



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 28, 2010

Ms. Haley Turner  
Walsh, Anderson, Brown, Gallegos and Green, P.C.  
For Willis Independent School District  
P.O. Box 2156  
Austin, Texas 78768

OR2010-14725

Dear Ms. Turner:

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# 394982.

The Willis Independent School District (the "district"), which you represent, received a request for 1) personnel information pertaining to a named district administrator and 2) e-mail correspondence between that administrator and another named individual during a specified time period.<sup>1</sup> You state that you will make some information available to the requestor. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note one of the submitted evaluations, which we have marked, is not responsive to the present request because it was created after the date the district received the request. The district need not release such non-responsive information in response to the request, and this ruling will not address that 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. This exception encompasses information other statutes make confidential. Section 21.355 of the Education Code provides that "[a] document evaluating the performance of a teacher or administrator is confidential." Educ. Code § 21.355. In Open

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<sup>1</sup>You inform us the district requested and received clarification of the request. *See* Gov't Code § 552.222(b) (providing that if request is unclear or a large amount of information has been requested, governmental body may clarify request or discuss with requestor how request may be narrowed).

Records Decision No. 643 (1996), this office interpreted section 21.355 to apply to any document that evaluates, as that term is commonly understood, the performance of a teacher or an administrator. *See* ORD 643 at 3. Additionally, we determined that for the purposes of section 21.355, the word "administrator" means a person who is required to and does in fact hold an administrator's certificate under subchapter B of chapter 21 of the Education Code, and is performing the functions of an administrator, as that term is commonly defined, at the time of the evaluation. *See id.* at 4.

You contend the submitted responsive information consists of confidential evaluations of the named administrator by the district. You inform us, and provide documentation showing, the named administrator at issue was certified as an administrator by the State Board of Educator Certification and was acting as an administrator at the time the evaluations were prepared. Based on your assertions and our review, we agree the responsive documents constitute administrator evaluations that are confidential under section 21.355 of the Education Code and must be withheld under section 552.101 of the Government Code on that basis.

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](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,



James McGuire  
Assistant Attorney General  
Open Records Division

JM/dls

Ref: ID# 394982

Enc. Submitted documents

c: Requestor  
(w/o enclosures)