



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 30, 2009

Mr. Jerry Wallace
Blanco, Ordoñez & Wallace, P.C.
Attorneys for Ysleta Independent School District
5715 Cromo Drive
El Paso, Texas 79912

OR2009-09027

Dear Mr. Wallace:

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# 347488.

The Ysleta Independent School District ("district"), which you represent, received a request for (1) correspondence between the district and the Texas Education Agency regarding a named former employee; and (2) information relating to the former employee that has been presented to the school board since January. You state that the district has released information responsive to category one of the request. You claim that the submitted information is excepted from disclosure under sections 552.101, 552.111, 552.116, 552.117, and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.116 of the Government Code provides:

- (a) An audit working paper of an audit of the state auditor or the auditor of a state agency, an institution of higher education as defined by Section 61.003, Education Code, a county, a municipality, a school district, or a joint board operating under Section 22.074, Transportation Code, including any audit relating to the criminal history background check of a public school employee, is excepted from [required public disclosure under the Act]. If information in an audit working paper is also maintained in

another record, that other record is not excepted from [required public disclosure] by this section.

(b) In this section:

(1) 'Audit' means an audit authorized or required by a statute of this state or the United States, the charter or an ordinance of a municipality, an order of the commissioners court of a county, a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, or a resolution or other action of a joint board described by Subsection (a) and includes an investigation.

(2) 'Audit working paper' includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including:

(A) intra-agency and interagency communications; and

(B) drafts of the audit report or portions of those drafts.

Gov't Code § 552.116. You inform this office that the submitted information consists of audit working papers of an audit conducted by the district's internal auditor pursuant to section 11.170 of the Education Code. *See* Educ. Code § 11.170 (providing that district's board of trustees may select an internal auditor who reports directly to the board). You indicate that the audit at issue was authorized by action of the district's Board of Trustees. You have submitted a copy of the Board's minutes for its July 28, 2008, special Board meeting, which show passage of the Board member motion requesting an audit of the named employee's expense reports, travel expenses, travel schedule, honorariums earned, and "vendors, consultants and programs that were brought in by [the named employee]". Based on your representations and our review, we agree that the submitted information consists of audit working papers as defined in section 552.116(2). Accordingly, the district may withhold this information pursuant to section 552.116 of the Government 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 at (512) 475-2497.

Sincerely,



Pamela Wissemann
Assistant Attorney General
Open Records Division

PFW/dls

Ref: ID# 347488

Enc. Submitted documents

c: Requestor
(w/o enclosures)