



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 9, 1998

Mr. Robert E. Luna and Ms. Lydia L. Perry
Law Offices of Robert E. Luna, P.C.
4411 North Central Expressway
Dallas, Texas 75205

OR98-0638

Dear Mr. Luna and Ms. Perry:

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# 113179.

The Coppell Independent School District (the "district"), which you represent, received a request for "all personnel records" of district employee Mary King, to include performance reviews and evaluations. You state that the district intends to release to the requestor some of the requested information, but claim that the evaluation documents 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 exception you claim and reviewed the submitted information.

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 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.* 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.* Upon review of the information submitted to this office, we conclude that the information contained in exhibits B through J constitute "evaluations" under section 21.355 of the Education Code and therefore, this information may be withheld under section 552.101. We conclude that the information contained in exhibit K, however, is not an evaluation for purposes of section 21.355 of the Education Code, and thus, it must be released to the requestor.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 113179

Enclosures: Submitted documents

cc: Mr. R.G. Harrell
548 W. Oak Grove
Coppell, Texas 75019
(w/o enclosures)