BEAVERTON SCHOOL DISTRICT

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Board Meetings, Notices and Communications

Definitions

"Communication" means the expression or transmission of information from one person to another through verbal, non-verbal, written, or electronic means. Non-verbal means include gestures, such as thumbs-up and thumbs-down, as well as sign language.

"Convening" means gathering in a physical location, using electronic, video or telephonic technology to be able to communicate contemporaneously among participants, using serial electronic written communication among participants, or using an intermediary to communicate among participants.

"Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of the board[1] is required, at any meeting at which a quorum is present.

"Decision-making process" means the process the board engages in to make a decision, such as: (a) identifying or selecting the nature of the decision to be made; (b) gathering information related to the decision to be made; (c) identifying and assessing alternatives; (d) weighing information; and (e) making a decision.

"Deliberation" means discussion or communication that is part of a decision-making process.

"Executive session" means any meeting or part of a meeting of the board that is closed to certain persons for deliberation on certain matters.

"Intermediary" means a person who is used to facilitate communications among members of the board about a matter subject to deliberation or decision by the board, by sharing information received from a member of the board with other members of the board. The term "intermediary" can include a member of the board.

"Meeting" means the convening of the board for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Meeting does not include any on-site inspection of any project or program or the attendance of members of the board at any national, regional or state association to which the board or the members belong.

"Public meetings law" means Oregon Revised Statutes (ORS) 192.610 – 192.705 and Oregon Administrative Rules (OAR) 199-040 and 199-050.

"Quorum" means the minimum number of members of the board required to legally transact business. For the board, a quorum is four board members.

[1] This policy is written to apply to the board. Other bodies, including board committees, may be subject to public meeting laws. This policy may help other bodies understand what is required, but is intended as direction for the board.

"Work session" means meetings held for the purpose of presenting information to the board to prepare for a regular or special meeting, or to allow the board to engage in preliminary discussions or deliberations.

Board Authority at Meetings

The board has the authority to act only when a quorum is present at a properly noticed regular, special or emergency meeting. The affirmative vote of four members of the board is required to transact any business.

Types of Meetings

The public meetings law applies to all regular, special, emergency, executive session and work session meetings of the board.

1. Regular Meetings

   The regular meeting schedule will be established at or prior to the annual organizational meeting each year and may be changed by the board with public notice. The purpose of each regular meeting will be to conduct the regular board business.

2. Special Meetings

   A special meeting may be scheduled when conducting business prior to the next regular meeting would be advantageous to the district, additional business still needs to be conducted at the ending time of a meeting, less than a quorum is present at a regular meeting and therefore no business may be conducted, or other reasons. Special meetings may be convened by the board chair, upon request of three board members, or by common consent of the board.

3. Emergency Meetings

   Emergency meetings may be called in the case of an actual emergency upon appropriate notice under the circumstances. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

4. Work Sessions

   The board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with public meetings law. The board may make official decisions during a work session.

5. Executive Sessions

   Executive sessions may be held during regular, special or emergency meetings for a reason permitted by law. (See board policy BDC – Executive Sessions).

Communications Outside of a Board Meeting (Serial Meetings Prohibited)

Private meetings where a quorum of the board engages in discussions or communications that are part of the board's decision-making process on matters within the authority of the board violate public meetings law, except as part of an executive session.

A quorum of board members shall not, outside of a meeting conducted in compliance with public meetings laws, use a series of communications of any kind, directly or through intermediaries, for the purpose of deliberating or

deciding on any matter that is within the jurisdiction of the board. This prohibition applies to using any one or a combination of the following methods of communication:

1. In-person;
2. Telephone calls;
3. Videos, videoconferencing or electronic video applications;
4. Written communication, including electronic written communications, such as email, texts and other electronic applications;
5. Use of one or more intermediaries to convey information among members; and
6. Any other means of conveying information.

Communications outside of a board meeting may contain communications between or among members of the board, including a quorum, that are:

1. Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the board;
2. Not related to any matter that, at any time, could reasonably be foreseen to come before the board for deliberation and decision; or
3. Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters.

Emails sent to other board members are encouraged to have the following notice:

Important: Please do not reply or forward this communication if this communication could constitute a decision or deliberation toward a decision between and among members of the school board. Board member electronic communications on district business are subject to public meetings and public records laws.

A quorum of board members may attend social meetings or gatherings so long as no discussions or deliberations on board business are had.

Meeting Location, Public Accommodations and Logistical Requirements

All meetings will be open to the public except as provided by law.

All board meetings, including board retreats and work sessions, will be held within district boundaries, except as allowed by law.[2] The board may attend training sessions outside the district boundaries but may not deliberate or discuss district business. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced. Meeting locations shall be accessible to persons with disabilities.

Any board meeting may be held in person, through the use of electronic or telephonic means, or in some combination of in-person, electronic or telephonic means.

Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. For board meetings (excluding executive session) held by telephone or other electronic means of communication, the district shall make available a place or an electronic means by which the public can listen to or view the meetings in real time. The place provided may be a place where no board member is present.

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[2] ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction if no deliberations toward a decision are involved.

For executive sessions where the media are statutorily authorized to be present, if any person, including any board member, is attending the executive session by telephone, video or other electronic means, the district shall provide members of the media the same attendance option. The district may establish reasonable security measures to ensure the media's attendance by telephone, video or other electronic means is conducted through a secure connection or method.

If requested to do so at least 48 hours before a meeting held in public, the board shall make a good faith effort to provide an interpreter for persons who are deaf or hard of hearing. The request should include the name of the requester, sign language preference and any other relevant information requested. If the meeting is being held upon less than 48 hours' notice and a request for an interpreter is made, the board shall make a reasonable effort to have an interpreter present. Other appropriate aids and services may be provided upon request and appropriate advance notice.

If requested to do so at least 72 hours before a meeting held in public, the board will make a reasonable effort to provide translation services.

Recordings or minutes will be kept for all meetings in accordance with state law and board policy BDDG – Recordings or Minutes of Board Meetings.

All meetings shall comply with applicable provisions of the Oregon Indoor Clean Air Act.

The possession of a firearm, deadly weapon or any other instrument used as a dangerous weapon is prohibited at board meetings, except as authorized by law.

Public Notice Requirements

The district posts public notice of its meetings on the district's website or on a publicly accessible website hosted by a third-party that is linked to the district's website.

The public notice shall identify the following:

1. The time, date, location of the meeting, and, to the extent reasonably possible, will include the electronic link or telephone access information to allow members of the public to attend the meeting by telephone or electronic means;
2. The agenda or list of the principal subjects anticipated to be considered at the meeting and will be specific enough to permit the public to recognize matters in which they are interested. The board may amend the agenda or may add or remove items from the list of principal subjects prior to or during a meeting. See board policy BDDC – Board Meeting Agenda for additional meeting agenda information; and
3. The name, telephone number, and email address of a person at the district office to contact to request an interpreter or other communication aids or a statement that the district will provide a sign language interpreter or other communication aids at the meeting.

The district will provide notice to interested persons and news representatives who have requested notice through means reasonably calculated to provide actual notice to interested persons known to the board.

For all regular meetings, the meeting notice shall be provided with as much advance notice as reasonably possible, but no less than 48 hours' advance notice.

For all special meetings, the meeting notice shall be provided with no less than 24 hours' advance notice.

For an emergency meeting, public notice shall be provided with as much advance notice as reasonably possible given the emergency circumstances. The district shall attempt to contact the media and other interested persons to inform them of the emergency meeting by telephone, email, social media or other method reasonably calculated to provide actual notice. If reasonably possible under the emergency circumstances, the emergency meeting notice shall be conspicuously displayed on the district's website or on a publicly accessible website hosted by a third-party and linked to the district's website.

If a meeting will include an executive session, the notice shall comply with the above notice requirements and the notice shall also identify the specific statutory citation and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization.

If an executive session is to be part of an open regular, special or emergency meeting, the notice shall comply with the above notice requirements, and, prior to entering the executive session, the board chair shall make a public announcement and identify in open session the specific statutory provision and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization. (See board policy BDC – Executive Sessions for additional information on executive sessions.)

Complaints

Complaints regarding public meetings laws can be filed in accordance with public meetings law complaint procedures outlined in board policy KL – Public Complaints. Complaints must be filed within 30 days of the alleged violation.

Mandatory Training

Every member of the board shall attend or view a training on public meetings law as required by ORS 192.700 and board policy BBAA – Board Member's Authority and Responsibilities.

END OF POLICY

Legal Reference(s):
ORS Chapter 192
ORS 332.040 - 332.061
ORS 332.107
ORS 433.835 - 433.875
OAR 199-050-0005 – 199-050-0085

OR. ATTY. GEN. Public Records and Meetings Manual