

QUICK GUIDE TO Open Meetings Act

In meetings open to the public is how a charter boards gets their work done. When these meetings are run effectively and in compliance with state law they help to build the trust of the school community. It is important that board business is conducted in a transparent and open manner and in compliance with Texas's Open Meeting Act (TOMA) (<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.551.htm>). Under Texas' OMA, charter school boards must hold meetings that are open to the public and **publicly post meeting notices, agendas and meeting minutes**. The Texas Office of the Attorney General has additional resources for implementing Texas' OMA available at: <https://www.texasattorneygeneral.gov/open-government>.

As a charter board prepares to meet, conduct its business, and follow-up after meetings it will want to make sure it does the following:

Preparing to Meet:

- A quorum of members is able to attend the board meeting.
- New board members have received the appropriate orientation materials.
- When determining the time and location of the board meeting the needs of the school's families and community were considered.
- A public meeting notice providing the date, hour, place and topics that will be covered was posted at a place convenient to the public in the central administrative office of the district at least 72 hours before the scheduled time of the meeting unless an emergency meeting is being called.
- If the board meeting is going to be conducted remotely, board members and the public have been properly notified of how they can participate in the meeting through the use of technology.
- A meeting agenda, which includes a description of the items that will be discussed and acted upon, has been developed and publicly posted prior to the meeting.
- A board packet was developed for board members that includes a description of the items that will be discussed including important background information and any supporting documentation.

Conducting Board Business:

- A quorum of board members are present.
- The board meeting is open to the public.
- Time is provided in the board agenda for public comment and feedback.
- There is an agenda for the board meeting and it is being followed.
- Board members who have a conflict of interest in regards to an action taken by the board are reminded to abstain from voting.
- The board has developed and follows bylaws which provide details on how board business is to be conducted; how committees are to be formed and function; and the procedure for calling emergency and closed meetings.
- Someone has been designated to tape record the meeting or to take meeting minutes which include a description of any proposed action item, discussed and decided including a record, of any orders, votes, decisions or actions taken.

After the Board Meeting:

- A tape recording of the board meeting or meeting minutes are made available to the public for their review upon request.
- Committees are working to prepare for future meetings.
- The board president is gathering input for future agenda items.
- Action items from the meeting are assigned and are follow up is monitored.

Closed Meetings

The Open Meetings Act provides certain exceptions to the requirement that meetings of a charter school board be open to the public. A closed meeting has the potential to give the public the perception that a board is not acting in good faith with the TOMA, thus requirements for entering into a closed session should be followed to the letter of the law. When in doubt, consult legal counsel. Section 551.101 of the TOMA clearly outlines the requirements for holding a closed meeting.

"If a closed meeting is allowed under this chapter, a governmental body may not conduct the closed meeting unless a quorum of the governmental body first convenes in an open meeting for which notice has been given as provided by this chapter and during which the presiding officer publicly: (1) announces that a closed meeting will be held, and (2) identifies the section or sections of this chapter under which the closed meeting is held."

A charter school board may meet in closed session to deliberate the following topics:

- Attorney Consultation
- Real Property Deliberations
- Prospective Gifts Negotiations
- Personnel Matters
- Employee v. Employee Complaints
- Student Discipline
- Personally Identifiable Student Information
- Medical or Psychiatric Records
- Security Personnel, Devices, Audits
- Information Resource Technology Security
- Emergency Management
- Assessment Instruments
- Economic Development Negotiations

Each of these above exceptions is narrowly defined within the TOMA and it is advisable for the presiding officer to have a current copy of the Attorney General's Open Meetings Handbook (https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/openmeetings_hb.pdf) close at hand to ensure compliance with the definition.