



Texas Association of School Boards

Legal Services

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Serving Texas Schools Since 1949

Suspension of Board Training Requirements During COVID-19

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On March 30, 2020, Commissioner Mike Morath waived board training requirements in Texas Education Code section 11.159 and 19 Texas Administrative Code section 61.1 until September 1, 2020. On August 10, 2020, the commissioner updated and extended the board training waiver until January 31, 2021. This suspension period provides school board trustees additional time to complete their continuing education requirements if needed due to impacts from the COVID-19 pandemic.

Suspension Period for Board Training Due from March 2020 - January 2021

Trustees who are not currently able to complete the Texas Education Code training requirements for the period of March 2020 - January 2021 have until January 31, 2021 to complete their training without being delinquent. Trustees who have already completed training that is due during the suspension period are not affected since they do not have to use the waiver.

During this period of social distancing and restrictions on public gatherings, board members may seek continuing education online. Live training may be offered via webinars. Boards may also do team building during meetings by videoconference.

Recommendation for Trustees to Stay Current with Training by Virtual Continuing Education

Trustees who utilize the suspension period must still complete their continuing education training later. In other words, the suspension period provides additional time to complete training without being delinquent, but it does not relieve trustees of their training requirements.

Throughout the COVID-19 pandemic, continuing education providers have continued to offer multiple training opportunities through virtual platforms. For example, the TASB Legal Seminar 2020 will occur virtually on Thursday, November 5 and Friday, November 6, 2020, with registered attendees able to earn up to 6 hours of credit by attending live or accessing content for 30 days after the broadcast. TASB Legal Seminar 2020 will include the training required by House Bill 403 (2019) on identifying and reporting potential victims of sexual abuse, sex trafficking and other maltreatment of children. Trustees should consider keeping up to date on their continuing education requirements through virtual or other available training rather than postponing training during the suspension period. Otherwise, trustees may have significant training requirements to complete in a short period of time after the suspension period expires.

Impacts on Board Training Announcement Prior to November 3, 2020 Trustee Election

Board training announcements are required at the last regular meeting before a trustee election.

Districts that Cancel Election: A school district that cancels its November 3, 2020 election due to having no opposed candidates on the ballot is not required to report training until prior to the next trustee election. However, if every member of the school board has already completed training for the year, the board may opt to go ahead and make the training announcement before the November 3, 2020 election.

Districts that Have Election: Due to the commissioner's temporary suspension of training requirements, a school district that has a trustee election on November 3, 2020, is not required to report on board member training prior to that election. If every member of the school board has already completed training for the year, the board may opt to make the training announcement before the November 3, 2020 election.

Board Training Announcement Prior to Next Trustee Elections in 2021

Board members are still required to complete their yearly required continuing education, including any training that became due during the suspension period. Board members with a trustee election on May 1, 2021, must be current with their continuing education requirements by April 2021 to avoid a board meeting announcement of training delinquency. Board members with a trustee election on November 2, 2021, must be current with their continuing education requirements by October 2021 to avoid the delinquency report.

Open Government Training and Cybersecurity Training Not Covered by the Waiver

The commissioner has waiver authority for board trustee training required by the Texas Education Code but *not* training required by other laws. Therefore, training deadlines under other laws remain in place unless suspended by another authorized governmental authority. Both open government and cybersecurity training are available online.

- **Open Government:** Any new board members must complete Texas Open Meetings Act training within the first 90 days of taking the oath of office. Tex. Gov't Code §551.005.
- **Cybersecurity:** Elected board members are required to complete the new cybersecurity training annually by June 14th each year. Tex. Gov't Code § 2054.5191. Additional information about this training that was added during the 2019 Texas Legislative Session may be found at the [Texas Department of Information Resources \(DIR\)](#).

Additional questions about the Commissioner's temporary suspension of board training requirements should be directed to the Texas Education Agency or TASB Legal Services.

If you email a question, please include a current phone number at which you can be reached.

This document is continually updated, and references to online resources are hyperlinked, at tasb.org/services/legal-services/tasb-school-law-esource/governance/documents/suspension-of-board-training-requirements-during-covid.pdf. For more information on this and other school law topics, visit TASB School Law eSource at schoolawesource.tasb.org.

This document 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. Consult with your own attorneys to apply these legal principles to specific fact situations.

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