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November 30, 2007

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The Honorable Greg Abbott
Office of the Attorney General
Attention: Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

**CERTIFIED MAIL,
RETURN RECEIPT REQUESTED**

Re: Public Information Act Request (103107-C13/DL 3277) from David Lovelace to
Lake Travis Independent School District Re: Pamela Carroll

Dear Attorney General Abbott:

I represent Pamela Carroll, the subject of the above-referenced Texas Public Information Act request. Ms. Carroll is employed by the Lake Travis Independent School District ("LTISD") as its Director of Community Programs. Ms. Carroll received notice of Mr. Lovelace's request on November 19, 2007. By letter dated November 27, 2007 to you from Erica Escobar, Bracewell & Giuliani, the LTISD has requested an opinion concerning the above-referenced request (along with numerous other requests received by the LTISD from David Lovelace on November 1, 2007). The LTISD has withheld certain documents concerning Ms. Carroll at Tab 5 of the documents enclosed with Ms. Escobar's November 27, 2007 letter to you. The LTISD contends that those documents are excepted from disclosure because they are confidential under §21.355, Texas Education Code and §552.101, Texas Government Code. Ms. Escobar cites previous open records decisions and letters issued by the Attorney General in support of this contention. (See pages 5-6 of Ms. Escobar's letter.)

In addition to the authorities cited by Ms. Escobar, on Ms. Carroll's behalf I refer you to *Abbott v. North East Independent School District*, 212 S.W.3d 364 (Tex. App. – Austin 2006), in which the Austin Court of Appeals determined whether a memorandum from a school principal to a teacher concerning complaints about the teacher and directing corrective action was "a document evaluating the performance of a teacher" that is confidential and exempt from disclosure under the Texas Public Information Act. The Austin Court reviewed the memorandum in question and described it as follows:

.....the document at issue in this case reveals that the school principal was memorializing a meeting with the teacher concerning performance issues. In addition, the principal reported additional information that she had received after the meeting concerning the same performance issues. The principal then gave performance directives and referred the teacher to various NEISD board policies and reformed communications procedures. Finally, the principal referred to the teacher's status under NEISD's formal appraisal system and gave further directives.

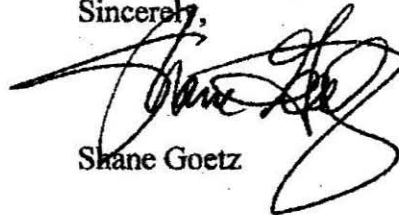
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The Austin Court found that "the memorandum evaluates the teacher because it reflects the principal's judgment regarding her actions, gives corrective direction, and provides for further review", and therefore the Court held that the memorandum was confidential and exempt from disclosure. 212 S.W.3d, at 368. (See also, *Tave v. Alanis*, 109 S.W.3d 890, 894 (Tex. App. - Dallas 2003, no pet.))

Ms. Carroll joins in the LTISD's request for an opinion that the documents concerning Ms. Carroll submitted for your review by the District are confidential and excepted from disclosure, and we respectfully direct your attention to *Abbott v. North East Independent School District* as further support for such opinion.

Thank you for your attention to this matter.

Sincerely,



Shane Goetz

SG/ln

cc: Erica Escobar
Bracewell & Giuliani, LLP
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106 S. St. Mary's Street
San Antonio, Texas 78205-3603

