



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 23, 2013

Mr. Douglas Brock
Counsel for the Forsan Independent School District
Walsh, Anderson, Gallegos, Green and Treviño, P.C.
P.O. Box 2156
Austin, Texas 78768

OR2013-06680

Dear Mr. Brock:

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# 484899.

The Forsan Independent School District (the "district"), which you represent, received a request for a named individual's personnel records. You inform us the district has released some of the requested information. You claim some of 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, such as section 21.355 of the Education Code, which provides in part that "[a] document evaluating the performance of a teacher or administrator is confidential." Educ. Code § 21.355(a). In Open Records Decision No. 643, 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 administrator. *See* Open Records Decision No. 643 (1996). In that opinion, we concluded a teacher is someone who is required to hold and does hold a certificate or permit required under chapter 21 of the Education Code and is teaching at the time of his or her evaluation. *See id.* You argue Exhibit 3 consists of teacher evaluations. You inform us the teacher at issue held the appropriate certification and was teaching at the time of these evaluations. Based on your representations and our review,

we find the district must withhold Exhibit 3 under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code.

You claim portions of the college transcripts submitted as Exhibit 2 are excepted from disclosure under section 552.102(b) of the Government Code. This section excepts from disclosure all information in transcripts of professional public school employees 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 district employee's names, courses taken, and degrees obtained, the district must withhold Exhibit 2 under section 552.102(b) of the Government Code.

In summary, the district must withhold Exhibit 3 under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code. With the exception of the district employee's names, courses taken, and degrees obtained, the district must withhold Exhibit 2 under section 552.102(b) of the Government Code. The district must release the remaining information in Exhibit 2.

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,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/bhf

Ref: ID# 484899

Enc. Submitted documents

c: Requestor
(w/o enclosures)