BOARD AUTHORITY

Because the Board is a body corporate, members can perform no valid act except as a body at meetings properly convened and conducted. *Toyah ISD v. Pecos-Barstow Indep. Sch. Dist., 466 S.W.2d 377 (Tex. App.—San Antonio, 1971, no writ); Buchele v. Woods, 528 S.W.2d 95 (Tex. App. —Tyler, 1975, no writ)*

ACCESS TO INFORMATION

An individual Board member has an inherent right of access to records maintained by the College 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 College District may not absolutely prohibit an individual Board member from viewing records involving College 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, only to a school official who has a legitimate educational interest in the education records. *34 CFR 99.31* [See FJ]

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 College 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*

FIDUCIARY

Each Board member shall have the legal responsibility of a fiduciary in the management of funds under the control of colleges subject to the Board's control and management. *Education Code 51.352(e)*

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 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