

Summary of major changes between the current BBAA-MESD Board Member Authority/Responsibilities policy and the proposed replacement.

Executive Summary

The proposed revision significantly modernizes and expands the policy. The new version:

- Aligns the policy more explicitly with Oregon Public Meetings Law and Oregon Ethics Law.
- Clarifies limitations on individual Board member authority and communication.
- Adds several new legal/compliance expectations for Board members.
- Reduces operational detail in some areas while strengthening governance and accountability language.
- Shifts from a primarily procedural policy to a broader conduct-and-compliance policy.

Overall, the revised policy is more compliance-focused, more legally explicit, and more restrictive regarding individual Board member action.

Major Changes by Section

1. Board Authority Language Strengthened

Current

“An individual Board member exercises the authority and responsibility of their position when the Board is in legal session only.”

New

“...when the Board is in a meeting which is being held in accordance with Oregon’s Public Meetings Law.”

Change

- Replaces vague “legal session” language with explicit reference to Oregon Public Meetings Law.
- Clarifies that authority exists only during properly noticed/legal meetings.

Impact

- Stronger legal grounding.
 - Better alignment with current governance standards and transparency requirements.
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2. Public Statements and Representation Clarified

Current

- Board members may express personal opinions if clearly identified as their own.

New

Adds:

“Board members may speak on behalf of the Board or ESD only when specifically authorized to do so.”

Change

- Explicitly limits who may represent the Board publicly.
- Clarifies distinction between personal views and official Board positions.

Impact

- Reduces risk of unauthorized representation.
 - Strengthens message discipline and governance clarity.
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3. Expectations for Board Engagement Revised

Current

Members shall be knowledgeable of information requested through Board action...

New

“All Board members shall maintain awareness of relevant ESD information and participate in Board functions and professional Board development activities.”

Change

- Less procedural/detail-oriented.
- More expectation-based and professionalized.

Impact

- Broader expectation for continuing engagement and development.
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Section-by-Section Operational Changes

4. “Request for Information” → “Request for Records”

Current

- Allows requests for reports/surveys.
- Requires Board approval for generating new reports that incur expense.

New

- Focuses specifically on existing records.
- Adds:
 - confidential records
 - significant staff time

Impact

- More protective of staff workload and confidential information.
 - Narrows unilateral Board member requests.
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5. Legal Opinions Section Expanded

New Additions

- Board chair may independently obtain legal advice before the next meeting if necessary.
- Examples include executive sessions or legal counsel attendance.

Removed

- Specific reference:

“This section does not apply to the MESD General Counsel.”

Impact

- Gives Board Chair limited emergency/legal procedural authority.
 - Clarifies operational flexibility.
 - Removes ambiguity regarding legal counsel access.
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6. Complaint Handling Tightened

New Addition

“An individual Board member is not authorized to independently act on complaints.”

Impact

- Explicitly prohibits independent intervention.
 - Reinforces administrative chain of command.
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7. Board Communication with Administration Simplified and Strengthened

Current

- Encourages site visits.
- Allows information requests.
- Requires Superintendent notification before proposing action to staff.

New

- Removes site visit guidance entirely (moved to optional section/reference).
- Adds:

“No Board member will intervene in the administration of the ESD [or its schools].”

Impact

- Stronger governance/operations separation.
 - More restrictive toward direct staff interaction.
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8. New Public Meetings Law Compliance Section

Entirely New

Requires:

- Compliance with Public Meetings Law.
- Mandatory approved training once per term.

Impact

- Adds formal compliance obligation.
 - Reflects increasing statewide governance training expectations.
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9. New Mandatory Reporting Requirement

Entirely New

Requires Board members to report suspected child abuse.

Impact

- Establishes Board members as mandatory reporters.
 - Adds statutory child safety compliance obligations.
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10. New Oregon Ethics Law Compliance Section

Entirely New

Requires:

- Compliance with Oregon ethics laws.
- Filing Statements of Economic Interest.

Impact

- Formalizes ethics compliance responsibilities.
 - Aligns policy with ORS Chapter 244.
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11. New Confidentiality Requirement

Entirely New

“Board members will not disclose confidential information received as part of Board service.”

Impact

- Strengthens confidentiality expectations.
 - Supports executive session and personnel/privacy protections.
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12. New Broad Compliance Clause

Entirely New

“All Board members will follow all laws, Board policies, working agreements, and any other procedures established by the ESD.”

Impact

- Creates umbrella accountability language.
 - Easier enforcement for governance violations.
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Structural/Formatting Changes

Removed Cross References

The old policy included extensive cross-references to many MESD policies. Those are removed from the proposed version.

Impact

- Cleaner document.
 - Less internally navigational.
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Legal References Updated/Substantially Expanded

Added

- Public Meetings Law statutes
- Oregon Ethics statutes
- Mandatory reporting statute

Removed

Several governance statutes from prior version.

Impact

- Legal citations now align more directly with new compliance obligations.
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Overall Governance Shift

The proposed policy reflects a noticeable shift toward:

- Governance best practices
- Legal compliance
- Ethics/accountability
- Separation of governance and administration
- Risk management

The current version is more operational/procedural, while the new version is more compliance-oriented and behaviorally directive.

Most Significant Practical Changes

The biggest real-world changes are likely:

1. Board members cannot speak for the Board unless authorized.
2. Stronger limits on directing staff or intervening administratively.
3. Mandatory Public Meetings Law training.
4. Mandatory reporter obligations.
5. Formal ethics law compliance requirements.
6. Explicit confidentiality expectations.
7. Tighter controls on records/legal requests.

These changes collectively increase accountability and reduce ambiguity around individual Board member conduct.