



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 10, 2014

Ms. Melanie L. Hollmann
Atkins, Hollmann, Jones, Peacock, Lewis & Lyon, P.C.
3800 East 42nd Street, Suite 500
Odessa, Texas 79762

OR2014-04078

Dear Ms. Hollmann:

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# 516954.

The Ector County Independent School District (the "district"), which you represent, received a request for reports completed by Professional Service Providers ("PSPs") for a specified period of time. You claim that the submitted information is excepted from disclosure under section 552.116 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.116 of the Government Code provides as follows:

(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 the requirements of Section 552.021. If information in an audit working paper is also maintained in another record, that other record is not excepted from the requirements of Section 552.021 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 state the submitted reports were prepared by PSPs in conjunction with the Texas Accountability Intervention System ("TAIS"), in which "Texas school campuses which require improvement may engage [in the TAIS], in order to develop and implement improvement plans to facilitate the campus meeting certain improvement targets, and to monitor that implementation." You inform us the TAIS process is governed by chapter 39 of the Education Code. You state the "PSPs are generally retired educators who are approved by TAIS and are responsible for ensuring implementation of all requirements, and who report to the Texas Education Agency ["TEA"] and/or the Texas Center for District and School Support." You further assert that "the reports prepared by the PSPs who are tasked by the TEA with guiding and developing improvement plans are analogous to an on-site evaluation prepared by an intervention team[.]" See Educ. Code § 39.106 (defining scope and duties of a campus intervention team). We note, however, section 552.116 is intended to protect the auditor's interests. The information at issue is maintained by the district, who we understand is the auditee. As the auditee, the district cannot assert section 552.116 in order to protect its own interest in withholding the information. Accordingly, we conclude the district may not withhold the submitted information under section 552.116 of the Government Code. As no further exceptions to disclosure are raised, the submitted 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.texasattorneygeneral.gov/open/>

[orl_ruling_info.shtml](#), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Casterline", with a long horizontal flourish extending to the right.

Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/tch

Ref: ID# 516954

Enc. Submitted documents

c: Requestor
(w/o enclosures)