



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 23, 2014

Ms. Patricia Guidry, ARM
Director of Risk Management
Aldine Independent School District
14910 Aldine-Westfield Road
Houston, Texas 77032-3099

OR2014-10713

Dear Ms. Guidry:

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# 526553.

The Aldine Independent School District (the "district") received a request for a specified e-mail received by the district from a named individual. You claim the requested information 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 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, such as 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(a). This office has interpreted section 21.355 to apply to any document that evaluates, as that term is commonly understood, the performance of a teacher or an administrator. *See* Open Records Decision No. 643 (1996). In Open Records Decision No. 643, this office also concluded that a teacher for purposes of section 21.355 is someone who is required to hold and does hold a certificate required under chapter 21 of the Education Code and is teaching at the time of his or her evaluation. *Id.* at 4.

The submitted information consists of a reference feedback form completed during the application process by one of the requestor's references regarding his potential as a prospective teacher with the district. The submitted form evaluates the individual as he was

engaged in the process of teaching. Upon review, we agree the information at issue constitutes an evaluation for the purposes of section 21.355. Further, you indicate the individual held the appropriate teacher's certificate at the time of the evaluation. Therefore, the submitted information is generally confidential under section 21.355. However, we note that section 21.352(c) of the Education Code specifically provides that "[e]ach teacher is entitled to receive a written copy of the evaluation on its completion." Educ. Code § 21.352(c); *see id.* § 21.352(a) (prescribing appraisal process and performance criteria each school district shall use). In this instance, the requestor is the individual whose evaluation is at issue. Therefore, to the extent the evaluation at issue is the type contemplated in section 21.352, this requestor has a right of access to the information at issue under section 21.352(c). However, if this requestor does not have a right of access under section 21.352(c), then the district must withhold the submitted information under section 552.101 in conjunction with section 21.355 of the Education 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.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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/som

Ref: ID# 526553

Enc. Submitted documents

c: Requestor
(w/o enclosures)