



Open Government Training Requirements FAQs¹

Q: *Where do the OMA and PIA training requirements come from?*

A: In an effort to promote openness and increase compliance with open government laws, Texas law requires all public officials to receive at least one hour of training on the Texas Open Meetings Act (OMA). In addition, most public officials must also receive at least one hour of training on the Texas Public Information Act (PIA). Tex. Gov't Code §§ 551.005, 552.012.

Q: *Who is required to complete the OMA training?*

A: Each elected or appointed official who is a member of a governmental body subject to the OMA, such as a trustee of a college district board, must complete at least an hour of OMA training. Tex. Gov't Code § 551.005.

Additionally, the Texas Attorney General encourages all members of committees or advisory boards subject to the OMA to receive the OMA training, even if the committee member is not an elected or appointed member of a “governmental body.” For example, members of a construction committee appointed by a college district board may be required to receive the new training if the committee must comply with the OMA.

Q: *Who is required to complete the PIA training?*

A: In general, each elected or appointed official who is a member of a governmental body subject to the PIA, like a college district board, must attend training. However, the PIA training law allows for public officials to designate the public information coordinator to satisfy the training requirements for the public official. If your college district has made such a designation it will appear in your college district’s policy BBD(LOCAL). Also, any employee who serves as a governmental body’s designated public information coordinator is required to complete the PIA training course. Tex. Gov't Code § 552.012(a), (c).

Despite the option to delegate the training requirement, the attorney general strongly encourages all public officials, including board members, to complete the required PIA training. Designation of a public information coordinator to complete training on their behalf does not relieve board trustees of their duty to comply with the PIA.

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/open_govt_training_faqs.pdf.

Q: *What is the deadline for completing the open government training?*

A: Trustees must complete training not later than the 90th day after the date the trustee takes the oath of office. Tex. Gov't Code §§ 551.005(a), 552.012(b)-(c).

Q: *How much training is required?*

A: The law requires at least a one-hour educational course on the OMA and at least a one-hour educational course on the PIA. Tex. Gov't Code §§ 551.005(a), 552.012(b).

Q: *What topics are covered by the required OMA training?*

A: The OMA training requirements include:

1. the general background of the legal requirements for open meetings;
2. the applicability of the OMA to governmental bodies;
3. procedures and requirements regarding quorums, notice, and record-keeping under the OMA;
4. procedures and requirements for holding an open meeting and for holding a closed meeting; and
5. penalties and other consequences for failure to comply with the OMA.

Tex. Gov't Code § 551.005(b).

Q: *What topics are covered by the required PIA training?*

A: The PIA training requirements include:

1. the general background of the legal requirements for open meetings and public information;
2. the applicability of the PIA to governmental bodies;
3. procedures and requirements regarding complying with open records requests;
4. the role of the attorney general under the PIA; and
5. penalties and other consequences for failure to comply with the PIA.

Tex. Gov't Code § 552.012(d).

Q: *How will board members demonstrate that they have complied with the new open government training requirements?*

A: The group, entity, or person providing OMA or PIA training is required to give participants a certificate of course completion. After completion of an approved course, a board member is required to keep the certificate on file with the college district and make it available for public inspection upon request. This certificate should be retained for at least five years. Tex. Gov't Code §§ 551.005(c), 552.012(e).

Q: *What is the penalty for failing to receive training?*

A: The law imposes no specific penalty on college district board members who fail to attend open government training. According to the attorney general, the purpose of the new law is not to punish public officials, but to foster open government by making open government education a recognized obligation of public service.

The failure of one or more members of a college district board to complete the required OMA training does not affect the validity of an action taken by the board.

The attorney general cautions, however, that a deliberate failure to comply with the training requirements could result in an increased risk of criminal prosecution should the official ever be accused of violating the OMA or PIA.

Q: *Will open government training count toward compliance with other continuing education requirements for board members?*

A: Yes. To avoid imposing duplicate training requirements on public officials, the attorney general is required to harmonize the required OMA and PIA training with any other statutory training requirements that may be imposed on public officials. Tex. Gov't Code §§ 551.005(e), 552.012(g).

Q: *How can board members receive the required training?*

A: The attorney general provides free training through both online and video courses, available at texasattorneygeneral.gov/og/open-government-training.

Q: *Can governmental bodies conduct their own open government training?*

A: Yes. Governmental entities may conduct their own internal training on the OMA either by making any attorney general-approved training course available for their officials or by obtaining attorney general approval of their own course materials.

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.