

The Board may act only by majority vote of the members present at a meeting held in compliance with Chapter 551, Government Code, at which a quorum of the Board is present and voting. A majority vote is generally determined from a majority of those present and voting, excluding abstentions, assuming a quorum is present.

Education Code 11.051(a-1), Atty. Gen. Op GA-689 (2009)

DEFINITIONS
"MEETING"

"Meeting," means any deliberation among a quorum of the Board, or between a quorum of the Board and another person, during which public business or public policy over which the Board has supervision or control is discussed or considered, or during which the Board takes formal action. "Meeting" also means a gathering:

1. That is conducted by the Board or for which the Board is responsible;
2. At which a quorum of members of the Board is present;
3. That has been called by the Board; and
4. At which the Board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the School, about the public business or public policy over which the Board has supervision or control.

"DELIBERATION"

Gov't Code 551.001(4)

A communication or exchange of information between Board members about public business or public policy over which the Board has supervision or control does not constitute a meeting or deliberation for purposes of the Texas Open Meetings Act if the communication is posted to an online message board or similar internet application in compliance with Government Code 551.006.

"Deliberation" means a verbal exchange during a meeting of a quorum of Board members, or between a quorum of members and any other person, concerning any issue within the jurisdiction of the Board or any public business.

"RECORDING"

Government Code 551.001(2)

"Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov't Code 551.001(7)*

"VIDEOCONFERENCE CALL"

"Videoconference call" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through

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duplex audio and video signals transmitted over a telephone network, a data network, or the Internet. *Gov't Code 551.001(7)*

SOCIAL FUNCTION OR CONVENTION

The term "meeting" does not include the gathering of a quorum of a Board at a social function unrelated to the public business that is conducted by the Board, or the attendance by a quorum of the Board at a regional, state, or national convention or workshop, ceremonial event, or press conference, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, or press conference.

Government Code 551.001(4)

LEGISLATIVE COMMITTEE OR AGENCY MEETING

The attendance by a quorum of a Board at a meeting of a committee or agency of the legislature is not considered to be a meeting of a Board if the deliberations at the meeting by the Board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency.

Government Code 551.035(b)

SUPERINTENDENT PARTICIPATION

A Board shall provide a Superintendent an opportunity to present at a meeting an oral or written recommendation to the Board on any item that is voted on by the Board at the meeting.

Education Code 11.05(a-1)

OPEN TO THE PUBLIC

Every meeting of the Board shall be open to the public. The Board may, however, exclude any witness or witnesses from a hearing during an examination of another witness in a matter being investigated, and may enter into a closed meeting as provided by law.

Government Code 551.084, Ch. 551, Subch. D,

PARENTAL ACCESS

A parent, as defined in Education Code 26.002, is entitled to complete access to any meeting of the Board, other than a closed meeting held in compliance with the Open Meetings Act.

Education Code 26.007(a)

RECORDING

All or any part of the proceedings in any public meeting may be recorded by any person in attendance by means of recorder, video camera, or any other means of sonic or visual reproduction. The Board may impose reasonable rules to maintain order at the meeting place, including, but not limited to, a determination of the location of equipment and the manner in which the recording is conducted. These rules shall not have the effect of preventing or unreasonably impairing camera coverage or tape recording.

Government Code 551.023

MINUTES

The Board shall prepare and keep minutes or make a recording of each open meeting. The minutes shall state the subject matter of each deliberation and indicate each vote, order, decision, or other action taken. Government Code 551.021

BOARD MEMBER
ATTENDANCE

The minutes or recording, as applicable, of a regular or special meeting of a Board must reflect each member's attendance at or absence from the meeting. Education Code 11.0621

AVAILABILITY

The minutes and recording are public records and shall be available for public inspection and copying on request to the Superintendent or designee.

Gov't Code 551.022

NOTICE REQUIRED

The Board shall give written notice of the date, hour, place, and subject (agenda) of each meeting it holds. Government Code 551.041

CONTINUED
MEETING

If the Board recesses an open meeting to the following regular business day, the Board is not required to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, a Board continues the meeting to another day, the Board must give the required written notice of the meeting continued to that other day. Government Code 551.0411(a)

INQUIRY DURING
MEETING

If a member of the public or of the Board inquires at a meeting about a subject for which notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or recitation of existing policy in response to the inquiry.

Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting.

Government Code 551.042

TIME OF NOTICE AND
ACCESSIBILITY

Notice of a Board meeting shall be posted on the TSD Website, printed and posted in each school department and provided to the Secretary of State, who will then post on the internet.

Government Code 551.048

SPECIFICITY OF
AGENDA/NOTICE

Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out

any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to the Superintendent, Directors Principals are of particular public interest, and notice of those subjects shall be worded with such clarity that the public will understand what the Board proposes to discuss or accomplish.

Cox Enterprises, Inc. v. Austin ISD, 706 S.W. 2d (Tex. 1986); Point Isabel ISD v. Hinojosa, 797 S. W. 2d 176 (Tex. App.-- Corpus Christi, 1990), error denied; Atty. Gen. Op. M-494 (1969), H-419 (1974), H-662 (1975), H-1045 (1977);

The terms "employee briefing" or "staff briefing" do not give adequate notice of the subject matter to be presented to a Board by employees or staff members. Atty. Gen. Op GA-668 (2008)

The subject of a report or update by School staff or a member of the Board must be set out in the notice in a manner that informs a reader about the subjects to be addressed. Atty. Gen. OP GA-668 (2008)

EMERGENCY MEETING
OR EMERGENCY
ADDITION TO AGENDA

In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added to an agenda posted in accordance with law is sufficient if it is posted for at least two hours before the meeting is convened.

An emergency or urgent public necessity exists only if immediate action is required because of an imminent threat to public health and safety or a reasonably unforeseeable situation. The Board shall clearly identify the emergency or urgent public necessity for each item in the notice of an emergency meeting and each item added in a supplemental notice.

Government Code 551.045

CATASTROPHE

If, because of a catastrophe, the Board is prevented from convening an open meeting that was otherwise properly posted under Government Code Section 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Government Code Section 551.045 if the action is taken in good faith and not to circumvent Government Code Chapter 551. If a Board is unable to convene the open meeting within those 72 hours, the Board may subsequently convene the meeting only if the Board gives the required written notice of the meeting.

"Catastrophe" means a condition or occurrence that interferes physically with the ability of a Board to conduct a meeting, including:

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1. Fire, flood, earthquake, hurricane, tomado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

Gov't Code 551.0411(b), (c)

SPECIAL NOTICE TO NEWS MEDIA

The School shall provide special notice of each meeting by telephone or telegraph to any news media that has requested it and agreed to reimburse the School for the cost of providing the special notice. When an emergency meeting is called or an emergency item added to an agenda, the Board President or designee shall notify by telephone or telegraph any news media who have previously requested special notice of all meetings.

Government Code 551.047, 551.052

QUORUM

A majority of the Board (e.g. five members of a nine member Board, regardless of the number of vacancies) shall constitute a quorum for meetings of the Board.

Government Code 551.001(6), 311.013(b)

SECRET BALLOT

No vote shall be taken by secret ballot.

Atty. Gen. Op. H-1163 (1978)

MEETING BY TELEPHONE CONFERENCE CALL

The Board may hold a meeting by telephone conference call if an emergency or public necessity exists within the meaning of Government Code 551.045 and the convening at one location of a quorum of the Board is difficult or impossible, or if the meeting is held by an advisory Board.

Each part of the telephone conference call meeting that is required to be open shall be audible to the public at the location specified in the notice of the meeting. The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

NOTICE

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must specify as the location of the meeting, the location where meetings of the governmental body are usually held.

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RECORDING

The conference call meeting shall be recorded and made available to the public.

Gov't Code 551.125

MEETING BY
VIDEOCONFERENCE
CALL

A Board member or School employee may participate remotely in a Board meeting by means of a videoconference call if the video and audio feed of the Board member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions below. A Board member who participates by videoconference call shall be counted as present at the meeting for all purposes.

A meeting of the Board may be held by videoconference call only if:

1. The Board makes available to the public at least one suitable physical space located in the School's geographic jurisdiction that is equipped with videoconference equipment that provides an audio and video display, as well as a camera and microphone by which a member of the public can provide testimony or otherwise actively participate in the meeting;
2. The Board member presiding over the meeting is present at the physical space; and
3. Any member of the public present at that physical space is provided the opportunity to participate in the meeting by means of a videoconference call in the same manner as a person who is physically present at a Board meeting that is not conducted by videoconference call.

The location where the presiding officer is physically present shall be open to the public during the open portions of the meeting.

Gov't Code 551.001(7), .127

NOTICE

A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

A meeting held by videoconference is subject to the quorum requirements applicable to other meetings.

A Board member may only participate by videoconference when he or she has prior permission from the presiding officer. The request to participate by videoconference must be made at least ten days prior to the posting of the notice of the meeting. The presiding officer's decision to allow or not allow a member to participate by videoconference is not subject to appeal to the entire Board.

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RECORDING The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where the presiding officer will be physically present and specify the intent to have the presiding officer present at that location.

The Board shall make at least an audio recording of the meeting. The recording shall be made available to the public.

QUALITY OF AUDIO AND VIDEO SIGNALS

Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified in the notice. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

The physical location specified in the notice, and each remote location from which a member of the Board participates, shall have two-way audio and video communication with each member who is participating by videoconference call during the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by the notice and at any other location of the meeting that is open to the public.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Department of Information Resources. The audio and video signals perceptible by members of the public at each location of the meeting described by the notice and at any other location of the meeting that is open to the public must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

The Board may allow a member of the public to testify at a meeting from a remote location by videoconference call even if a Board member is not participating in a meeting from a remote location.

Government Code 551.127; 1 TAC 209.10-11

REMOTE PARTICIPATION BY THE PUBLIC

INTERNET BROADCAST

The Board may broadcast an open meeting over the Internet. If the Board broadcasts a meeting over the Internet, it shall establish an Internet site and provide access to the broadcast from that site. The Board shall provide on the Internet site the same notice of the

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meeting, within the time required for posting that notice, that the Board is required to post under the Open Meetings Act.

Government Code 551.128

ATTORNEY
CONSULTATION

The Board may use a telephone conference call, videoconference call, or communications over the Internet to conduct a public consultation with its attorney in an open meeting of the Board or a private consultation with its attorney in a closed meeting of the Board.

Each part of a public consultation by the Board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

EXCEPTION

This does not apply to a consultation with an attorney who is an employee of the School. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by the School, is an employee of the School.

Gov't Code 551.129

LEGISLATIVE
COMMITTEE OR AGENCY
MEETING

The attendance by a quorum of the Board at a meeting of a committee or agency of the legislature is not considered to be a meeting of the Board if the deliberations at the meeting by the Board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency.

Gov't Code 551.0035

HEARING-IMPAIRED
PERSONS

In a proceeding before the Board in which the legal rights, duties, or privileges of a party are to be determined by the Board after an adjudicative hearing, the Board shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by Department of Assistive and Rehabilitative Services/Office of Deaf and Hard of Hearing Services, or any successor agency.

For purposes of this requirement, "deaf or hearing impaired" means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of a proceeding or inhibits communication with others.

Gov't Code 558.001, 558.003

PLACE OF MEETING

Meetings of the Board shall be held at the TSD Campus Ford CTE Building Multi-purpose Room unless otherwise indicated.

TIME OF MEETING

Annually, prior to September 1, the Board shall develop a regular meeting schedule for the fiscal year.

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- CLOSED MEETING Notice of all meetings shall provide for the possibility of a closed meeting during an open meeting, as provided by law.

- ORDER OF BUSINESS The order of business for Board meetings shall include the following in a sequence determined by the President:
 - 1. Call to Order
 - 2. Approval of the minutes of the previous meeting(s)
 - 3. Audience Speakers to Address the Board; Introduction of Visitors
 - 4. Board Reports and Action Items
 - 5. Reports or discussions from Board members
 - 6. Adjournment

- PROCEDURES The Board may adopt procedures governing the conduct of a Board meeting for matters not covered by this policy.

- RULES OF ORDER In matters of procedures not governed by this policy, Robert's Rules of Order, Newly Revised shall govern.

- VOTING Voting shall be done by a show of hands.

- INTERPRETING Appropriate interpreting/transliterating services for the deaf and hard of hearing shall be provided at each Board meeting.

- MINUTE FILINGS The School shall deliver to the Legislative Reference Library immediately after transcription a certified copy of the minutes of any meeting of the Board. Any changes or corrections to the minutes shall also be delivered to the Legislative Reference Library.

Government Code 324.008(d)

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