



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 19, 1997

Gerald E. Anderson, Ed.D.
Superintendent
Brazosport Public Schools
P.O. Drawer Z
Freeport, Texas 77541

OR97-0383

Dear Mr. Anderson:

You have asked whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 103977.

The Brazosport Independent School District (the "school district") received a request for "all annual appraisals and evaluations for the last ten years" of Mr. William Few. You assert that the requested information is excepted from required public disclosure pursuant to Government Code section 552.101 in conjunction with section 21.355 of the Education Code. As a representative sample of the information the school district seeks to withhold from disclosure, you submit to this office copies of the official performance evaluations of Mr. Few for the 1994-95 and 1995-96 school years.¹

When information is made confidential by statute a governmental body must withhold that information from required public disclosure under the Open Records Act. Gov't Code § 522.101. Section 21.355 of the Education Code makes confidential any document that evaluates, as that term is commonly understood, the performance of a teacher or administrator. *See* Open Records Decision No. 643 (1996). The term "teacher" as used in section 21.355 means an individual who is required to hold and does hold a teaching

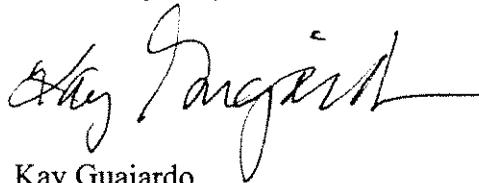
¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). Here, we do not address the public disclosure of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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certificate or school district teaching permit under subchapter B of chapter 21, and who is engaged in teaching at the time of the evaluation. We have reviewed the submitted information and conclude that section 21.355 is applicable in this instance. Accordingly, the district must withhold the requested evaluations from the public pursuant to section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code.

We are resolving this matter with this 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 may 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,

A handwritten signature in black ink, appearing to read "Kay Guajardo". The signature is fluid and cursive, written over a white background.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/SAB/rho

Ref.: ID# 103977

Enclosures: Submitted documents

cc: Mr. Donald W. LeGrand
110 Daisy
Lake Jackson, Texas 77566
(w/o enclosures)