



Board Member Access to Community College Records¹

Q: Does an individual board member have access to community college records?

A: Yes. A board member has an inherent right of access to records maintained by the college if the board member requests the records in the member's official capacity. Tex. Att'y. Gen. Op. No. JM-119 (1983).

Q: Is a board member required to file a Texas Public Information Act request in order to receive records?

A: No. When acting in their official capacity, board members are not members of the public for purposes of the Texas Public Information Act (PIA). So, a college may not invoke the PIA to prevent a board member from obtaining requested records. Tex. Att'y. Gen. Op. No. JM-119 (1983).

Q: May a community college refuse to provide records to a board member?

A: No. A college may not prohibit an individual board member from viewing records involving college business that are otherwise properly available to the board. However, if there are confidentiality or security concerns, a board may establish reasonable procedures to preserve confidentiality. Note, if a board member obtains access to confidential information, it is an offense to distribute that information. Tex. Att'y. Gen. Op. No. GA-138 (2000); Tex. Gov't Code § 552.351(a).

Q: Can a board member access student records?

A: Yes. A college may disclose personally identifiable information from a student's education record without the student's consent if the board member is acting in their official capacity. A board member may only view records for which they have a legitimate educational interest. Family Educational Rights and Privacy Act of 1974 (FERPA) 34 C.F.R. §§ 99.30, .31(a).

¹ An electronic version of this document is available on TASB College eLaw at tasb.org/Services/Community-College-Services/Resources/TASB-College-eLaw/documents/board-member-access-to-community-college-records.pdf.

Q: What TASB Policies apply to records access?

A: See TASB Policy BBE(LEGAL).

Q: Where can I get more information on records access?

A: If you have questions about these or other legal issues, college representatives may contact TASB Community College Services at 800.580.1488 or colleges@tasb.org.

For more information on community college law topics,
visit TASB Community College eLaw online at colleges.tasb.org/elaw.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is neither an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for the recipient to consult with the college's own attorney in order to apply these legal principles to specific fact situations.