



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 7, 1998

Mr. David Méndez
Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel
1700 Frost Bank Plaza
816 Congress Avenue
Austin, Texas 78701-2443

OR98-0895

Dear Mr. Méndez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113939.

The Austin Independent School District received a request for six categories of information. You claim that the responsive information to category six is exempted from required public disclosure by section 552.101 of the Government Code. The requestor seeks the "[p]revious evaluations of Superintendent James Fox." We have considered the exception you claim and have reviewed the documents at issue.

Section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 21.355 of the Education Code provides that "any document evaluating the performance of a teacher or administrator is confidential." This office has 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 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 their evaluation. Based on the reasoning set out in Open Records Decision No. 643 (1996), we agree that the documents you have submitted evaluate an administrator and are confidential under section 21.355 of the Education Code. Therefore, pursuant to section 552.101 of the Government Code, you must withhold the information requested in category 6.

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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 113939

Enclosures: Submitted documents

cc: Mr. Andy Alford
Austin American Statesman Staff
P.O. Box 670
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(w/o enclosures)