



**Office of the Attorney General
State of Texas**

DAN MORALES
ATTORNEY GENERAL

May 10, 1996

Mr. Mike Moses
Commissioner of Education
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

Letter Opinion No. 96-048

Re: Whether the board of trustees of an independent school district must hold both "open" and "closed" meetings within the boundaries of the district (ID# 36115)

Dear Commissioner Moses:

You ask for an interpretation of section 26.007(b) of the Education Code, as enacted by Senate Bill 1 of the Seventy-fourth Legislature, Act of May 27, 1995, 74th Leg., R.S., ch. 260, § 1, 1995 Tex. Sess. Law Serv. 2207, 2297. Section 26.007 of the Education Code provides as follows:

(a) A parent is entitled to complete access to any meeting of the board of trustees of the school district, other than a closed meeting held in compliance with Subchapters D and E, Chapter 551, Government Code.

(b) A board of trustees of a school district must hold each public meeting of the board within the boundaries of the district except as required by law or except to hold a joint meeting with another district. All public meetings must comply with Chapter 551, Government Code.

Chapter 551 of the Government Code, the Open Meetings Act, requires meetings of a governmental body to be open to the public, subject to exceptions set out therein. Gov't Code § 551.002. Subchapter D of chapter 551 states exceptions to the requirement that meetings be open and subchapter E sets out the procedures applicable to a closed meeting. Since the term "public meeting" used in section 26.007(b) is not defined, you ask whether both open and closed meetings of a school district board of trustees must be held within the boundaries of the school district under section 26.007(b), Education Code.

We note that a governmental body may not hold a closed meeting without first convening in an open meeting and announcing that a closed meeting will be held, identifying the section of chapter 551 that permits it to hold a closed meeting. Gov't Code ch. 551.101. Thus, a "closed meeting" takes place within the confines of a meeting that is convened and conducted as an "open meeting."

We turn to the text of section 26.007(b) of the Education Code. The last sentence of this section uses the term "public meeting," in stating that "[a]ll public meetings must comply with Chapter 551, Government Code." Chapter 551 applies to closed as well as open meetings of governmental bodies. See Gov't Code subch. E (procedures applicable to closed meetings); *Cox Enters. v. Board of Trustees*, 706 S.W.2d 956, 958 (Tex. 1986) (notice requirement applies to subject matter of executive session discussions). We believe the term "public meeting" in the last sentence of Education Code section 26.007(b) includes closed as well as open meetings of the board of trustees of a school district.

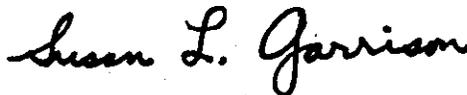
In construing a statutory word or phrase, the court may take into consideration the meaning of the same or similar language used elsewhere in the act. *Brown v. Darden*, 50 S.W.2d 261, 263 (Tex. 1932). Unless a contrary intention appears, words that are used repeatedly in a statute will bear the same meaning throughout. *L & M-Surco Mfg. v. Winn Tile Co.*, 580 S.W.2d 920, 926 (Tex. Civ. App.—Tyler 1979, writ dismissed); *Greenwood v. City of El Paso*, 186 S.W.2d 1015, 1017 (Tex. Civ. App.—El Paso 1945, no writ). In our opinion, a "public meeting" within section 26.007(b) of the Education Code includes both open and closed meetings of a school board of trustees.

Legislative history of this provision supports our construction of "public meeting." See Gov't Code § 311.023(3) (in construing statute, court may consider legislative history). The bill analysis for Senate Bill 1 did not distinguish between "open" and "closed" meetings in its summary of section 26.007(b), which summary says that the section "[r]equires a school district board of trustees to hold their meetings within the school district boundaries." House Comm. on Pub. Educ., Bill Analysis, C.S.S.B. 1, 74th Leg., R.S. 55 (1995). Accordingly, we conclude that section 26.007(b) of the Education Code requires both open and closed meetings of a school district board of trustees to be held within the boundaries of the school district.

S U M M A R Y

Section 26.007(b) of the Education Code requires both open and closed meetings of a school district board of trustees to be held within the boundaries of the school district.

Yours very truly,



Susan L. Garrison
Assistant Attorney General
Opinion Committee