



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 23, 1996

Ms. Merri Schneider-Vogel
Bracewell & Patterson, L.L.P.
South Tower Pennzoil Place
711 Louisiana Street, Suite 2900
Houston, Texas 77002-2781

OR96-0783

Dear Ms. Schneider-Vogel:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39502.

The Lamar Consolidated Independent School District (the "school district"), which you represent, received a request for the employment applications and all other personnel files of three Lamar Senior High School personnel and any files or information detailing any disciplinary action taken by the school district against these employees. You claim that the requested information is excepted from disclosure under sections 552.101, 552.114, and 552.026 of the Government Code. We have considered the exceptions you claimed and have reviewed the documents at issue.¹

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. In the last legislative session, Senate Bill 1 was passed, which added section 21.355 to the Education Code. Section 21.355 provides, "Any document evaluating the performance of a teacher or administrator is confidential." This office recently interpreted this section to apply to any document that evaluates, as that term is commonly understood, the performance of a teacher or administrator. Open Records Decision No. 643 (1996). We enclose a copy of Open Records Decision No. 643 (1996) for your information. In that opinion, this office also

¹We note that the documents submitted to this office as Exhibits "B" and "C" will be addressed together with other documents in a separate open records ruling, Open Records Letter No. 96-0782 (1996). The only documents addressed in this letter are those that were submitted as Exhibit "A."

concluded that a teacher is someone who is required to hold and does hold a certificate or permit required under chapter 21 of the Education Code and is teaching at the time of his or her evaluation. *Id.* Similarly, an administrator is someone who is required to hold and does hold a certificate required under chapter 21 of the Education Code and is administering at the time of his or her evaluation. *Id.* Based on the reasoning set out in Open Records Decision No. 643 (1996), we conclude that the documents submitted to this office as Exhibit "A" are confidential under section 21.355 of the Education Code. Therefore, pursuant to section 552.101 of the Government Code, the school district must withhold these documents.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 39502

Enclosures: Open Records Decision No. 643 (1996)
Submitted documents

cc: Mr. Charles Castillo
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(w/enclosure - Open Records Decision No. 643 (1996))