



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 26, 1998

Ms. Nan Hundere
Walsh, Anderson, Brown, Schulze & Aldridge, P.C.
70 N.E. Loop 410, Suite 800
San Antonio, Texas 78246-0606

OR98-1539

Dear Ms. Hundere:

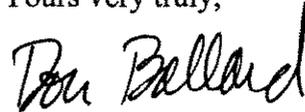
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116344.

The Southwest Independent School District (the "district"), which you represent, received a request for the minutes and agenda for the March 10, 1998 board meeting and the personnel file of a district teacher, Annemarie Casey. You state that most of the requested information will be provided to the requestor. You claim, however, that six pages of the teacher's personnel file are excepted from required public disclosure by section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the documents 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." Section 21.355 of the Education Code provides, "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, we 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 their evaluation. *Id.* Based on the reasoning set out in Open Records Decision No. 643 (1996), we conclude that five of the pages you have submitted are confidential under section 21.355 of the Education Code. Therefore, pursuant to section 552.101 of the Government Code, the district must withhold the documents that we have marked as confidential. We do understand nor do you explain how the document entitled "Notice of the Admission, Review and Dismissal Committee Meeting" is a confidential evaluation. Consequently, this page may not be withheld under section 552.101.

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# 116344

Enclosures: Submitted documents

cc: Ms. Angela Alcala
San Antonio Express-News
P.O. Box 2171
San Antonio, Texas 78297
(w/o enclosures)