

BILL ANALYSIS

Senate Research Center

H.B. 628
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Open Government
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Education Code dictates the responsibilities of the elected board of trustees for a school district and sets the governance of the school district as the shared responsibility of the trustees and the school superintendent. Interested parties contend that the current law does not clearly allow a school district trustee to request information from the superintendent's office regarding the operations of the district without having to submit a public information request.

H.B. 628 adds transparency to school district operations by specifying that a member of a school district board of trustees acting in the member's official capacity has the right to access information, documents, and records maintained by the school district without having to submit a public information request. H.B. 628 provides protections to ensure the confidentiality of private student records that are protected by the Family Educational Rights and Privacy Act of 1974.

H.B. 628 amends current law relating to the right of a member of the board of trustees of a school district to obtain information, documents, and records.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.1512, Education Code, by adding Subsections (c), (d), (e), and (f), as follows:

(c) Provides that a member of the board of trustees of a school district, when acting in the member's official capacity, has an inherent right of access to information, documents, and records maintained by the district, and the district is required to provide the information, documents, and records to the member without requiring the member to submit a public information request under Chapter 552 (Public Information), Government Code. Requires the district to provide the information, documents, and records to the member without regard to whether the requested items are the subject of or relate to an item listed on an agenda for an upcoming meeting. Authorizes the district to withhold or redact information, a document, or a record requested by a member of the board to the extent that the item is excepted from disclosure or is confidential under Chapter 552, Government Code, or other law. Provides that this subsection does not require the district to provide information, documents, and records that are not subject to disclosure under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

(d) Requires a school district to post, in a place convenient to the public, the cost of responding to one or more requests submitted by a member of the board of trustees of the district under Subsection (c) if the requests are for 200 or more pages of material in a 90-day period.

(e) Requires the district to report annually to the Texas Education Agency not later than September 1 of each year:

(1) the number of requests submitted by a member of the board of trustees of the district under Subsection (c) during the preceding school year; and

(2) the total cost to the district for that school year of responding to requests under Subsection (c).

(f) Defines "official capacity" in this section.

SECTION 2. Effective date: September 1, 2013.