



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 25, 1997

Ms. Judy Underwood
Walsh, Anderson, Underwood, Schulze & Aldridge
P.O. Box 2156
Austin, Texas 78768

OR97-1891

Dear Ms. Underwood:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Chapter 552 of the Government Code. Your request was assigned ID# 108038.

The Holliday Independent School District (the "district"), which you represent, received a request for "the alleged letter of reprimand that was to be placed in Coach Robinsons [sic] personnel file." In response to the request, you submitted to this office for review a copy of the information which you assert is responsive. You claim that "the entire contents" of the submitted document are excepted from disclosure under section 552.101 of the Government Code, in conjunction with section 21.355 of the Education Code. We have considered the issues and exceptions you have raised and have reviewed the document at issue.

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. Section 21.355 of the Education Code provides, "[a] document evaluating the performance of a teacher or administrator is confidential." You argue that the document at issue is an evaluation made confidential by the Education Code; therefore, covered by this Education Code provision.

Section 21.355 of the Education Code applies to a document that evaluates, as that term is commonly understood, the performance of a teacher or administrator. *See* Open Records Decision No. 643 (1996). While the Education Code does not define "document evaluating the performance" for purposes of section 21.355, this office has stated that the common and ordinary meaning of these words should be applied. *See* Open Records Decision No. 643 (1996). To evaluate is "to determine or fix the value of," "to determine the significance, worth, or condition of usually by careful appraisal and study" or

“to ascertain the value or amount of.” *See id.* (quoting dictionaries). You have submitted to this office one responsive document. We do not believe that this document evaluates, as that term is commonly understood, the performance of the school district employee. Accordingly, the school district may not withhold the document from public disclosure based on section 552.101 in conjunction with section 21.355 of the Education Code.

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 that reads "Sam Haddad". The signature is written in a cursive style with a large, sweeping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/ulg

Ref: ID# 108038

Enclosures: Submitted documents

cc: Ms. Donna Segebart
P. O. Box 446
Holliday, Texas 76366
(w/o enclosures)