



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 30, 1997

Ms. Margaret E. Baker  
McGinnis, Lochridge & Kilgore, L.L.P.  
1300 Capitol Center  
919 Congress Avenue  
Austin, Texas 78701

OR97-1731

Dear Ms. Baker:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 107477.

The Austin Independent School District (the "district"), which you represent, received a request for "a copy of every survey filled out by the members" of a high school drill team. You claim that the submitted information is excepted from required public disclosure by section 552.101 of the Government Code in conjunction with Education Code section 21.355. We have considered your arguments and have reviewed the documents you have provided to this office.<sup>1</sup>

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses information protected by statutes. Section 21.355 of the Education Code provides that, "[a]ny 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). In that opinion, this office also 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.* Based on the reasoning set out in Open Records Decision No. 643 (1996), we conclude that the submitted information evaluates a teacher, and therefore, is confidential under section 21.355 of the Education Code. Therefore, pursuant to section 552.101 of the Government Code, the district must withhold the submitted information.

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<sup>1</sup>You explain that the individual questionnaires do not exist; instead, you have submitted the teacher's summary of the students' responses for our review.

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,

A handwritten signature in black ink, appearing to read "Yen-Ha Le". The signature is written in a cursive style with some loops and flourishes.

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/rho

Ref: ID# 107477

Enclosures: Submitted documents

cc: Mr. William R. Sullivan and  
Ms. Maricela Sullivan  
10709 Souci Place  
Austin, Texas 78759  
(w/o enclosures)