



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 9, 2015

Mr. Ryan L. Brown
Assistant General Counsel
K12 Inc.
2300 Corporate Park Drive, Suite 100
Herndon, Virginia 20171

OR2015-18768

Dear Mr. Brown:

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# 579203.

Fuel Education L.L.C. ("FuelEd") received a request for various categories of information relating to the Dilley Detention Facility educational campus. We have considered your arguments.

You assert FuelEd is not a governmental body, and therefore it is not subject to the Act. The Act defines "governmental body" in pertinent part as

the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds[.]

Id. § 552.003(1)(A)(xii). "Public funds" means "funds of the state or of a governmental subdivision of the state." *Id.* § 552.003(5). The Texas Supreme Court has defined "'supported in whole or part by public funds' to include only those private entities or their sub-parts sustained, at least in part, by public funds, meaning they could not perform the same or similar services without the public funds." *Greater Houston P'ship v. Paxton*, No. 13-0745, 2015 WL 3978138, at *9 (Tex. June 26, 2015). Thus, section 552.003(1)(A)(xii) encompasses only those private entities that are dependent on

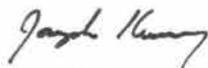
public funds to operate as a going concern, *see id.* at *7, and only those entities acting as the functional equivalent of the government, *see id.* at *8.

You state FuelEd is a wholly owned subsidiary of K12 Inc., a Delaware corporation with its principal place of business in Herndon, Virginia. You state FuelEd contracted with Corrections Corporations of America of Tennessee L.L.C. (“CCA”) and South Texas Family Residential Center to provide educational products and services to persons detained by the U.S. Immigration and Customs Enforcement (“ICE”) at an ICE facility in Dilley, Texas. You state FuelEd is a subcontractor under a contract awarded to CCA by ICE and the U.S. Department of Homeland Security and is not receiving funds from any Texas governmental body. Upon review of your representations, we find FuelEd is not sustained by public funds for purposes of the Act. *See id.* Consequently, FuelEd does not fall within the definition of a “governmental body” under section 552.003(1)(A)(xii) of the Government Code and is not subject to the Act. Accordingly, FuelEd need not respond to the request for 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# 579203

c: Requestor