



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 5, 1997

Ms. Betsy Hall Bender  
Attorney at Law  
P.O. Box 26715  
Austin, Texas 78755-0715

OR97-1299

Dear Ms. Bender:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 106507.

The West Orange-Cove Consolidated Independent School District (the "district"), which you represent, received a request for any and all evaluations of a named high school principal. You explain that one document, dated June 12, 1996, is the only responsive information. You claim that the record is excepted from required public disclosure by sections 552.101 and 552.102 of the Government Code. We have considered the exceptions you claim and have reviewed the document at issue.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 21.355 of the Education Code provides, "Any document evaluating the performance of a teacher or administrator is confidential." 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 that opinion, this office also concluded that 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.* We also concluded that an administrator is someone who is required to hold and does hold a certificate required under chapter 21 of the Education Code and is administering at the time of his or her evaluation. *Id.* Based on the reasoning set out in Open Records Decision No. 643 (1996), we conclude that the June 12, 1996 document evaluates an administrator and is confidential under section 21.355 of the Education Code. Therefore, pursuant to section 552.101 of the Government Code, the district must withhold the requested document as confidential.

Because we make a determination under section 552.101, we do not address your additional arguments against disclosure. We are resolving this matter with an informal letter

ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref: ID# 106507

Enclosures: Submitted documents

cc: Mr. Jason Trahan  
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(w/o enclosures)