



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 17, 2009

Ms. Merri Schneider-Vogel
Attorney for North Forest Independent School District
Thompson & Horton, L.L.P.
711 Louisiana Street, Suite 2100
Houston, Texas 77002-2746

Ms. Christine Badillo
Counsel for North Forest Independent School District
Walsh, Anderson, Brown, Aldridge & Gallegos, P.C.
P.O. Box 2156
Austin, Texas 78768

OR2009-08352

Dear Ms. Schneider-Vogel and Ms. Badillo:

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# 347425.

The North Forest Independent School District (the "district"), which you both represent, received a request for (1) information related to the district's purchase and sale of specified property, and (2) the district's audit of its special education department. You inform us that you have released some information responsive to item (1) to the requestor, who subsequently withdrew his request for the remaining information responsive to this item. You claim that the submitted information, which is responsive to item (2), 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 public 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 for the confidentiality of documents that evaluate the performance of a teacher or administrator. Educ. Code § 21.355. *See* Open Records Decision No. 643 (1996) ("evaluate" is interpreted as that term is commonly understood). This office has determined that a teacher is someone who is required to hold and does in fact hold a certificate or permit required under chapter 21 of the Education Code and is teaching at the time of the evaluation. *Id.* We have also determined

that an administrator is 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.

Upon review of your arguments and the submitted information, we conclude that you have not shown how this information constitutes an evaluation of a teacher or administrator. Therefore, the district may not withhold this information under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code. As you raise no further arguments against disclosure, the district must release the submitted information.

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 at (512) 475-2497.

Sincerely,



Ryan T. Mitchell
Assistant Attorney General
Open Records Division

RTM/ri

Ref: ID# 347425

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

cc: Ruth Watson
818 Cypresswood Mill
Spring, Texas 77373
(w/o enclosures)