



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 4, 2015

Mr. Justin Graham
General Counsel
Garland Independent School District
P.O. Box 469026
Garland, Texas 75046-4923

OR2015-18589

Dear Mr. Graham:

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# 578325.

The Garland Independent School District (the "district") received a request for a copy of a specified recommendation form. You state you have released some information to the requestor. You claim the submitted 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 "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 21.355(a) of the Education Code 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). We have determined that for purposes of section 21.355, "administrator" means 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.*

You state the submitted information constitutes an evaluation of an administrator that is confidential under section 21.355 of the Education Code. You state the individual to whom the information pertains is certified as a librarian, teacher, and principal. However, we note the individual was a librarian at the time of the evaluation. Section 21.355 protects evaluations of only teachers and administrators who held the proper certifications and were performing the functions of teachers and administrators at the times of the evaluations. Upon review, we find the district has failed to demonstrate the applicability of section 21.355 to the information at issue. *See id.* at 5 (“librarians” are not “teachers or administrators for purposes of section 21.355”). Therefore, we conclude the submitted information may not be withheld 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.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,



Joseph Keeney
Assistant Attorney General
Open Records Division

JDK/dls

Ref: ID# 578325

Enc. Submitted documents

c: Requestor
(w/o enclosures)