



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 5, 2015

Ms. Karla Schultz  
Counsel for Alice Independent School District  
Walsh, Gallegos, Treviño, Russo & Kyle, P.C.  
P.O. Box 2156  
Austin, Texas 78768

OR2015-23248

Dear Ms. Schultz:

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# 586245.

The Alice Independent School District (the "district"), which you represent, received a request for information pertaining to a specified grievance. You state the district released some information. 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 from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 21.355 of the Education Code, which provides that "[a] document evaluating the performance of a teacher or administrator is confidential." Educ. Code § 21.355. In addition, the court has concluded a written reprimand constitutes an evaluation for purposes of section 21.355 because "it reflects the principal's judgment regarding [a teacher's] actions, gives corrective direction, and provides for further review." *Abbott v. North East Indep. Sch. Dist.*, 212 S.W.3d 364 (Tex. App.—Austin 2006, no pet.). 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. Open Records Decision No. 643 (1996). We also 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 claim the submitted information constitutes evaluations of an administrator that are confidential under section 21.355 of the Education Code. You state the individual at issue held the appropriate certificate at the time of the evaluations. We understand the named employee administers the district-wide athletic program and was evaluated in some of the information at issue as an administrator when the evaluative documents were created. Based on your representations and our review, we conclude most of the submitted information is confidential under section 21.355 of the Education Code and must be withheld under section 552.101. However, we find you have failed to demonstrate the information we marked for release constitutes an evaluation of the performance of an administrator for the purposes of section 21.355 of the Education Code. Therefore, the district may not withhold the information we marked for release under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code. Accordingly, with the exception of the information we marked for release, the district must withhold the submitted information under section 552.101 of the Government Code 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](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 cursive script that reads "Paige Thompson". The signature is written in dark ink and is positioned above the typed name and title.

Paige Thompson  
Assistant Attorney General  
Open Records Division

PT/dls

Ref: ID# 586245

Enc. Submitted documents

c: Requestor  
(w/o enclosures)