



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

March 23, 2010

Ms. Susan K. Bohn
General Counsel
Lake Travis Independent School District
3322 Ranch Road 620 South
Austin, Texas 78738

OR2010-04084

Dear Ms. Bohn:

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# 373398 (Lake Travis Request No. 121509-CDA/DL 4110).

The Lake Travis Independent School District (the "district") received a request for "any and all employment applications and documents submitted by/for [named individual] between the dates of September 1, 2003 and September 1, 2004 [including] recommendations and/or references . . . interview schedules, interview documents, travel receipts and interview related reimbursements. . . ." You state the district has made some of the responsive information available to the requestor, including redacted copies of some of the information you have submitted to our office. You claim portions of the submitted information are 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. This section encompasses information protected by other statutes, including section 21.355 of the Education Code. Section 21.355 provides that "[a] document evaluating the performance of a teacher or administrator is confidential." Educ. Code § 21.355. 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. *See* Open Records Decision No. 643 (1996). In Open Records Decision No. 643, we determined that an "administrator" for purposes of section 21.355 means a person who (1) is required to, and does in fact, hold an administrator's certificate under subchapter B of chapter 21 of the Education Code and (2) is performing the functions of an administrator, as that term is commonly defined, at the time of his or her evaluation. *See id.* You contend that the documents in Tab 1 contain an evaluation of an administrator that is confidential under section 21.355 of the Education Code. You have submitted a copy of the administrator's Texas Educator Certificate. Based on your representations and our review of the records at issue, we agree that the information in Tab 1 evaluates the performance of an administrator

and is subject to section 21.355 of the Education Code. Accordingly, the district must withhold the information in Tab 1 under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code.

Section 552.102(b) of the Government Code excepts from disclosure "a transcript from an institution of higher education maintained in the personnel file of a professional public school employee." Gov't Code § 552.102(b). This section further provides, however, that "the degree obtained or the curriculum on a transcript in the personnel file of the employee" are not excepted from disclosure. We therefore agree that except for the information that reveals the employee's name, the degree obtained, and the courses taken, the district must withhold the submitted transcripts in Tab 3 under section 552.102(b). *See* Open Records Decision No. 526 (1989). We note, however, that the district also seeks to withhold grade-point averages contained in a document other than a transcript under this exception. This information, which we have marked, may not be withheld under section 552.102(b) of the Government Code and it must be released. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection).

In summary, the district must withhold the information in Tab 1 under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code. Except for the information that reveals the employee's name, the degree obtained, and the courses taken, the district must withhold the transcripts in Tab 3 under section 552.102(b) of the Government Code. The remaining information must be released.

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,



Pamela Wissemann
Assistant Attorney General
Open Records Division

PFW/cc

Ref: ID# 373398

Enc. Submitted documents

c: Requestor
(w/o enclosures)