audit procedures developed by the Texas School Safety Center or a comparable public or private entity.

...

(c-1) Except as provided by Subsection (c-2), any document or information collected, developed, or produced during a safety and security audit conducted under Subsection (b) is not subject to disclosure under [the Act].

Educ. Code § 37.108(b), (c-1). TEA informs us the submitted information is a school district's application for funds from the School Safety and Security Grant. TEA explains a school district must demonstrate how these funds will be utilized to implement its Multi-Hazard Emergency Operations Plan developed under section 37.108(a) of the Education Code. Thus, the TEA asserts the submitted information was developed, collected, or produced during a safety and security audit for purposes of section 37.108(b) of the Education Code. *See id.* § 37.108(b). TEA also states the information is not described by section 37.108(c-2) of the Education Code. Based on these representations, we agree TEA must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 37.108(c-1) 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 <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,

James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/mo

Ref: ID# 988293

Enc. Submitted documents

c: Requestor
(w/o enclosures)