



## End of Open Meetings Act Suspension Order on September 1, 2021<sup>1</sup>

The attorney general has [announced](#) that the Governor's March 2020 order temporarily suspending specified provisions of the Open Meetings Act (OMA) due to the COVID-19 pandemic disaster will be lifted on September 1, 2021. As of that date, all provisions of the OMA will resume and apply in full to governmental bodies subject to the OMA, including community colleges.

### Board Meetings Before September 1, 2021

#### **1. How are community college board meetings affected by the OMA suspension before September 1, 2021?**

Before 12:01 a.m. on September 1, 2021, community college boards may choose to operate under the OMA suspension order as applicable. For example, if a board needs to meet by telephone or videoconference call to avoid congregate settings in physical locations, the board may meet remotely in compliance with the OMA suspension order.

### Board Meetings on or After September 1, 2021

#### **1. How are community college board meetings affected by the OMA suspension on or after September 1, 2021?**

Beginning at 12:01 a.m. on September 1, 2021, community college boards must resume full compliance with all provisions of the OMA. Boards that want to meet by telephone or videoconference call must comply with the applicable OMA provisions, including Texas Government Code sections 551.121, 551.122, and 551.127 regarding remote meetings. For more information, please see [Open Meetings Act—Remote Participation in Board Meetings](#) on TASB College eLaw.

#### **2. If a community college board meets in person, does the meeting notice still need to include a link for public access to the meeting?**

A notice for a community college board meeting is not required to include a link for public access to the meeting. However, a college may be required to broadcast or record and post meetings to its website, depending on the college's student enrollment.

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<sup>1</sup> An electronic version of this document is available on [TASB College eLaw](https://tasb.org/services/community-college-services/resources/tasb-college-elaw/documents/cc-oma-end-oma-suspension-order.pdf) at [tasb.org/services/community-college-services/resources/tasb-college-elaw/documents/cc-oma-end-oma-suspension-order.pdf](https://tasb.org/services/community-college-services/resources/tasb-college-elaw/documents/cc-oma-end-oma-suspension-order.pdf).

**Live Meeting Broadcasts:** A community college with a total student enrollment of more than 20,000 in any semester of the preceding academic year must broadcast any open board meeting over the internet in accordance with Texas Government Code section 551.128. A community college with a total student enrollment of 20,000 or less may also broadcast its open meetings online, but there is no requirement to do so. Additionally, a college must follow the same notice and time requirements found in Texas Government Code chapter 551, subchapter C when posting to the internet. Tex. Gov't Code §§ 551.128, .1282.

**Recorded Meetings:** A college with a student enrollment of 10,000 or more, or of more than 20,000 in any semester of the preceding academic year, must record a board meeting and make the recording available to the public in an archive on the college's website. The college must establish a website and provide access to the broadcast from that site. Tex. Gov't Code §§ 551.128, .1282.

**3. May a community college board meet by telephone or a single board member participate in a board meeting by telephone?**

**Special Meeting:** A community college board may hold either an open or closed meeting by a telephone conference call if: (1) the meeting is a special called meeting and immediate action is required, and (2) it is difficult or impossible to convene a quorum of the board at one location. Tex. Gov't Code § 551.121(b)-(c).

**Quorum at One Location:** A community college board may also hold an open or closed meeting by telephone conference call if a quorum of the board is physically present at the location where meetings are usually held. Tex. Gov't Code § 551.122(a)-(b).

**Single Member Participation by Telephone:** A board member who participates in a board meeting by telephone conference call is considered absent from the meeting for purposes of Texas Education Code section 130.0845 if the member is not physically present at the meeting location. Tex. Gov't Code § 551.122(g).

For more information regarding notice and other requirements for a meeting held by telephone conference, please see [Open Meetings Act—Remote Participation in Board Meetings](#) on TASB College eLaw.

**4. May a community college board meet remotely by videoconference?**

A full community college board generally cannot meet remotely by videoconference on any platform because at least a quorum of the board must meet in a physical location. However, a meeting by videoconference may be held by a college that extends into three or more counties if the presiding member is physically present at one location that is open to the public during open portions

of the meeting. A community college board may also allow individual board members to join and participate remotely. Any meeting by videoconference must meet the standards of the OMA, including certain audio and video requirements under Texas Government Code section 551.127 for which the Department of Information Resources has adopted [videoconference guidelines](#). Tex. Gov't Code § 551.127.

A community college board should confer with the college's technology staff and counsel before holding a meeting by videoconference call to ensure that the software, such as the meeting platform, and hardware meet the OMA's technological requirements for a meeting. Boards that anticipate requests from individual members to use videoconferencing should also consider establishing board operating procedures that set fair, reasonable standards for videoconferencing. For more information regarding notice and other requirements for a meeting held by teleconference, please see [Open Meetings Act—Remote Participation in Board Meetings](#) on TASB College eLaw.

**5. Where can I get more information on community college board meetings?**

Additional resources on board meetings and other subjects may be found in [TASB College eLaw](#). If you have questions about these or other legal issues, community college representatives may also contact TASB Community College Services at 800.580.1488 or [colleges@tasb.org](mailto:colleges@tasb.org).

For more information on community college law topics,  
visit TASB Community College eLaw online at [colleges.tasb.org/elaw](http://colleges.tasb.org/elaw).

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