

By: Schofield

H.B. No. 3384

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to access to certain independent school district  
3 information by a member of the board of trustees.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section [11.1512](#), Education Code, is amended by  
6 amending Subsection (c) and adding Subsections (c-1) and (c-2) to  
7 read as follows:

8 (c) A member of the board of trustees of the district, when  
9 acting in the member's official capacity, has an inherent right of  
10 access to information, documents, and records maintained by the  
11 district, and the district shall provide the information,  
12 documents, and records to the member without requiring the member  
13 to submit a public information request under Chapter [552](#),  
14 Government Code. The district shall provide the information,  
15 documents, and records to the member, not later than the 10th day  
16 after the date the request is received, without regard to whether  
17 the requested items are the subject of or relate to an item listed  
18 on an agenda for an upcoming meeting.

19 (c-1) If a district does not provide requested information  
20 to a member of the board of trustees in the time required under  
21 Subsection (c), the member may bring suit against the district for  
22 appropriate injunctive relief. A member who prevails in a suit  
23 under this subsection is entitled to recover court costs and  
24 reasonable attorney's fees. The district shall pay the costs and

1 fees from the budget of the superintendent's office.

2 (c-2) A board member shall maintain the confidentiality of  
3 information, documents, and records received under Subsection (c)  
4 as required by [~~The district may withhold or redact information, a~~  
5 ~~document, or a record requested by a member of the board to the~~  
6 ~~extent that the item is excepted from disclosure or is confidential~~  
7 ~~under Chapter 552, Government Code, or other law. This subsection~~  
8 ~~does not require the district to provide information, documents,~~  
9 ~~and records that are not subject to disclosure under]~~ the Family  
10 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section  
11 1232g) and any other applicable privacy laws.

12 SECTION 2. The changes in law made by this Act apply only to  
13 a request for information received on or after the effective date of  
14 this Act. A request for information received before the effective  
15 date of this Act is governed by the law in effect when the request  
16 was received, and the former law is continued in effect for that  
17 purpose.

18 SECTION 3. This Act takes effect September 1, 2017.