

MEMORANDUM

To: SAISD Board of Trustees
From: Steve Lecholop
Subject: Proposed Transparency Policy Revisions
Date: For consideration on August 17, 2015

Colleagues: Below are proposed policy revisions as they relate to Board meeting transparency. I have, in consultation with our lawyers, prepared revisions, commentary, and legal backup to our existing policies in order to expand our continuing efforts toward greater transparency at our Board meetings.

Goal: To create greater transparency of the proceedings of the SAISD Board of Trustees.

OBJECTIVE #1: To provide the public an audible video recording of Board meetings.

Applicable law/policy

BE (LEGAL) provides: The Board shall prepare 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

BE (LOCAL) PROPOSED REVISION: An audible video recording of each public meeting of the Board of Trustees shall be made. The audible video recording shall be posted on the District's website no later than noon on the next District business day following the meeting. Each audible recording will remain available on the District's website for two years, after which the recording will be permanently archived.

Open Meetings Act legislation effective January 1, 2016 (in pertinent part):

Subsection 551.128 (b-1): [A]n elected school district board of trustees for a school district that has a student enrollment of 10,000 or more [...] shall:

- (1) 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; and
- (2) make available an archived copy of the video and audio recording of each meeting described by Subdivision (1) on the Internet.

Subsection 551.128 (b-2): A governmental body described by Subsection (b-1) may make available the archived recording of a meeting required by Subsection (b-1) on an existing Internet site, including a publicly accessible video-sharing or social networking site. The governmental body is not required to establish a separate Internet site and provide access to archived recordings of meetings from that site.

Subsection 551.128 (b-3): A governmental body described by Subsection (b-1) that maintains an Internet site shall make available on that site, in a conspicuous manner:

- (1) the archived recording of each meeting to which Subsection (b-1) applies; or
- (2) an accessible link to the archived recording of each such meeting.

Subsection 551.128 (b-4): A governmental body described by Subsection (b-1) shall:

- (1) make the archived recording of each meeting to which Subsection (b-1) applies available on the Internet not later than seven days after the date the recording was made; and
- (2) maintain the archived recording on the Internet for not less than two years after the date the recording was first made available.

Subsection 551.128 (b-6): A governmental body described by Subsection (b-1) may broadcast a regularly scheduled open meeting of the body on television.

Notes/Recommendations

- See attachment A: Proposed policy provision included in BE (LOCAL)
- Administration to develop administrative procedures to implement Policy BE (LOCAL).

OBJECTIVE #2: To provide virtual access to all Board meetings.

Applicable law/policy

Current BE (LEGAL) provides: 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

BE (LOCAL) PROPOSED REVISION: The District will live-stream broadcast all Board meetings on the District website.

CQA (LEGAL) provides: A district that maintains an Internet Web site may post the following:

1. The Board may broadcast an open meeting over the Internet, under Government Code 551.128. [See BE]

Open Meetings Act legislation effective January 1, 2016 (in pertinent part):

A change to subsection 551.128 (c), which already requires a school district broadcasting its meetings to establish an internet site and provide access from that site for broadcasting, creates an exception by referencing subsection (b-2). Subsection (b-2) allows the school district to make available the archived recording of a meeting on an existing Internet site, including a publicly accessible video-sharing or social networking site; The school district is not required to establish a separate Internet site and provide access to archived recordings of meetings from that site.

Notes/Recommendations

- See attachment A: Proposed policy provision included in BE (LOCAL)
- Administration to develop administrative procedures to implement Policy BE (LOCAL)

OBJECTIVE #3: To create a detailed and comprehensive historical record of all school board meetings.

Applicable law/policy

BE (LEGAL) provides: The Board shall prepare 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

BE (LOCAL) PROPOSED REVISION: The District shall prepare detailed written minutes of each Board meeting and post them on the District's website no later than noon on the first District business day following the Board

meeting in which the minutes are approved. The minutes will remain available on the District's website for two years, after which the minutes will be permanently archived.

BE (LOCAL) PROPOSED REVISION: When approved, the minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the President and the Secretary of the Board **during the next regularly scheduled Board meeting after the meeting at which the minutes were taken.**

BEC (LEGAL) provides: A certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued as a result of litigation involving an alleged violation of the Open Meetings Act. Gov't Code 551.104(b), (c)

Notes/Recommendations

- See Attorney General's opinion JM-840, attached as attachment C, establishing a wide range of latitude in the development of the proceedings of the meetings for the Board of Trustees
- See attachment A: Proposed policy provision included in BE (LOCAL)
- Administration to develop administrative procedures to implement Policy BE (LOCAL)

OBJECTIVE #4: To provide greater access to School Board agenda materials and documentation at Board meetings.

Applicable law/policy

GBA (LEGAL) provides: The Board or the officer for public information voluntarily may make part or all of its records available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. Gov't Code 552.007

BE (LOCAL) PROPOSED REVISION: All documents related to Board Agenda items that are provided to the Board member, except documents for closed session items, shall be posted to the District's website no later than the start of the Board Meeting and made available in printed copy at the Board Meeting. In the event the District is unable to post the materials on the website by the start of Board meeting, printed copies of the documents must be made available at the Board meeting and posted on the website no later than noon of the next District business day following the meeting. All documents posted in conformity with this policy shall remain posted on the District's website for a period of at least two years. The Superintendent or his designee shall develop administrative regulations to implement this policy.

Notes/Recommendations

- See attachment A: Proposed policy provision included in BE (LOCAL)
- Administration to develop administrative procedures to implement Policy BE (LOCAL)

OBJECTIVE #5: To provide wireless internet access to Board meeting attendees.

Applicable law/policy

CQ (LOCAL) provides: Access to the District's technology resources, including the Internet, shall be made available to members of the public, in accordance with administrative regulations. Such use shall be permitted so long as the use:

1. Imposes no tangible cost on the District; and

2. Does not unduly burden the District's technology resources.

[...]

The Superintendent or designee shall develop and implement administrative regulations, guidelines, and user agreements consistent with the purposes and mission of the District and with law and policy.

Access to the District's technology resources is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the District's technology resources and shall agree in writing to allow monitoring of their use and to comply with such regulations and guidelines. Noncompliance may result in suspension of access or termination of privileges and other disciplinary action consistent with District policies. [See DH, FN series, FO series, and the Student Code of Conduct] Violations of law may result in criminal prosecution as well as disciplinary action by the District.

[...]

Electronic mail transmissions and other use of the District's technology resources by students, employees, and members of the public shall not be considered private. Designated District staff shall be authorized to monitor the District's technology resources at any time to ensure appropriate use.

CQ (LOCAL) PROPOSED REVISION: Except as provided by BE (LOCAL), access to the District's technology resources, including the Internet, shall be made available to members of the public, in accordance with administrative regulations. Such use shall be permitted so long as the use:

[...]

BE (LOCAL) PROPOSED REVISION: All Board Meeting attendees shall be given wireless access to the internet through the District's system and such access will be in accordance with all Federal, State, and Local law.

Notes/Recommendations

- See attachment A: Proposed policy provision included in BE (LOCAL)
- See attachment B: Proposed policy provision included in CQ (LOCAL)
- Administration to develop administrative procedures to implement Policy BE (LOCAL) and CQ (LOCAL)