

Feedback from OSBA - Spencer Lewis

A few thoughts:

- Legally, I think this is permissible. The remaining board members are still meeting to appoint a replacement as required by statute. There could be some pushback regarding the delay (potentially March until after July 1), but I can't think of a law that this would violate (there is no timeline requirement for the appointment, and you could start the process, with the actual appointment occurring after July 1);
- You would want to check with the ESD to see if they are willing to do this. ORS 332.040(5) requires the ESD to step in when a majority of positions are vacant, but your proposed language would be an additional responsibility for the ESD-- and they may not be willing to do this;
- Is the intent to require the board to approve the ESD's recommendation? Or consider it and make a decision?
- Both sentences say "should," which would allow the board to do something else without violating policy. Is this the intent?
- Should be "Southern Oregon Educational Service District;"
- The public meeting setup could be interesting-- the ESD would follow public meeting laws, the question is whether your district would have to notice the meeting as well since the ESD could be advisory to the board. The safe thing would be for the district to notice the meeting as well as the ESD-- just something to consider.

Let us know if you have any additional questions.