



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 3, 2010

Mr. Clay T. Grover
Feldman, Rogers, Morris & Grover, L.L.P.
5718 Westheimer Road, Suite 1200
Houston, Texas 77057

OR2010-08037

Dear Mr. Grover:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 381583.

The Friendswood Independent School District (the "district"), which you represent, received a request for employee records related to a named former employee. You state the district is providing some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.102 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes, including section 21.355 of the Education Code, which provides that "[a] document evaluating the performance of a teacher or administrator is confidential." Educ. Code § 21.355. 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 at 3 (1996). In Open Records Decision No. 643, we determined that for purposes of section 21.355, the word "teacher" means a person who is required to and does in fact hold a teaching certificate under subchapter B of chapter 21 of the Education Code and who is engaged in the process of teaching, as that term is commonly defined, at the time of the evaluation. *See id.* at 4.

You assert the evaluations in Exhibit C are confidential under section 21.355. You state the former employee was required to, and did in fact, hold a teaching certificate at the time of the evaluations. You also state she was engaged in the process of teaching at the time of the evaluations. Based on your representations and our review, we agree the documents in Exhibit C are evaluations of this employee's performance as a teacher. Thus, Exhibit C must be withheld under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code.

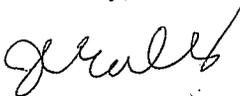
You also claim the former employee's college transcripts in Exhibit B are excepted under section 552.102 of the Government Code, which excepts from disclosure all information in transcripts of a professional public school employee other than the employee's name, the courses taken, and the degree obtained. Gov't Code § 552.102(b); Open Records Decision No. 526 (1989). Thus, with the exception of the former employee's name, courses taken, and degree obtained, Exhibit B must be withheld pursuant to section 552.102(b) of the Government Code.

In summary, Exhibit C must be withheld under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code. With the exception of the former employee's name, courses taken, and degree obtained, Exhibit B must be withheld under section 552.102(b) of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jessica Eales
Assistant Attorney General
Open Records Division

JCE/eeg

Ref: ID# 381583

Enc. Submitted documents

c: Requestor
(w/o enclosures)