



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 17, 2016

Mr. Steven J. Blanco
Counsel for Socorro Independent School District
Blanco Ordoñez Mata & Wallace, P.C.
5715 Cromo Drive
El Paso, Texas 79912

OR2016-03783

Dear Mr. Blanco:

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# 598505.

The Socorro Independent School District (the "district"), which you represent, received a request for information pertaining to any complaints, evaluations, reviews, or investigations of a named employee of the district during a specified time period. You state you have released most of the requested information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ 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). In that opinion, we concluded that a teacher is someone who is required to hold and does hold a certificate or permit required

¹Although you do not raise section 552.101 of the Government Code, we understand you to raise this exception based on the arguments in your brief.

under chapter 21 of the Education Code and is teaching at the time of his or her evaluation.
Id.

You claim the submitted information constitutes an evaluation of a teacher that is confidential under section 21.355 of the Education Code. You state the individual at issue held the appropriate certificate at the time of the evaluation. However, upon review, we find the submitted information pertains to the employee at issue in his capacity as a coach. Thus, we find you have failed to demonstrate any of the information at issue constitutes an evaluation of the performance of a teacher for the purposes of section 21.355 of the Education Code. *See* Educ. Code § 21.353 (teachers shall be appraised only on basis of classroom teaching performance and not in connection with extracurricular activities). Therefore, the district may not withhold any portion of the submitted information under section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code. As the district does not raise another exception to 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,



Mili Gosar
Assistant Attorney General
Open Records Division

MG/akg

Ref: ID# 598505

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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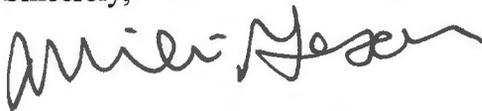
under chapter 21 of the Education Code and is teaching at the time of his or her evaluation.
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