



Open Meetings Act—Meeting Notice Requirements¹

A governmental body, including a community college board of trustees, must post written notice before all meetings, whether open or closed, regardless of whether final action will be taken. The notice requirements of the Texas Open Meetings Act (OMA) are strictly enforced. Tex. Gov’t Code §§ 551.041–.056.

The notice requirements for an emergency meeting under the OMA are different from other types of meetings. For additional information regarding emergency meetings, please see [Open Meetings Act—Emergency Meetings](#) on TASB College eLaw.

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General Notice Requirements

1. What must a meeting notice include?

Notice of a community college board meeting must include the date, hour, and location of the meeting as well as the items to be addressed and every matter to be discussed at the meeting. Tex. Gov’t Code § 551.041.

TASB Community College Services recommends that a board combine the notice and agenda for a meeting into a single document if it includes all items to be addressed at the meeting and all legally required information. For a sample combined notice and agenda, please see the [Regular Meeting Notice/Agenda Sample](#) on TASB College eLaw.

¹ 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-meeting-notice-requirements.pdf) at tasb.org/services/community-college-services/resources/tasb-college-elaw/documents/cc-oma-meeting-notice-requirements.pdf.

2. Where must the meeting notice be posted?

A community college board must post notice of each meeting on a bulletin board at a place convenient to the public in the central administration office. While statewide institutions of higher education are required to post notices of their board meetings in additional locations under Texas Government Code section 551.055, the Texas Attorney General has held that this requirement does not apply to community colleges because they are considered school districts for purposes of the OMA. Tex. Gov't Code § 551.051; Tex. Att'y Gen. Op. No. LO-96-16 (1996).

3. When must the meeting notice be posted?

The notice must be readily accessible to the general public at all times for at least 72 hours before the meeting's scheduled time. At least one notice must be accessible 24 hours a day for the 72 hours preceding the meeting. This obligation may be satisfied by making a good faith attempt to continuously post notice on the internet during the 72-hour period, as long as the physically posted notice is readily accessible to the general public during normal business hours. Tex. Gov't Code § 551.043; *City of San Antonio v. Fourth Court of Appeals*, 820 S.W.2d 762 (Tex. 1991).

The notice requirements for an emergency meeting are different, however. Please see [Open Meetings Act—Emergency Meetings](#) on TASB College eLaw for additional information regarding emergency meetings.

4. Must a community college board post the meeting notice to its website?

A board of a community college that maintains a website must post meeting notices on the website. The validity of a notice posting under Texas Government Code section 551.056 made in good faith by the board will not be affected by the failure to comply due to a technical issue beyond the board's control. However, a posting created after a board is notified of an internet posting error may not be sufficient. Tex. Gov't Code § 551.056(b)(4), (d); see, e.g., *Terrell v. Pampa Indep. Sch. Dist.*, 345 S.W.3d 641 (Tex. App.—Amarillo 2011, pet. denied) (finding that a fact issue existed as to whether the failure to timely post a meeting notice online was due to a technical glitch or to the creation of the notice after the posting deadline).

The agendas for board meetings of certain community colleges, based on city or student population, must also be posted on the college's website. TASB Community College Services recommends that a board combine the notice and agenda for a meeting into a single document if it includes all items to be

addressed at the meeting and all legally required information. For a sample combined notice and agenda, please see the [Regular Meeting Notice/Agenda Sample](#) on TASB College eLaw. Additional information regarding agenda posting requirements is included below in this document.

5. Must a community college board post a meeting agenda to its website?

In addition to the separate requirements to post a meeting notice to its website, the board of a community college that contains all or part of a city with a population of at least 48,000 must post any meeting agenda for the same 72-hour period as the notice. The validity of an agenda posting under Texas Government Code section 551.056 made in good faith by the board will not be affected by the failure to comply due to a technical issue beyond the board's control. However, a posting created after a board is notified of an internet posting error may not be sufficient. Tex. Gov't Code § 551.056(c)(4), (d); see, e.g., *Terrell v. Pampa Indep. Sch. Dist.*, 345 S.W.3d 641 (Tex. App.—Amarillo 2011, pet. denied) (finding that a fact issue existed as to whether the failure to timely post a meeting notice online was due to a technical glitch or to the creation of the notice after the posting deadline).

Additionally, as early as practicable, a board of a community college with a student enrollment of more than 20,000 during any semester of the prior academic year must also post on the college's website the agenda for any regularly scheduled board meeting and the related supplemental materials provided to board members for use at the meeting. The board is not required to post materials the college's attorney certifies as confidential or as permitted to be withheld under the Texas Public Information Act, nor is it required to comply if posting is impossible due an act of God or similar cause not reasonably within its control. Tex. Gov't Code § 551.1282.

TASB Community College Services recommends that a board combine the notice and agenda for a meeting into a single document if it includes all items to be addressed at the meeting and all legally required information. For a sample combined notice and agenda, please see the [Regular Meeting Notice/Agenda Sample](#) on TASB College eLaw.

Notice to News Media

1. Must a community college board provide notice of a meeting to the news media?

Yes. Generally, a community college board must provide notice of board meetings to all news media that request special notice and agree to reimburse the college for the cost of providing special notice. The notice shall be by telephone, facsimile transmission, or electronic mail. Tex. Gov't Code § 551.052. The notice

requirements for an emergency meeting under the OMA are different from other types of meetings. For additional information regarding emergency meetings, please see [Open Meetings Act—Emergency Meetings](#) on TASB College eLaw.

Specific Notice Content Requirements

1. Must a meeting notice include the topics to be discussed in the meeting?

Yes. The public is entitled to notice of the subject matter of a meeting. A governmental body, including a college district board, must provide specific notice of the subjects it will address during a meeting. A notice that describes the subject matter too generally may violate the OMA. See *Cox Enters. v. Bd. of Trss. of Austin Indep. Sch. Dist.*, 706 S.W.2d 956 (Tex. 1986) (requiring the notice to specifically disclose the subjects of the meeting). When in doubt, a notice should include more rather than less detail.

When a community college board is going to discuss a matter in which the public may have a particular interest, such as the selection of top administrative personnel, it must list the agenda item with a higher degree of specificity than would otherwise be required. *Cox Enters. v. Bd. of Trs. of Austin Indep. Sch. Dist.*, 706 S.W.2d 956 (Tex. 1986).

The notice should also specify each topic to be reported by the community college administration at board meetings, such as a college president's report or staff briefing, even if the board will not discuss the issues reported. E.g., Tex. Att'y Gen. Op. Nos. GA-668 (2008) (requiring more details regarding "City Manager's Report", "Mayor's Update," and "Council and Other Reports"), JC-169 (2000) (requiring more details regarding the "employee briefing" and "staff briefing").

2. Must a community college board include public comment on a meeting notice?

The OMA requires all open meetings to include time for public comment to allow any member of the public to address the community college board regarding any item on the meeting agenda either before or during the board's consideration of the item. Tex. Gov't Code § 551.007.

A board may designate a public comment period for members of the public to address the board regarding items on the meeting agenda, provided that it occurs before the board considers the items. Additionally, a board may designate a public comment period for members of the public to address the board regarding matters that are not on the agenda. The term "public comment" generally provides sufficient notice of the subject matter of a public comment session. However, if a board designates separate public comment periods for agenda and

non-agenda items, the meeting notice should separately identify those periods. Additionally, if a board has prior knowledge that a specific topic will be raised during public comment, the notice should specifically describe the topic. Tex. Att’y Gen. Op. No. JC-169 (2000).

3. May a community college board discuss items not listed on a meeting notice?

No. A community college board cannot discuss items not listed on the posted notice. If a member of the public or a member of the board inquires about a topic not on the notice, the only lawful response is to: (1) respond with specific factual information or a recitation of existing policy, or (2) deliberate or decide to place the subject on the agenda for a subsequent meeting. Tex. Gov’t Code § 551.042.

4. Should a meeting notice specify which portions of the meeting are open and which are closed?

No. A notice need not indicate which topics will be discussed in open session and which will be discussed in closed session. *Rogers v. State Bd. of Optometry*, 619 S.W.2d 603 (Tex. Civ. App.—Eastland 1981, no writ).

A governmental body, including a community college board, gains flexibility by listing all topics to be discussed and including a statement on the notice that any closed meetings will be held in accordance with Texas Government Code chapter 551, subchapters D and E or Texas Government Code section 418.183(f). If, however, the notices posted for a board’s meetings consistently distinguish between subjects for public deliberation and subjects for executive session deliberation, an abrupt departure from this practice may raise a question as to adequacy of the notice. Tex. Att’y Gen. Op. No. JC-57 (1999).

For a sample combined notice and agenda, please see the [Regular Meeting Notice/Agenda Sample](#) on TASB College eLaw.

Conference Call Meetings

1. What notice is required for a meeting by telephone conference call?

The notice must comply with notice requirements applicable to other meetings. In addition, the notice must specify that the location of the meeting is the location where meetings of the governmental body are usually held. Tex. Gov’t Code §§ 551.121(d)-(e), .122(c).

2. What notice is required for a meeting by videoconference call?

The notice regarding a meeting held by videoconference call must satisfy the notice requirements applicable to other meetings. Additionally, the notice must specify as a meeting location the location where a quorum of the community college board will be physically present and must specify the intent to have a quorum present at that location. If the college district extends into three or more counties, the notice must specify as a meeting location the location where the board member presiding over the meeting will be physically present and specify the intent to have the presiding board member present at that location. Tex. Gov't Code § 551.127(c)-(e).

TASB Policies on Notice Requirements

1. What TASB policies apply to notice requirements for community college board meetings?

Policy BE(LEGAL) discusses notice requirements for community college board meetings. Policies BEC(LEGAL) and BED(LEGAL) discuss additional requirements for community college board meetings.

2. Where can I get more information regarding the OMA?

Community college representatives may contact Community College Services to discuss these or other legal issues 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 and contains information to facilitate a general understanding of the law. References to judicial or other official proceedings are intended to be a fair and impartial account of public records, which may contain allegations that are not true. This publication is not an exhaustive treatment of the law, nor is it intended to substitute for the advice of an attorney. Consult your own attorney to apply these legal principles to specific fact situations.

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