



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 7, 1998

Mr. John A. Kazen  
Kazen, Meurer & Pérez  
P.O. Box 6237  
Laredo, Texas 78040

OR98-1173

Dear Mr. Kazan:

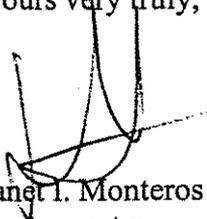
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115441.

The Laredo Independent School District (the "school district") received a request for a specific letter directed from a certain school board member to the school district superintendent. You contend that the letter is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the document at issue.

Section 552.101 of the Government Code excepts from disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. We now examine your argument that the letter is excepted from disclosure under section 552.101 in conjunction with section 21.355 of the Education Code. Section 21.355 provides, "[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.* We find that the letter does not evaluate, as a whole or in the marked alternative, as that term is commonly understood, the performance of the superintendent. We conclude, therefore, that the letter is not excepted from disclosure under section 552.101 in conjunction with section 21.355. The school district must release the letter.

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 any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', written over a horizontal line.

Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/glg

Ref: ID# 115441

Enclosures: Submitted documents

cc: Mr. Mark Peterson  
Staff Writer  
Laredo Morning Time  
P.O. Box 2129  
Laredo, Texas 78044  
(w/o enclosures)