



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 9, 2010

Mr. John A. Kazen  
Attorney for Laredo Independent School District  
Kazen, Meurer & Pérez, LLP  
P.O. Box 6237  
Laredo, Texas 78041

OR2010-18467

Dear Mr. Kazen:

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# 402428.

The Laredo Independent School District (the "district"), which you represent, received a request for materials provided to the district's trustees for evaluation of the district's superintendent. You state some responsive materials have been released to the requestor. You claim that the remaining requested 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.

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 section encompasses information protected by other statutes, such as section 37.108 of the Education Code. Section 37.108 provides in part:

(b) At least once every three years, each school district or public junior college district shall conduct a safety and security audit of the district's facilities. To the extent possible, a district shall follow safety and security audit procedures developed by the Texas School Safety Center or a comparable public or private entity.

...

(c-1) Except as provided by Subsection (c-2), any document or information collected, developed, or produced during a safety and security audit conducted under Subsection (b) is not subject to disclosure under Chapter 552, Government Code.

Educ. Code § 37.108(b), (c-1). You state the submitted Safety & Security Audit District Summary Report was developed and produced during a safety and security audit of the district's facilities conducted pursuant to section 37.108(b). You contend that none of the exceptions in subsection (c-2) are applicable to this information. *See id.* § 37.108(c-2) (listing types of documents relating to district's multihazard emergency operations plan that are subject to disclosure). Therefore, having considered your arguments and reviewed the information, we agree that the Safety & Security Audit District Summary Report must be withheld under section 552.101 in conjunction with section 37.108(c-1) of the Education 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](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,



Misty Haberer Barham  
Assistant Attorney General  
Open Records Division

MHB/eeg

Ref: ID# 402428

Enc. Submitted documents

c: Requestor  
(w/o enclosures)