

**BILL ANALYSIS**

C.S.H.B. 628  
By: Dale  
Public Education  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Interested parties assert that a school board member should have the right to access information, documents, and records that are held by the school district without having to submit a public information request. The purpose of C.S.H.B. 628 is to allow more transparency within our school districts.

**RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

**ANALYSIS**

C.S.H.B. 628 amends the Education Code to establish that a member of a school district's board of trustees, when acting in the member's official capacity, has an inherent right to access information, documents, and records maintained by the district and to require a district to provide the information, documents, and records to the board member without requiring the member to submit a public information request under state public information law and without regard to whether the requested items are the subject of or relate to an item listed on an agenda for an upcoming meeting. The bill authorizes the district to withhold or redact the material requested by a board member to the extent that the item is excepted from disclosure or is confidential under state public information law or other law. The bill provides that its provisions do not require the district to provide information, documents, and records that are not subject to disclosure under the federal Family Educational Rights and Privacy Act of 1974.

**EFFECTIVE DATE**

September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 628 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

**INTRODUCED**

SECTION 1. Section 11.1512, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A member of the board of trustees of the district has an inherent right of access to information, documents, and records

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Section 11.1512, Education Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A member of the board of trustees of the district, when acting in the member's official capacity, has an inherent right of access to

maintained by the district, and the district shall provide the information, documents, and records to the member without requiring the member to submit a public information request under Chapter 552, Government Code.

information, documents, and records maintained by the district, and the district shall provide the information, documents, and records to the member without requiring the member to submit a public information request under Chapter 552, Government Code. The district shall 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. The district may 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. 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) In this section, "official capacity" means all duties of office and includes administrative decisions or actions.

SECTION 2. This Act takes effect September 1, 2013.

SECTION 2. Same as introduced version.