



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 8, 2012

Ms. Sara Hardner Leon
For Orangefield Independent School District
Powell & Leon, L.L.P.
1706 West Sixth Street
Austin, Texas 78703

OR2012-08878

Dear Ms. Leon:

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# 455873.

The Orangefield Independent School District (the "district"), which you represent, received a request for: (1) the employment contracts between the district and the superintendent, interim superintendent, and athletic director; (2) the superintendent's reviews during a specified period; (3) minutes from a specified meeting; and (4) the student drug policy. You state the district will release information pertaining to the first, third, and fourth requests. 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.

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 section 21.355 of the Education Code, which provides, "[a] document evaluating the performance of a teacher or administrator is confidential." *See* Educ. Code § 21.355(a). This office has interpreted section 21.355 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). This office has determined the word "administrator" in section 21.355 means a person who is required to and does in fact hold an administrator's certificate under subchapter B of chapter 21 of the

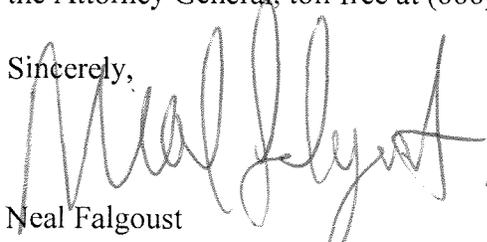
Education Code and is performing the functions of an administrator, as that term is commonly defined, at the time of the evaluation. *Id* at 4.

You state the superintendent holds certification under subchapter B of chapter 21 of the Education Code, and the submitted information was prepared for the purposes of evaluating his performance as an administrator. You state the superintendent was performing the functions of an administrator at the time of the evaluation. Based on your representations and our review, we find the submitted information is confidential under section 21.355 of the Education Code. Accordingly, the district must withhold this information under section 552.101 of the Government Code in conjunction with section 21.355 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, 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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/ag

Ref: ID# 455873

Enc. Submitted documents

c: Requestor
(w/o enclosures)