



Open Government Training Requirements FAQs

Published online in [TASB School Law eSource](#)

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). Tex. Gov't Code § 551.005. In addition, public officials must also receive at least one hour of training on the Texas Public Information Act (PIA) unless the official has designated the district's public information coordinator to satisfy the training requirement for the official. Tex. Gov't Code § 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 school board) must complete at least an hour of OMA training. Tex. Gov't Code § 551.005.

Additionally, the attorney general (AG) encourages all members of committees or advisory boards subject to the OMA to receive the [Open Meetings Act 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 school board may be required to receive the new training if the committee complies 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 school board) must attend training. The PIA training law, however, allows for public officials to designate the public information coordinator to satisfy the training requirements for the public official. Tex. Gov't Code § 552.012(c). If your district has a designated public information coordinator for this purpose, it will appear in your 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 and must actually complete the training to comply with Section 552.012. In most school districts, the superintendent is the public information coordinator. See TASB Policy BBD(LEGAL) and (LOCAL). The AG strongly encourages all public officials (including school board members) to complete the required [Public Information Act Training](#). Designation of a public information coordinator to complete training on their behalf does not relieve school board trustees of their duty to comply with the PIA.

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).

Q: *How much training is required?*

- A. The law requires at least one hour but not more than two hours of an educational course on the OMA and at least one hour but not more than two hours of an 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 records 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 school board members demonstrate that they have complied with the new open government training requirements?*

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

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

A. The law imposes no specific penalty on school board members who fail to attend open government training. According to the AG, 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 school board to complete the OMA training required by Section 551.005 does not affect the validity of an action taken by the board.

The AG 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 school board members?*

A. Yes. To avoid imposing duplicate training requirements on public officials, the AG is required to harmonize the required OMA and PIA training with any other statutory training requirements that may be imposed on public officials.

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

A. The AG provides free training through both online and video courses, available at the [Open Government Training](#) website. TASB Legal Services has developed AG-approved OMA and PIA training courses designed specifically for school officials and geared toward satisfying the OMA and PIA training requirements. Legal Services attorneys will provide this training live at future TASB training events.

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

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

This document is continually updated, and references to online resources are hyperlinked, at tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/open-gov-training-requirements-faqs.pdf. For more information on this and other school law topics, visit TASB School Law eSource at schoollawsource.tasb.org.

This information is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not 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 you to consult with your own attorneys in order to apply these legal principles to specific fact situations.

Updated August 2018