

Anticipated Policy Update December 2025

Bill(s)	Topic	Policies Impacted	Notes
HB 2684	Pest Management	EBB	Review plan every five years
HB 2900	Contract Teachers	GAA	Eliminating GAA, Personnel: Definitions
HB 2930, HB 2932	Ethics	BBFA, BBFA, GBC	Adds member of household to conflicts of interest. Allows public officials to receive compensation for teaching at post-secondary institutions.
HB 2948	Nursing Delegation	JHCD	Clarifies supervision and direction
HB 3083	Emergency Panic Buttons	EBCB	Must consider installing panic buttons when reviewing safety policies.
SB 1108	Sick Time	GCBDD/GDBDD	Allows sick time for blood donation
SB 1109	Public Meetings	BD series	SB 1109 clarifies that recording and posting requirements apply only to the board of directors of educational entities. Update of all public meeting policies to match recent changes.
SB 300	Private Security Entities		Follow up to HB 2527 (2021) regarding licensing of private security entities
SB 69, SB 858	Paid Family Leave	GCBDF/GDBDF	Limits for leave when child's school or day care is closed. Addresses covered individual dying.
SB 802	Working before TSPC background check	GCA	Clarifies work pending background check.
SB 808	Veterans' Preference	GBA-AR	Expands to include state servicemember and former state servicemember.
SB 867	Discrimination Remedies		Sanctions for failure to follow discrimination laws (including reimbursement to parents)
	Board Officer Term	BCB	Amends language to allow for replacement and removal
	Leave Form Updates	GCBDA/GDBDA-AR(2)+	Just updating to match current laws
	Sexual Harassment	GBN/JBA	Organizational fix regarding notice
	Volunteer Abuse Reporting	GBNAB/JHFE, IICC	Optional language to require volunteers to report abuse when observed in volunteer role

Subject to change until released. Questions, please contact Spencer Lewis at slewis@osba.org.





2025 OSBA Annual Convention

Hot Topic: Executive Sessions

Applicable Laws:

1. Default - Open Meetings and The Public Meetings Law - ORS 192.610 to 192.690 - All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.
2. Exception - Executive Sessions - ORS 192.660 - The Public Meetings Law authorizes governing bodies to meet in executive session in certain limited circumstances. Executive session is defined as "any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters." ORS 192.610(2).
3. Governing bodies are required to comply with the other public meeting law requirements in executive session, including (but not limited to): keeping minutes, complying with the notice requirements, holding executive sessions in an accessible/ADA compliant location, complying with the quorum and voting rules if applicable.

Common Exceptions to Enter Executive Sessions:

1. **Employment** - ORS 192.660(2)(a) - to consider the employment/hiring of a public officer, employee, staff member or individual agent. Only applies to original hiring of employee, not rehires, and not the filling of board vacancies.
2. **Dismissal, Discipline or Complaints about Employees** - ORS 192.660(2)(b) - to consider the dismissal or disciplining of, or to hear complaints against a public officer, employee, staff member or individual agent who does not request an open hearing. Must give the individual notice and opportunity to be present. Does not include discussion of RIF/staff reductions. Written notice must be given with more than 24 hours before hearing.
3. **Labor Negotiations** - ORS 192.660(2)(d) - to conduct deliberations with persons designated by the governing body to carry on labor negotiations. This does not include the negotiations themselves, labor negotiations between the board and union are held in open session unless both parties agree to executive session. ORS 192.660(3).
4. **Real Property Transactions** - ORS 192.660(2)(e) - to conduct deliberations with persons designated to negotiate real property transactions. Needs to be related to a specific transaction - not general discussions about property or facilities.
5. **Records Exempt from Public Inspection** - ORS 192.660(2)(f) - to consider information or records that are exempt from public inspection, including, letters from attorney, student records, personnel files.
6. **Consult with Attorney** - ORS 192.660(2)(h) - to consult with counsel regarding the legal rights and duties of the public body with regard to current litigation or litigation likely to be filed. Tort claim notice is sufficient. General advice is not. The attorney with whom the governing body is consulting must be present at the executive session, either in person or by telephone or by other concurrent means of oral or video electronic communication.
7. **Evaluate Employee Performance** - ORS 192.660(2)(I) - to review and evaluate the employment related performance of the chief executive officer, a public officer, employee or staff member who does not request an open hearing.

8. **Expulsions and Examination of Medical Records** - ORS 332.061 - **Must be held in executive session.** Can make decisions and expel the media. General discussions are not sufficient. Student or parent can request public hearing.

Common Pitfalls:

1. **Notice**

- a. Must provide public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings.
- b. Must be at least 24 hours in advance unless there is an "actual emergency."
- c. Notice must state the specific legal provision for an executive session.

2. **Voting**

- a. Can only vote in executive session on matters regarding student medical records and student expulsions.
- b. Boards may reach a consensus regarding other appropriate topics discussed in executive session, as long as the actual vote is taken in an open session.
- c. Common pitfall is failing to schedule or provide notice for an open session to occur after the executive session in order to conduct the vote.

3. **Media**

- a. Media are permitted to attend but should be advised prior to the start of the executive session that they cannot report subjects discussed in executive session. Absent this warning, the media may report everything discussed. Media may report on any matters discussed beyond what you announced would be discussed in executive session.
 - b. Can report general subject of the session as announced.
 - c. Can be excluded in four cases: 1) when the board meets with labor negotiators to discuss bargaining strategies; 2) when the board meets to consider expelling a student; 3) when the board discusses a student's medical or educational records; and 4) when the board discusses litigation against the district or community college in which the reporter or the reporter's media organization is involved.
4. Discussing **additional subjects** other than what was announced in the notice. Media may report these discussions.
 5. Discussing general **personnel matters**.
 6. Failing to cite the complete law, including subsection, that applies to the topic along with a brief description of the topic.

Executive Session Violations– Consequences

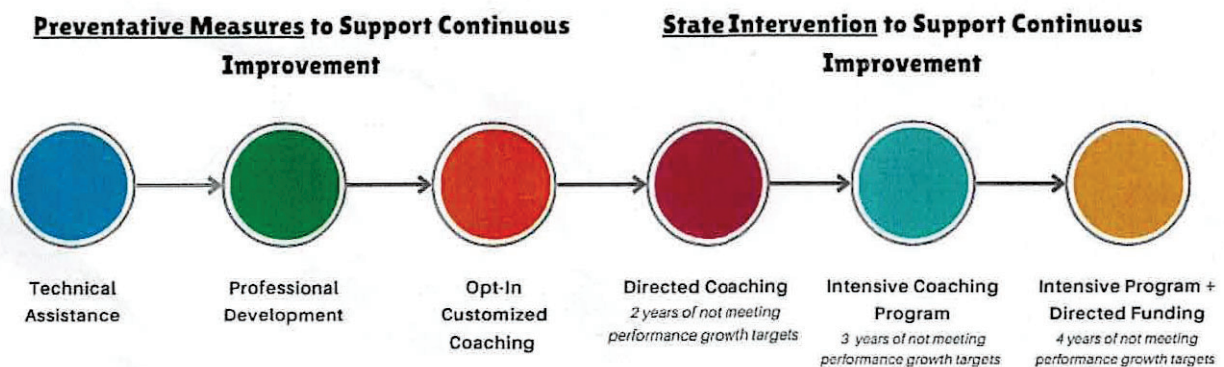
Failure to comply can result in lawsuits against the District and OGE civil penalties against individual board members up to \$1,000 for violating ORS 192.660.

Resources

1. Oregon Department of Justice Attorney General's Public Records and Meetings Manual
2. OSBA's Public Meetings Law, Board Meeting and Executive Sessions Guide
3. OSBA's Legal Services 503-485-4800 or pacelegal@osba.org

Education Accountability Act

- 1 **Uses the foundations of the Student Success Act** to expand on performance growth targets to include K-2 regular attendance and 8th grade math proficiency.
- 2 **Requires ODE to streamline grants, reduce reporting requirements** and increase efficiencies for school districts by improving internal operations and reporting back on progress to the legislature.
- 3 **Requires interim assessments** to be administered by school districts in order to improve student outcomes. School districts must select from the State Board of Education's adopted list of four approved interim assessments.
- 4 **Repeals fees for publishers** to have their materials considered by the State Board for inclusion on an approved list.
- 5 **Requires ODE to review and revise Division 22 & Division 24** (standards for school districts & ESDs) by establishing a process for non-compliance with standards and to enhance complaint processes.
- 6 **Requires ODE to strengthen and expand its continuum of supports** for schools, from prevention to intervention, to improve accountability and outcomes for students.





School Speech for Board Members Hot Topic Handout Oregon School Boards Association 2025 Annual Convention

What is speech?

Speech can be verbal, written (e.g. email, text message, social media post, social media reaction, and social media re-share), gestures (e.g. sign language, thumbs up, head nods, clapping, etc.), images (e.g., pictures, hats, flags, posters, t-shirts, zoom background images, etc.), or expressive conduct (e.g. walkouts, protests, kneeling, refusing to kneel, refusing to salute the flag, wearing an armband, or wearing a particular color when such action is intended to express a message).

Is all speech protected?

No, not all speech is protected. There are several categories of speech that courts have found to be not protected such as true threats, defamation, incitement to imminent lawless action, and solicitation to commit crimes, among others. When speech is unprotected, the government can regulate, discipline, ban, or criminalize the speech.

Can a public school discipline or terminate the employment of a staff member for their speech?

- Speaking pursuant to official duties – if the public-school employee speaks pursuant to their official duties (i.e., within the course and scope of performing their job duties), the employer is permitted to control the employee's speech and can discipline or terminate an employee for speech within the course and scope of performing their job duties.
- Speaking as a citizen on a matter of public concern – if the public-school employee is not speaking pursuant to their official duties (e.g., during designated breaktime, on social media at home, etc.) and is speaking as a citizen, on a matter of public concern, then whether the employer can discipline or terminate the employee for their speech depends on whether the disruptiveness of the speech outweighs the employee's speech rights. This requires a balancing analysis between the employee's speech rights against the public school's interest, as an employer, in promoting the efficiency of the public services it performs through its employees.
- Speaking as a citizen on a matter that is not of public concern - If the public-school employee is not speaking pursuant to their official duties and is speaking as a citizen, on a matter that is not of public concern, the public school can discipline or terminate an employee for their speech.

When can a public-school discipline a student for their speech?

A public school can discipline a student for their speech if the speech is not protected such as when a student makes a true threat or incites others to lawless action. Even in situations where the speech itself is protected, the school can discipline if the speech inside or outside the school "materially disrupts classwork or involves substantial disorder or invasion of the rights of others..." *Tinker v. Des Moines*, 393



U.S. 503 (1969). Courts have held that schools do not need to wait for a disruption to occur, they may discipline for speech in situations where the school reasonably expects a substantial disruption to occur.

When are speech rights implicated for board members?

- Social media
- Censure
- Public Comment
- Reviewing speech related student and employee discipline

Applicable OSBA Sample Policies

Board Members

- BBAA – Individual Board Member’s Authority and Responsibilities (last updated 2021)
- BBF – Board Member Standards of Conduct (last updated 2024)
- BDDH/AR – Public Comment at Board Meetings (last updated 2021)

Students

- ACB - Every Student Belongs (last revised 11/21)
- IB - Freedom of Expression (last revised 10/21)
- IIBGA/AR - Electronic Communications Systems (last revised 4/21)
- JBA/GBN/AR - Sexual Harassment (last revised 4/24)
- JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence—Student (last revised 10/21)
- JFC - Student Conduct (last revised 10/21)
- JFI - Student Demonstrations and Petitions (last revised 4/17)

Employees

- GCAB Personal Electronic Devices and Social Media (last updated 2019)

Resource: <https://www.osba.org/wp-content/uploads/2025-OSBAPACE-Student-Employee-SchoolBoardMember-SpeechRights.pdf>.

Questions/Contacts

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