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Fwd: HB 3033 Crucial NEW Deadlines for Responding to PIA Requests

1 message

Todd Grandjean <todd.grandjean@devineisd.org> Fri, Jul 21, 2023 at 8:24 AM
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From: **Walsh Gallegos** <info@wabsa.com>
Date: Fri, Jul 21, 2023, 8:01 AM
Subject: HB 3033 Crucial NEW Deadlines for Responding to PIA Requests
To: <todd.grandjean@devineisd.org>

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WALSH GALLEGOS
TREVIÑO KYLE & ROBINSON P.C.

NEWS ALERT!

HB 3033 Crucial NEW Deadlines for Responding to PIA Requests

HB 3033, passed during the regular legislative session, amends the Public Information Act (PIA) by limiting the number of “nonbusiness” days for school districts. This legislation will greatly reduce response times for PIA requests when Districts are closed for business. It will require Board action to designate nonbusiness PIA days and to update district calendars for purposes of responding to PIA requests. The new law takes effect September 1, 2023.

While there was no change to the 10 business-day deadline for a governmental body to respond to a PIA request or to request an Attorney General opinion, there was a significant change as to what constitutes a nonbusiness day for PIA requests. Prior to HB 3033, days when districts were closed (such as holiday breaks) were not counted in the deadline calculations. Now, the statute expressly limits nonbusiness day exclusions to weekend days, national and state holidays, and the Friday or Monday after a holiday which falls on a weekend and is earlier/later observed.

SIGNIFICANT CHANGE - The PIA now specifically states that in addition to the weekends and holidays listed above, nonbusiness PIA days may be designated when District administrative offices are closed or operating with minimal staffing. However, school districts may designate **no more than TEN nonbusiness days** within each **calendar** year for purposes of the PIA. Authority to designate districts' nonbusiness days is provided solely to the board of trustees. **It is important to note that this change in the calculation of business and nonbusiness days only applies to requests under the Public Information Act and does not apply to any other timeline that includes only District business days.*

For PIA requests, however, this means you will not be able to delay responses to requests for public information for all the days of your holiday and Spring/Summer breaks when your administrative offices are closed. Your Board will be able to designate no more than 10 nonbusiness PIA days for inclusion in deadlines for responding to PIAs or to request an Attorney General opinion.

PIA requests will now require acute awareness in counting days for mandated response times, including where nonbusiness days are designated in the calendar year. No longer may districts rely solely on their school closure calendars to anchor PIA request response procedures and deadlines.

District procedural updates may consider:

- Board action to designate nonbusiness PIA days for each calendar year limited only to PIA requests.
- The impact on PIA requests during holiday breaks—specifically Winter and Spring breaks.
- Adopting the Attorney General's form and posting on the District website to allow for more uniform responses, if the District has not already done so.

Walsh Gallegos attorneys can assist in reviewing your procedures and walking you through these new requirements to ensure compliance with this new legislation. We

recommend Board action be taken during an August meeting to designate the ten nonbusiness PIA days and amend your policy to reflect what those days are.

Contact Walsh Gallegos attorneys toll free at the numbers listed below:

Amarillo Office - 888-622-6864
Austin Office - 800.252.3405
Houston Office - 888.565.6864
Irving Office - 800.231.4207
Rio Grande Valley Office - 866.770.6864
San Antonio Office - 800.232.9169
Albuquerque Office - 800.771.6864

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