



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 3, 2013

Mr. Jaime J. Muñoz  
Counsel for the La Joya Independent School District  
Law Office of Jaime J. Muñoz  
P.O. Box 47  
San Juan, Texas 78589

OR2013-09147

Dear Mr. Muñoz:

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# 493532.

The La Joya Independent School District (the "district"), which you represent, received a request for twelve categories of information pertaining to the requestor's client, the names of witnesses to testify on behalf of the district during a hearing involving the requestor's client, and the performance of elementary teachers at a named district school, including the requestor's client, during specified periods of time. You state the district has released or will release most of the requested information. You claim 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. Section 552.101 encompasses information protected by other statutes, such as section 21.355 of the Education Code. Section 21.355(a) provides that "[a] document evaluating the performance of a teacher or administrator is confidential." Educ. Code § 21.355(a). 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). In Open Records Decision No. 643, 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. *Id.* You claim the submitted information is confidential under section 21.355 of the Education Code. We understand the teachers at issue held the appropriate certifications and were teaching at the time of the evaluations. Based on your representations and our review, we agree the submitted information constitutes evaluations of the employees' performance as teachers for the purposes of section 21.355. Accordingly, the district must withhold the submitted 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](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,



Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/ag

Ref: ID# 493532

Enc. Submitted documents

c: Requestor  
(w/o enclosures)