



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 17, 2011

Mr. John J. Janssen  
General Counsel  
Office of Legal Services  
Corpus Christi Independent School District  
P.O. Box 110  
Corpus Christi, Texas 78403

OR2011-02472

Dear Mr. Janssen:

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# 409359.

The Corpus Christi Independent School District (the "district") received a request for records related to the disposition of a specified investigation of sexual harassment reported by a named individual, and a specified report submitted to the district's administration. You claim 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, you represent the requested report was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2009-02176 (2009). In that ruling, we determined the district may withhold the report at issue under rule 503 of the Texas Rules of Evidence. As we have no indication that there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude the district may rely on Open Records Letter No. 2009-02176 as a previous determination and continue to withhold the requested report in accordance with that ruling. See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney

general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

You claim the submitted letters of reprimand are excepted under section 552.101 of the Government Code. Section 552.101 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 21.355 of the Education Code. Section 21.355 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 (1996). We also determined that an "administrator" for purposes of section 21.355 means a person who (1) is required to and does in fact hold an administrator's certificate under subchapter B of chapter 21 of the Education Code and (2) is performing the functions of an administrator, as that term is commonly defined, at the time of the evaluation. *Id.* at 4. In addition, the court has concluded a written reprimand constitutes an evaluation for purposes of section 21.355 because "it reflects the principal's judgment regarding [a teacher's] actions, gives corrective direction, and provides for further review." *North East Indep. Sch. Dist. v. Abbott*, 212 S.W.3d 364 (Tex. App.—Austin 2006, no pet.).

In this instance, you state the district administrators who are reprimanded in the submitted letters were required to hold and did hold a certificate or permit under chapter 21 of the Education Code at the time the letters were issued. We find the letters at issue reflect the judgment of district officials with respect to the administrators' performance, set out corrective action plans, and provide consequences for failing to meet expectations. Thus, based on your representations and our review, we agree these documents are evaluations for purposes of section 21.355 of the Education Code, and the district must withhold them under section 552.101.

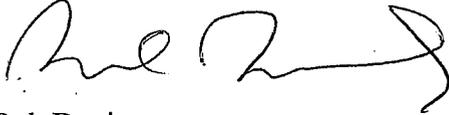
In summary, the district may rely on Open Records Letter No. 2009-02176 as a previous determination and continue withhold the requested report in accordance with that ruling. The district must withhold the submitted letters of reprimand under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code. As our ruling is dispositive, we need not address your remaining argument against disclosure.

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,

A handwritten signature in black ink, appearing to read "Bob Davis", written in a cursive style.

Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/tf

Ref: ID# 409359

Enc. Submitted documents

c: Requestor  
(w/o enclosures)