BOARD AUTHORITY

The Board members as a body corporate have the exclusive power and duty to govern and oversee the management of the public schools of the District. *Education Code 11.151*

The Board may act only by majority vote of the members present at a meeting held in compliance with Government Code Chapter 551, at which a quorum of the Board is present and voting. Unless authorized by the Board, a member of the Board may not, individually, act on behalf of the Board. *Education Code 11.051(a-1)*

ACCESS TO INFORMATION

An individual Board member has an inherent right of access to records maintained by the District when the Board member requests the records in his or her official capacity. *Atty. Gen. Op. No. JM-119 (1983)*

When there are competing confidentiality or security concerns, it may be proper for the Board to establish reasonable procedures to preserve confidentiality, but the District may not absolutely prohibit an individual Board member from viewing records involving District business that are otherwise properly available to the Board as a governmental body. *Atty. Gen. Op. No. GA-138 (2004)*

ACCESS TO STUDENT RECORDS

Personally identifiable information in education records may be released, without the written consent of the student's parents, only to a school official who has a legitimate educational interest in the education records. *34 CFR 99.31* [See FL]

RESPONSIBILITY FOR RECORDS

A person, including a Board member, commits a criminal offense if the person:

1. Knowingly or intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a District record in contravention of Local Government Code Chapter 202. *Local Gov't Code 202.008; Penal Code 37.10*

2. Willfully destroys, mutilates, alters, or removes public information without permission as provided by Government Code Chapter 552 (Public Information Act). *Gov't Code 552.351*

3. Distributes information considered confidential under the Public Information Act. *Gov't Code 552.352*

PROTECTIONS FOR ACTING ON A LEGISLATIVE MEASURE

A Board member may not be subject to disciplinary action or a sanction, penalty, disability, or liability for:

1. An action permitted by law that the officer takes in the officer's official capacity regarding a legislative measure;

2. Proposing, endorsing, or expressing support for or opposition to a legislative measure or taking any action permitted by law to support or oppose a legislative measure;

3. The effect of a legislative measure or of a change in law proposed by a legislative measure on any person; or

4. A breach of duty, in connection with the Board member's practice of or employment in a licensed or regulated profession or occupation, to disclose to any person information, or to obtain a waiver or consent from any person, regarding the officer's actions relating to a legislative measure; or the substance, effects, or potential effects of a legislative measure.

Gov't Code 572.059

BOARD MEMBER IMMUNITIES

The statutory immunity detailed below is in addition to and does not preempt the common law doctrine of official and governmental immunity. *Education Code 22.051(b)*

STATE LAW IMMUNITIES

A Board member is not personally liable for any act that is incident to or within the scope of the duties of the Board member's position and that involves the exercise of judgment or discretion. *Education Code 22.0511(a)*

FEDERAL LAW IMMUNITIES

Except as provided in 20 U.S.C. Section 6736(b), no Board member shall be liable for harm caused by an act or omission of the Board member on behalf of the District if the conditions of the Paul D. Coverdell Teacher Protection Act of 2001 are met. *20 U.S.C. 6733, 6736(a)* [See also DH]