

Statement from OSBA regarding the swearing-in of new board members

After the webinar, we received several inquiries about the timeline for administering the oaths of office, and if it was required to be conducted at the July Organizational Meeting. See the response from OSBA Director of Policy Services Spencer Lewis:

There isn't anything in the law regarding the timing of the oath other than it must be done "before assuming the duties of office." ORS 332.005(2)

The end of July requirement comes from ORS 255.345 and applies to the organizational meeting. The "no later than the next regular meeting following July 1" requirement comes from ORS 332.040 and applies to the election of officers (I do not believe this prohibits the election of these officers to be held in June). It is reasonable and perhaps best practice to do all of these things together at an organizational meeting in July, but not necessarily legally required. The oath of office does not have to take place at the organizational meeting and the law does not require all board members to be sworn in prior to electing officers (however, if you are not sworn in, you cannot participate in the vote).

Because the law does not specify a timeline, I believe it would be legal to administer the oath in June. If a district wanted to do this, I would make it very clear that the individual does not become a board member until the start of the term. This could be done by adding language to the verbal oath or some other form of documentation. I suppose someone could challenge you on it, but I suspect a judge would come to the same conclusion and long before a district got to that point, the district would simply re-administer the oath after July 1 and move on.

I also believe it would be legal to administer the oath in August. The individual cannot act as a board member prior to taking the oath.

I don't see any reason why someone could not take the oath virtually. There are numerous ways to do this, but attending a board meeting virtually and taking the oath during that meeting would be permissible.

Please contact OSBA if you have any questions or need clarification on this matter.