Open Meetings Act
Public Comment
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For an introduction to House Bill 2840 and TASB’s Policy Manual Update 114, please see TASB Legal Services’ House Bill 2840—Public Comment and Testimony at Board Meetings.

Public Comment Basics

1. What is public comment and how does it differ from a public hearing?

A “public comment” period, sometimes also referred to as “audience participation” or “open forum,” generally describes the designated time during an open meeting when a governmental body hears comments or receives information from members of the public. Public comments at board meetings are governed by state law and local policy. Tex. Gov’t Code § 551.007; TASB Model Policy BED(LOCAL).

In contrast, the term “public hearing” describes a type of board meeting that is required by statute to give the public an opportunity to provide testimony or comment prior to the board’s decision or vote on specific subject matters. See Eudaly v. City of Colleyville, 642 S.W.2d 75 (Tex. App.—Fort Worth 1982, writ ref’d n.r.e.) (distinguishing between “public comment” and “public hearing”). For example, the following laws require a school district to hold a public hearing:

- Public meeting(s) to discuss and adopt the district’s budget and proposed tax rate. Tex. Educ. Code § 44.004.
- Public hearing regarding the effectiveness of the district's accelerated instruction programs. Tex. Educ. Code § 29.081(b-3).
- Public hearing before the district pays a current or former employee more than the amount owed to the employee under a contract. Tex. Loc. Gov’t Code § 180.007.
- Board meeting to provide information about a major curriculum initiative. Tex. Educ. Code § 28.002(g).
2. **Is a district required to allow public comment at board meetings?**

   Yes. Section 551.007 of the Texas Open Meetings Act (OMA) requires specified governmental bodies, including a school board, to allow each member of the public who desires to address the board regarding an item on an open meeting agenda to do so before or during the body’s consideration of the item at the meeting. Tex. Gov’t Code §§ 551.001(3)(B)-(L); .007(b). Section 551.007 is relatively new and has not yet been interpreted by a legal authority such as the attorney general or a court. Districts are encouraged to work closely with their school attorneys to interpret the requirements of the new law.

3. **Is public comment required for board “workshops” or “work sessions” where no voting takes place?**

   Yes, if the board is going to consider an item on the agenda for an open meeting, as defined by the OMA. A board must allow each member of the public who desires to address the board regarding an item on an agenda for an open meeting of the board to address the board regarding the item at the meeting before or during the board’s consideration of the item. The OMA defines open to mean open to the public, and meeting to mean any deliberation or gathering that meets the definition of a meeting under Section 551.001(4) of the OMA. Tex. Gov’t Code § 551.001(4), (5). This may include special called meetings, workshops, or other board meetings.

   TASB Model Policy BED(LOCAL) provides for public comment at every school board meeting. Boards can choose between a local policy option that limits public comments to agenda items or a local policy that allows public comments on any topic related to school district business.

4. **Is public comment required for subject matters not listed on the board’s meeting agenda?**

   No. The board is not required to provide a public forum for every person wishing to express an opinion on any matter whatsoever. See Tex. Gov’t Code § 551.001(5) (“open” means open to the public). See also Tex. Att’y Gen. Op. No. H-0188 (1973) (“open to the public” does not mean that the public may choose the items to be discussed; it means that the public is permitted to attend the meetings). Boards may choose to allow members of the public to provide information and feedback to the board about matters not listed on the board’s agenda as a matter of local practice.
5. **How does a grievance process differ from public comment?**

While a member of the public may choose to use either or both methods of communicating with the board about concerns related to district business, the grievance process and the public comment segment of a board meeting offer two very different avenues.

State and federal laws grant citizens the right to petition the government for redress of grievances and require school districts to have a grievance process. U.S. Const. amend. I, XIV; Tex. Const. art. I, § 27. See also Tex. Gov’t Code § 617.005 (permitting public employees to present grievances concerning their wages, hours of employment, or conditions of work). Local district policies outline grievance procedures. See TASB Model Policies DGBA, FNG, and GF.

Grievances present school officials with a formal opportunity to grant or deny a request for relief, offer grievants more time to present their concerns and submit documentation for a formal record, and allow for a means of exhausting administrative remedies. Public comments at board meetings, meanwhile, are often limited in time or manner of presentation due to the board’s need to complete district business in a timely and efficient manner.

Unlike public comments that do not generally require detailed advance notice, a grievance proceeding must be specified on a meeting agenda. Merely permitting a grievant to attend a board meeting and speak during public comment does not fulfill the board’s obligation to hear a grievance. Brown v. DeSoto Indep. Sch. Dist., Tex. Comm’r of Educ. Decision No. 128-R1-698 (Aug. 12, 1999). See also Adams v. Flour Bluff Indep. Sch. Dist., Tex. Comm’r of Educ. Decision No. 115-R10-598 (Aug. 6, 1999) (holding that offering a teacher an opportunity to make a three minute presentation about the termination of her probationary contract during open comment of a board meeting was not sufficient and ordering the board to grant teacher a grievance hearing).

On the other hand, a grievant who skips the district’s multi-step grievance process and speaks to the board during public comment has failed to properly invoke the district’s grievance process. Thomson v. Fort Worth Indep. Sch. Dist., Tex. Comm’r of Educ. Decision No. 155-R8-497 (Nov. 5, 2002).

6. **How may the board identify the public comment segment on its meeting agenda and notice?**

A notation such as “Public Comment” or “Audience Participation” on the meeting notice as a separate agenda item is generally sufficient to inform the public that the board has designated time to receive public input. The attorney general has stated that while such public comment sessions constitute meetings for which notice must be given, the terms “public comment,” “public forum,” “open mic,” or some other generic term, provide
sufficient notice for such sessions. If, prior to a meeting, the board is aware or reasonably should be aware of specific topics to be raised, such as a local neighborhood association requesting to present a public comment that is not already on the board’s agenda, then the meeting notice should be tailored to reflect that knowledge. Tex. Att’y Gen. Op. No. JC-0169 (2000). Furthermore, a district that chooses to distinguish between separate public comment periods for agenda and non-agenda items may wish to clarify the difference on its meeting notice.

Reasonable Rules

7. How may a board regulate public comments at its meetings?

A board may adopt reasonable rules governing public comments. Tex. Gov’t Code § 551.007(b), (c); Tex. Att’y Gen. Op. Nos. JC-0169 (2000), H-0188 (1973); Tex. Att’y Gen. LO-96-111 (1996). For example, boards may require speakers to sign up in advance and may establish reasonable limits on the length of presentations or the total time a member of the public can address the board on a given item. Boards may also designate a single public comment period at the beginning of a meeting to address all items on the agenda, and cap the total amount of time one speaker has to address all items on the agenda if the time limit is reasonable. Tex. Att’y Gen. Op. No. KP-0300 (2020).

A board may also change the order in which it will address agenda items in order to accommodate public comment in an orderly manner. Public comment on agenda items must, however, take place prior to or during the board’s consideration of the agenda items. Tex. Gov’t Code § 551.007(b). In other words, a board may not place the public comment portion or portions of the meeting after the board’s consideration of an item or at the very end of the meeting if a speaker has indicated at the time of sign-up that the speaker desires to address the board about an item on the meeting’s agenda.

In addition, if a board limits the amount of time a member of the public has available to address the board but does not use simultaneous translation equipment, then the board must provide at least twice the amount of time for non-English speakers who need a translator. Tex. Gov’t Code § 551.007(d).

In adopting and implementing reasonable restrictions, a board must not discriminate for or against a specific viewpoint. For example, if speakers arrive to speak about the football program, the board cannot provide more time to hear the individuals who speak favorably of the program than the speakers who criticize the program. See Leventhal v. Vista Unified Sch. Dist., 973 F. Supp. 951 (S.D. Cal. 1997) (concluding that
public comment periods at school board meetings are limited public forums). See also City of Madison Joint Sch. Dist. No. 8 v. Wisconsin Employment Relations Comm’n, 429 U.S. 167 (1976) (stating that permitting only one side of a debatable public question to have a monopoly in expressing its views to the government is the antithesis of constitutional guarantees).

See TASB Policy Service’s Regulations Resource Manual BED(Exhibit) for sample board procedures.

8. **May a board require speakers who wish to address the board to reside within the school district?**

A residency requirement for participation in public comment is a risky proposition. The OMA does not restrict or define the meaning of “a member of the public” in requiring school boards to allow a member of the public to address the board concerning an agenda item. Tex. Gov’t Code § 551.007(b). One out-of-state court has determined that a residency requirement for public comment was constitutional. See Rowe v. City of Cocoa, Fla., 358 F.3d 800 (11th Cir. 2004) (holding that city council rule limiting speech during public comment to residents or taxpayers of the city did not violate the First or Fourteenth Amendments because such a rule did not discriminate against speakers on the basis of viewpoint). However, a Texas court may view a residency requirement differently.

Enforcing a residency requirement on speakers may present both legal and practical challenges when non-district residents—including parents, volunteers, vendors, donors, corporate sponsors, business representatives, and others—desire to address the board concerning their involvement with district business. TASB Legal Services does not recommend that a board require speakers at public comment reside within the district’s boundaries. Furthermore, at no time should a district publicly reveal residence addresses at an open meeting, as such information may be protected by confidentiality laws. E.g., Tex. Gov’t Code § 552.1175(b) (home addresses of certain individuals are confidential).

9. **May a board limit public comment to certain topics or subject matters?**

Yes, in compliance with the law. As long as limitations do not discriminate against particular viewpoints of the speaker or deny speakers the opportunity to address the board about an agenda item to be considered at an open meeting, school boards may limit public comment to subjects listed on a meeting’s agenda or to matters that are within the board’s control or jurisdiction. Tex. Gov’t Code § 551.007(b). See Featherstone v. Columbus City Sch., Dist. Bd. of Educ., 92 F. App’x 279 (6th Cir. 2004) (holding that school board did not violate citizen’s First Amendment rights when it attempted to limit his comments to items on the board’s meeting agenda).
10. **Will the board be liable for the public comments of a speaker alleged to be defaming another individual?**

No. The school district itself has immunity from claims of defamation. A statement is defamatory if the words tend to injure a person’s reputation, exposing the person to public hatred, contempt, ridicule, or financial injury. Tex. Civ. Prac. & Rem. Code §§ 73.001, 101.051; see, e.g., *Campbell v. Salazar*, 960 S.W.2d 719, 725 (Tex. App.—El Paso 1997, pet. denied) (affirming that a schoolteacher who was defamed by theft accusations had suffered mental anguish and financial injury). Unless an individual board member repeats defamatory statements to a third party, only the public comment speaker could be held responsible for defamatory statements made in public comment.

11. **May the board generally prohibit criticism of the board or the district?**

No. At no time may a board prohibit public criticism of the board or district, including criticism of any act, omission, policy, procedures, program, or service. Tex. Gov’t Code § 551.007(e).

12. **How should a board respond if a speaker makes personal attacks or slanderous remarks about a specific employee or trustee during the public comment segment of the meeting?**

Understandably, school officials may be uncomfortable with members of the public who use the forum of public comment to directly attack specific employees or officials. Nonetheless, the discomfort caused by such situations must be balanced with the right of a member of the public under state and federal law to address the board. School boards should plan ahead, preferably with input from the district’s attorney, for the best way to respond when a member of the public goes on the attack. Several factors are important to consider before stopping a speaker from making public comments.

- **First Amendment:** Treating speakers differently based on their viewpoints may be an unreasonable restriction on public speech protected by the First Amendment. For example, treating compliments for individual employees differently from criticism about individual employees may constitute viewpoint discrimination. *See Bach v. Sch. Bd. of City of Virginia Beach*, 139 F. Supp. 2d 738, 741 (E.D. Va. 2001) (ruled unconstitutional a school board bylaw that directed speakers to avoid “attacks or accusations regarding the honesty, character, integrity, or other like personal attributes of any identified individual or group”). *See also Zapach v. Dismuke*, 134 F. Supp. 2d 682 (E.D. Pa. 2001) (holding that chair’s decision to stop citizen’s comment based on his mention of individuals’ names was content- and viewpoint-based discrimination); *Gault v. City of Battle Creek*, 73 F. Supp. 2d 811 (W.D. Mich. 1999) (granting a preliminary injunction in favor of citizens who had been prevented from making negative personal comments about city officials at a city council meeting).
• **Open Meetings Act:** As stated above, the OMA states that a school board may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. Tex. Gov’t Code § 551.007(e). It may be difficult to distinguish between *ad hominem* attacks against a particular employee or official and criticism of the district itself, especially if the employee or official in question is being criticized for implementing a district policy. It is far less risky to allow the person to continue speaking than to stop him or her and risk a violation of the law.

• **Local grievance policies:** By adopting local grievance policies, the board has adopted procedures to hear and address complaints, including complaints about specific individuals. See, *e.g.*, TASB Policies DGBA(LEGAL), (LOCAL) (employee complaints/grievances); FNG(LEGAL), (LOCAL) (student and parent complaints/grievances); GF(LEGAL), (LOCAL) (public complaints/grievances). If a speaker begins to complain about a particular individual by name, the board may recommend that the speaker seek relief via the district’s formal grievance procedure. Insisting that the person stop speaking in public comment based on the grievance procedures is riskier, for the reasons discussed here. School boards wishing to utilize this option should consult their school attorneys about how to handle these situations.

In short, a board that cuts off a member of the public’s comments before the person’s allotted time has expired risks a legal challenge. Consequently, a board should exercise this option only with the advice of an attorney. In one case, the Fifth Circuit Court of Appeals concluded that a board did not violate a former teacher’s aide’s First Amendment rights by preventing her from mentioning by name in public comment the teacher employee about whom she had filed a grievance that was scheduled for a closed session presentation at the same meeting. The Fifth Circuit reasoned that public comment is a limited public forum, the school district had a robust alternate grievance process, and the OMA provides an exception allowing the board to discuss pending complaints involving individual employees and individual students in closed session. This legal precedent suggests that a board may ask someone with a pending complaint about an employee or student not to mention that person by name during public comment. *Fairchild v. Liberty Indep. Sch. Dist.*, 597 F.3d 747 (5th Cir. 2010). This is a fairly narrow exception, however. Absent an extenuating circumstance, such as an already pending grievance, a presiding officer may recommend, but should not insist, that a member of the public use the district’s grievance policies.

13. **May the board immediately go into closed session to hear a speaker’s complaint raised during public comment?**

School officials may ask whether the district can comply with the law by requiring all complaints or criticism about employees or trustees to be heard in closed session, so as to avoid embarrassing specific individuals. Because of the legal risks involved, TASB
Legal Services recommends districts only employ this option rarely, concerning a topic for which the board has properly posted advance notice as required by the OMA, and with advice of the board’s attorney.

Although most boards have adopted local policies that call for certain grievance matters that are authorized by the OMA to be heard in closed meeting, there is no OMA requirement for a board to move into closed meeting to hear “public comment” complaints about an employee. *Dixon v. Grand Prairie Indep. Sch. Dist.*, Tex. Comm’r of Educ. Decision No. 064-R3-1299 (Nov. 6, 2001). Under the OMA, the board is required to conduct an open meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee if the officer or employee who is the subject of the deliberation requests a public hearing. Tex. Gov’t Code § 551.074. Similar exceptions apply to confidential student information or the discipline of individual students. Tex. Gov’t Code §§ 551.082-.0821. If the employee does not request a public hearing to be held open session, the board may go into closed session to hear the complaint. Based on this authority, some school boards may opt to go into closed session to hear a speaker continue presenting a complaint for the remainder of the speaker’s allocated public comment time if that complaint concerns an already posted agenda item for that meeting.

Although this practice avoids the awkwardness of public criticism, it raises other legal concerns. For example, the attorney general has opined that members of the public may not be invited into closed meetings unless specifically permitted by law. Consequently, when a school board invited select audience members to come individually into closed session to share their comments on the superintendent’s performance, the board violated the OMA. Tex. Att’y Gen. Op. No. GA-0511 (2007).

Going into an unplanned closed meeting may also have an adverse impact on the public’s trust or confidence in the board. If a speaker begins to present a complaint during the public comment portion of a meeting and the board stops the presentation to go into closed session to hear the complaint, other members of the public in attendance may feel that the school board is trying to hide something.

In addition, allowing a member of the public to bypass grievance procedures— appearing for the first time in public comment, raising a complaint, and directing those comments to the board in closed session—not only undermines the purpose of the grievance process but would likely overload the board’s public comment session and slow down meetings. Furthermore, once the board hears a complaint presented as public comment in closed session, and the concerns are raised again in a formal grievance proceeding, the board may then be challenged as biased.
For these reasons, TASB Legal Services does not recommend going into closed session to hear a member of the public’s comments as a routine matter. Remember, also, that the board must not act or vote in closed session on any matter.

14. **May a board limit the number of speakers for each agenda item or require that a group of individuals designate one spokesperson?**

No. The board must allow every member of the public who desires to address the board about an item on the agenda for an open meeting to do so before or during the board’s consideration of the item. A board may not, for example, require the designation of a spokesperson to reduce the number of speakers or cap the total amount of time in a manner that results in denying a member of the public who has followed the district’s procedures to address the board. It may be reasonable for the board to offer, but not require, alternative options to address the board, such as submitting written comments in lieu of spoken comments or donating an individually assigned amount of time to another registered speaker. If a board finds that it is overwhelmed by the number of citizens wishing to address the board, the board should seek legal advice before refusing to allow a citizen to address the board prior to its consideration of an agenda item.

15. **Are employees allowed to speak during public comment periods?**

Yes, employees may speak in public comment, but the district must handle employees’ comments about their own employment with care. Employees have a First Amendment right to speak out on matters of public concern. For example, the U.S. Supreme Court held that a teacher could not be fired for publishing a letter in the newspaper criticizing the school district’s allocation of funds. *Pickering v. Bd. of Educ. of Twp. High Sch. Dist.* 205, 391 U.S. 563 (1968). An employee’s comments about his or her own employment, on the other hand, are not as protected. See, e.g., *Williams v. Dallas Indep. Sch. Dist.*, 480 F.3d 689 (5th Cir. 2007) (per curiam) (concluding that employee’s statements relating to his job as athletic director were written in the course of performing his job, and thus not protected).

In some instances, depending on the community’s level of interest, an employee’s commentary on his or her own employment may constitute a matter of public concern. Because public concern is difficult to assess, the safest course of action is usually to allow an employee to speak in public comment.
16. **How may a board respond to inquiries from speakers during public comment about topics not on the meeting’s agenda?**

The OMA does not authorize a board to discuss or act on comments or complaints from a member of the public if the subject is not on the meeting agenda. If a member of the public or a member of the board inquires about a subject for which notice has not been given, board members may respond only in the following ways:

- **Give factual information:** Make a statement of specific factual information, e.g., “The deadline for submitting bids on that proposal is March 1, 2020.”
- **Refer to policy:** Recite existing policy in response to the inquiry, e.g., “Complaints by a parent against a district employee should be submitted under the district’s local policy FNG(LOCAL).”
- **Place on future agenda:** Respond merely that the matter shall be placed on a future agenda, e.g., “The board will add your request to the agenda of the next board meeting.”
- **Deliberate placement on agenda:** Discuss only the limited inquiry of a proposal to place the subject on the agenda for a subsequent meeting, e.g., “Does any board member have any objections to placing this item for deliberation on the agenda for the meeting after next?”


In contrast, if the subject of a public comment is already on the agenda for that meeting, the board may choose to respond without any violation of the OMA. As a best practice, consider listening to all comments on an agenda item prior to responding to any single speaker.

17. **May a board member participate as a member of the public to address the board during public comment, such as standing with the audience, rather than participate as a member of the board?**

No. During a board meeting of the school district for which a board member was elected and serves, the board member cannot shed the role of elected official to take on another role, such as community member, volunteer, employee of another entity, parent, or private citizen—even though, outside of the meeting, a board member is often juggling several of these roles. All members of the board who are present count towards the quorum required to call a board meeting, and their comments at a board meeting will be reasonably construed as meeting the definition of a deliberation under the OMA. See Tex. Gov’t Code § 551.001 (defining *meeting* and *deliberation*). Therefore,
whether a board member is sitting with the rest of the board, standing with the audience in the board room, or announcing aloud that the member is no longer present as an official or in an official capacity, the member remains an official member of the board as duly elected at all times during a board meeting.

Furthermore, a board member’s statement during a meeting on any item that is not on the meeting agenda may violate the OMA. See Hays County Water Planning P’ship v. Hays County, Texas, 41 S.W.3d 174 (Tex. App.—Austin 2001, pet. denied) (finding that a meeting notice stating “Presentation by [County] Commissioner” did not provide adequate notice of the presentation because a commissioner presented to the rest of the board and included the commissioner’s views on development and substantive policy issues of importance to the county).

Disruptive Behavior

18. **May a member of the public be removed for disrupting a board meeting?**

Yes, the school board has a right to insist that persons attending a meeting maintain order and obey the board’s rules.

- **Local policy:** For districts using TASB Policy Service, Policy BED(LOCAL) addresses this concern.
- **Criminal offense:** It is a criminal offense for a person, with the intent to prevent or disrupt a lawful meeting, to substantially obstruct or interfere with the meeting by physical action or verbal utterance. Tex. Penal Code § 42.05; Morehead v. State, 807 S.W.2d 577 (Tex. Crim. App. 1991). Therefore, as a last resort, the board can request the assistance of local law enforcement to escort a disruptive individual from a meeting. TASB Legal Services strongly recommends that school districts work in advance of board meetings in consultation with school attorneys to adequately plan and prepare for use of law enforcement at board meetings.

19. **What constitutes a meeting disruption or “disorderly conduct”?**

Whether particular conduct rises to the level of disorderly conduct is an issue for the board to consider. According to one federal district court in Texas, “Being ‘disruptive,’ is not confined to physical violence or conduct, but also encompasses any type of conduct that seriously violates rules of procedure . . . established to govern conduct at [board] meetings.” Luckett v. City of Grand Prairie, 2001 WL 285280, at *5 (N.D. Tex. Mar. 19, 2001) (mem.) (not designated for publication).
The board should take care to warn an individual who is mildly disruptive and only remove an individual who is *substantially* interfering with the board’s ability to conduct business. *See McMahon v. Albany Unified Sch. Dist.*, 129 Cal.Rptr.2d 184 (Cal. Ct. App. 2002) (upholding removal of an audience member who dumped trash out at a California school board meeting).

**20. What can the board do to limit disruptions by members of the public audience?**

In order to maintain decorum and conduct school business in a professional manner, the school board must insist that persons attending a meeting maintain order and obey the board’s rules. Many boards adopt specific operating procedures. These procedures may set out specific responses that the presiding officer will use when handling disruptions. Many presiding officers also read a brief statement prior to the public comment segment of the meeting as a general reminder to all public participants of the board’s expectations. A sample script is available from TASB Policy Service’s Regulations Resource Manual BED(Exhibit).

For more information about the extent of a school district’s authority to restrict and control visitors to school property and events, including exclusion or removal from school grounds, see TASB Legal Services’ article *Visitors to School Property and School Events*.

**Distribution of Literature and Display of Signs**

**21. May members of the public pass out fliers or other printed material at board meetings, including during public comment?**

Yes, in accordance with local policy. A citizen’s ability to hand out printed materials at a school board meeting may be addressed by local school board policy. For districts using TASB Policy Service, Policy GKDA(LOCAL) addresses this issue. Most districts allow the distribution of nonschool-sponsored material (like a concerned citizen’s fliers), or even wearing of T-shirts that display a public message, but most impose certain restrictions on the time or place of the distribution. For example, the policy may require a member of the public to provide materials to a staff member to distribute prior to the beginning of the meeting.

**22. May the board restrict the types of fliers or other printed material that may be distributed at board meetings or require that materials be approved by the administration in advance?**

Probably not. Courts considering so-called “prior administrative review” policies distinguish between school-sponsored events at which students are likely to be present and events that are designed for adults. The Fifth Circuit Court of Appeals has indicated that a district may not impose prior review on citizen flyers at school-sponsored events.
that take place after hours and are intended for adults rather than students. See Chiu v. Plano Indep. Sch. Dist., 339 F.3d 273 (5th Cir. 2003) (holding that school district had no legitimate interest in requiring pre-clearance of handbills distributed by parents outside school hours with no disruption of normal school operations). Therefore, unless a district can say with confidence that students regularly attend and participate in school board meetings, school board meetings are likely to fall within the category of events for which the district may not require prior review.

The district may still apply reasonable limitations on content and time, place, and manner restrictions, however. For more information on distribution of materials on school property, including distribution of materials by students, see TASB Legal Services’ Distribution of Nonschool Materials on School Property.

23. **May members of the public display signs or posters at board meetings?**

Yes, and this issue should also be resolved by a district’s local policy. Policy GKDA(LOCAL) typically places the same restrictions on signs and posters as on handbills. See Chiu v. Plano Indep. Sch. Dist., 339 F.3d 273 (5th Cir. 2003) (holding that district’s policy requiring parents to obtain prior approval before displaying signs after school hours at a parents-only meeting was an unconstitutional prior restraint on speech as applied and that the administrators’ enforcement of the policy was objectively unreasonable). See also Godwin v. E. Baton Rouge Parish Sch. Bd., 408 So. 2d 1214 (La. 1982) (upholding regulation prohibiting hand-carried signs at board meetings).

Again, reasonable limitations on content and time, place, and manner restrictions for the display of signs and posters may still apply.

24. **Where can I get more information about board meetings?**

The Office of the Attorney General is the primary source of information related to the Open Meetings Act. Supplemental resources from TASB related to school board meetings and public participation at meetings are available on the TASB Store and TASB School Law eSource. School district trustees and administrators may contact TASB Legal Services at 800.580.5345.

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This document is continually updated, and references to online resources are hyperlinked, at tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/oma-public-comment.pdf. For more information on this and other school law topics, visit TASB School Law eSource at schoollawesource.tasb.org.

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