

## **POLICY**

### **Definitions**

#### **Meeting**

“Meeting” means a deliberation among a quorum of the Board, or between a quorum of the Board and another person, during which public business or public policy over which the Board has supervision or control is discussed or considered, or during which the board takes formal action.

“Meeting” also means a gathering:

1. That is conducted by the Board or for which the Board is responsible;
2. At which a quorum of members of the Board is present;
3. That has been called by the Board; and
4. At which Board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of Heritage Academy, about the public business or public policy over which the Board has supervision or control.

Gov’t Code 551.001(4)

A communication or exchange of information between Board members about public business or public policy over which the Board has supervision or control does not constitute a meeting or deliberation for purposes of the Texas Open Meetings Act if the communication is posted to an online message board or similar Internet application in compliance with Government Code 551.006. Gov’t Code 551.006.

The term “meeting” does not include the gathering of a quorum of the Board at a social function unrelated to the public business that is conducted by the Board, or the attendance by a quorum of the Board at a regional, state, or national convention or workshop, ceremonial event, or press conference, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, or press conference. Gov’t Code 551.001(4).

#### **Deliberation**

“Deliberation means a verbal exchange during a meeting between a quorum of the Board, or between a quorum of the Board and another person, concerning an issue within the jurisdiction of the Board or any public business. Gov’t Code 551.001(2).

#### **Recording**

Recording” means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. Gov’t Code 551.001(7).

**Videoconference Call**

“Videoconference call” means a communication conducted between two or more persons in which one or more of the participants communicates with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the Internet. Gov’t Code 551.001(8).

**Superintendent Participation**

The Board shall provide the Superintendent an opportunity to present at a meeting an oral or written recommendation to the Board on any item that is voted on by the Board at the meeting.

**Open to Public**

Every Board meeting shall be open to the public. The Board may, however, exclude a witness from a hearing during the examination of another witness in a matter being investigated and may enter into a closed meeting, as provided by law. Gov’t Code 551.002, .084.

**Recording**

All or any part of an open meeting may be recorded by any person in attendance by means of a recorder, video camera, or other means of aural or visual reproduction.

The Board may adopt reasonable rules to maintain order at a meeting, including rules relating to the location of recording equipment and the manner in which the recording is conducted. These rules may not prevent or unreasonably impair a person from exercising the right to record a meeting that is open to the public. Gov’t Code 551.023.

**Minutes**

The Board shall and keep minutes or make a recording of each open meeting. The minutes shall state the subject matter of each deliberation and indicate each vote, order, decision, or other action taken. Gov’t Code 551.021.

**Availability**

The minutes and recording are public records and shall be available for public inspection and copying on request to the Superintendent or designee. Gov’t Code 551.022.

**Notice Required**

The Board shall give written notice of the date, hour, place, and subject(s) of each Board meeting. Gov’t Code 551.041.

**Continued Meeting**

If the Board recesses an open meeting to the following regular business day, the Board is not required to post notice of the continued meeting if the action is taken in

good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, the Board continues the meeting to another day, the Board must give the required written notice of the meeting continued to that other day. Gov't Code 551.0411(a).

### **Inquiry During Meeting**

If a member of the public or the Board inquires at a meeting about a subject for which notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting. Gov't Code 551.042.

### **Time of Notice and Accessibility**

Notice of a Board meeting shall be posted on a bulletin board at a place convenient to the public in the Heritage Academy Central Administration Office for at least 72 hours before the scheduled time of the meeting. That notice or a notice posted at another Board-designated place shall at all times be readily accessible to the public for at least 72 hours before the scheduled time of the meeting. Gov't Code 551.043(a), .051.

If Heritage Academy is required to post notice of a meeting on the Internet, Heritage Academy satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the Internet during the prescribed period.

Heritage Academy must still comply with the duty to physically post the notice in the Central Administration Office, and if Heritage Academy makes a good-faith attempt to continuously post the notice on the Internet during the prescribed period, the physically posted notice must be readily accessible to the general public during normal business hours. Gov't Code 551.043(b).

### **Internet Posting**

If Heritage Academy maintains an Internet website, in addition to the other place at which notice is required to be posted, the Board must also concurrently post notice of a meeting on the Internet website.

If the Heritage Academy boundaries contain all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the Board must also, concurrently with the notice, post on the Heritage Academy Internet website the agenda for a Board meeting, if the agenda differs from the posted notice.

The validity of a posting by Heritage Academy in a good-faith attempt to comply with the Internet posting requirements is not affected by a failure to comply that is due to a technical problem beyond Heritage Academy' control. Gov't Code 551.056.

**Specificity of Agenda/Notice**

Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to the Superintendent and principals are of particular public interest, and notice of those subjects must be worded with such clarity that the public will understand what the Board proposes to discuss or accomplish.

The terms “employee briefing” or “staff briefing” do not give adequate notice of the subject matter to be presented to the Board by employees or staff members.

The subject of a report or update by Heritage Academy staff or a Board member must be set out in the notice in a manner that informs a reader about the subjects to be addressed.

**Emergency Meeting or Emergency Agenda Additions**

In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added to an agenda posted in accordance with law is sufficient if it is posted for at least two hours before the meeting is convened.

An emergency or urgent public necessity exists only if immediate action is required because of an imminent threat to public health and safety or a reasonably unforeseeable situation. The Board shall clearly identify the emergency or urgent public necessity for each item in the notice of an emergency meeting and each item added in a supplemental notice.

**Catastrophe**

If the Board is prevented from convening an open meeting that was otherwise properly posted under Government Code Section 551.041 because of a catastrophe, the Board may convene the meeting in a convenient location within 72 hours pursuant to Government Code Section 551.045 if the action is taken in good faith and not to circumvent Government Code Chapter 551. If the Board is unable to convene the open meeting within those 72 hours, the Board may subsequently convene the meeting only if the board gives the required written notice of the meeting.

“Catastrophe” means a condition or occurrence that interferes physically with the ability of the Board to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;

3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

Gov't Code 551.0411(b), (c).

**Notice to News Media**

Heritage Academy shall provide special notice of each meeting by telephone, facsimile transmission, or electronic mail to any news media that has requested it and agreed to reimburse Heritage Academy for the cost of providing the special notice. When an emergency meeting is called or an emergency item added to an agenda, the Board President shall notify by telephone, facsimile transmission, or electronic mail any news media who have previously requested special notice of all meetings. Gov't Code 551.047, .052.

**Quorum**

A majority of the Board constitutes a quorum for meetings. Gov't Code 551.001(6).

**Secret Ballot**

No vote shall be taken by secret ballot.

**Meeting by Telephone Conference Call**

The Board may hold a meeting by telephone conference call if an emergency or public necessity exists within the meaning of Government Code 551.045 and the convening at one location of a quorum of the Board is difficult or impossible, or if the meeting is held by an advisory board.

Each part of the telephone conference call meeting that is required to be open shall be audible to the public at the location specified in the notice of the meeting. The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

**Notice**

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must specify as the location of the meeting the location where Board meetings are usually held.

**Recording**

The conference call meeting shall be recorded and made available to the public.

Gov't Code 551.125

**Meeting by Videoconference Call**

A Board member or Heritage Academy employee may participate remotely in a Board meeting by means of a videoconference call if the video and audio feed of the Board member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions below. A Board member who participates by videoconference call shall be counted as present at the meeting for all purposes.

A Board meeting may be held by videoconference call only if:

1. The Board makes available to the public at least one suitable physical space located in Heritage Academy' geographic jurisdiction that is equipped with videoconference equipment that provides an audio and video display, as well as a camera and microphone by which a member of the public can provide testimony or otherwise actively participate in the meeting;
2. The Board member presiding over the meeting is present at the physical space; and
3. Any member of the public present at that physical space is provided the opportunity to participate in the meeting by means of a videoconference call in the same manner as a person who is physically present at a Board meeting that is not conducted by videoconference call.

The location where the presiding officer is physically present shall be open to the public during the open portions of the meeting. Gov't Code 551.001(7), .127.

**Notice**

A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where the presiding officer will be physically present and specify the intent to have the presiding officer present at that location.

**Quality of Audio and Video Signals**

Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified in the notice. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

The physical location specified in the notice, and each remote location from which a member of the board participates, shall have two-way audio and video communication with each member who is participating by videoconference call

during the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by the notice and at any other location of the meeting that is open to the public.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Department of Information Resources. The audio and video signals perceptible by members of the public at each location of the meeting described by the notice and at any other location of the meeting that is open to the public must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

### **Recording**

The Board shall make at least an audio recording of the meeting. The recording shall be made available to the public.

### **Remote Participation by the Public**

The Board may allow a member of the public to testify at a meeting from a remote location by videoconference call even if a Board member is not participating in the meeting from a remote location.

Gov't Code 551.127; 1 TAC 209.10–.11

### **Video and Audio Recording of Meeting**

If Heritage Academy has a student enrollment of 10,000 or more, the Board shall make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting. In addition, the Board may broadcast a regularly scheduled open meeting on television.

The Board shall make available an archived copy of the video and audio recording on the Internet not later than seven days after the date the recording was made. The Board shall maintain the archived recording on the Internet for not less than two years after the date the recording was first made available. However, the Board is exempt from the requirements in this paragraph if the Board's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Government Code 551.0411 (see **Catastrophe** above), or a technical breakdown. Following a catastrophe or breakdown, the Board must make all reasonable efforts to make the required recording available in a timely manner.

The Board may make the archived recording available on an existing Internet site, including a publicly accessible video-sharing or social networking site. The Board is not

required to establish a separate Internet site and provide access to archived recordings of meetings from that site.

If Heritage Academy maintains an Internet site, Heritage Academy shall make available on that site, in a conspicuous manner, the archived recording of each meeting or an accessible link to the archived recording of each such meeting. Gov't Code 551.128(b-1)–(b-6).

### **Internet Broadcast**

If Heritage Academy and the Board are not subject to the provisions above at **Video and Audio Recording of Meeting**, the Board may broadcast an open meeting over the Internet. If the Board broadcasts a meeting over the Internet, it shall establish an Internet site and provide access to the broadcast from that site. The Board shall provide on the Internet site the same notice of the meeting, within the time required for posting that notice, that the Board is required to post under the Open Meetings Act. Gov't Code 551.128(b), (c).

### **Attorney Consultation**

The Board may use a telephone conference call, videoconference call, or communications over the Internet to conduct a public consultation with its attorney in an open meeting of the Board or a private consultation with its attorney in a closed meeting.

Each part of a public consultation by the Board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

### **Exception**

This does not apply to a consultation with an attorney who is an employee of Heritage Academy. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by Heritage Academy, is an employee of the Heritage Academy. Gov't Code 551.129.

### **Hearing-Impaired Persons**

In a proceeding before the Board in which the legal rights, duties, or privileges of a party are to be determined by the Board after an adjudicative hearing, the Board shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the Texas Department of Assistive and Rehabilitative Services.

For purposes of this requirement, “deaf or hearing impaired” means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of a proceeding or inhibits communication with others. Gov't Code 558.001, .003.