

Annual Ethics Training
Tuesday, October 6, 2026 5:00 PM

Dr. Matthew Prophet Education Center - Board
Auditorium
501 N. Dixon St
Portland, OR 97227

Agenda

1. Annual Ethics and Public Meetings Training

Ethics for Public Officials

Public Meetings

FERPA

Key Issues and Practices for School Boards

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Portland Public Schools

October 6, 2025

Overview

- Oregon Ethics Law
- Public Meetings - Key Concepts and Issues
- FERPA/Public Records Law Intersection

Oregon Ethics Law

Oregon Ethics Law

[Government Ethics Law
and Guide](#)

[Live Webinars](#)

[PPS Policy 5.10.066-P
Ethics and Conflicts of
Interest](#)

- **Conflicts of Interest**
- **Prohibited Use of Office or Position**
- **Gifts**

ORS Chapter 244

Oregon Ethics Law

Conflicts of Interest

- Potential – conflict **could** financially impact you, relative, or business associated
 - Public announcement – may participate in official actions and may vote
- Actual – conflict **would** financially impact you, relative, or business associated
 - Public announcement – may not discuss or vote on matter

ORS 244.120(2)

Oregon Ethics Law

Prohibited Use of Office or Position

- May not use or attempt to use office or position to obtain financial benefit or avoid financial determinant
 - For self, relative, business with which official or relative is associated

ORS 244.040

Oregon Ethics Law

Gifts

- May not accept gift with value of \$50.01 or more from a source with a legislative or administrative interest
- Gift – something of economic value not offered on the same terms as to the general public
- Many exceptions – from food or beverage at reception with broad attendance to honorariums for professional engagement unrelated to official position

Oregon Ethics Law

Potential Consequences

- Civil penalty of \$1,000 per violation
- Additional penalty equal to twice the amount of financial gain realized or detriment avoided

Public Meetings Law

Public Meetings Law

[OGEC Public Meetings Law Page](#)

[Oregon Attorney General's Public Records and Meetings Manual](#)

- **Bodies Subject to Law**
- **What Is a “Meeting”?**
- **Executive Sessions**

Public Meetings Law

“Public Body”

- Authority to Make Decisions for a Public Body or
- Authority to Make Recommendations to a Public Body
 - Evaluate Advisory Committee Structures and Purposes

ORS 192.610(7)

Public Meetings Law

Definition of “Meeting”:

- “[C]onvening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter”

ORS 192.601(6)

Public Meetings Law

“Convening”:

- (1) ‘Convening’ means:
 - (a) Gathering in a physical location;
 - (b) Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants;
 - (c) Using serial electronic written communication among participants; or
 - (d) Using an intermediary to communicate among participants.

ORS 192.610(1)

Public Meetings Law

“Deliberation”:

- (3) ‘Deliberation’ means discussion or communication that is part of a decision-making process.

ORS 192.610(3)

Public Meetings Law

Not a public meeting:

- Purely factual or educational – no deliberation
- Not related to a Board matter
- Nonsubstantive, i.e. absences from meeting
 - E.g., scheduling, meals

Public Meetings Law

Common Executive Session Challenges

- Permitted Executive Sessions
 - Twelve “plus” executive session purposes
- Scope
 - Must stay within constraints of purpose

Public Meetings Law

Key Practices for Board Members

- Practical Implications
 - Avoid “reply to all”/chats
 - Avoid intermediaries
 - Group editing can be a meeting
 - Assess what might become a Board decision
 - Maintain confidentiality of executive sessions

Public Meetings Law

*ORS 192.700 Training mandated once during term of office

Violation Consequences

- Decision voided by court
- Challenger attorney fee recovery
- Personal liability to reimburse district
ORS 192.680
- OGEC administrative civil penalty up to \$1,000
ORS 192.685; ORS 244.350

FERPA/Public Records Law

FERPA/Public Records Law

“Every person has the right to inspect any public record of a public body in this state, except as otherwise expressly [exempted].”

ORS 192.314



FERPA/Public Records Law

Protecting Student
Privacy: US Dep't
of Ed.

Definition “Public Record” – “[A]ny writing that contains information relating to the conduct of the public’s business * * * prepared, owned, used or retained by a public body regardless of physical form or characteristics.” ORS 192.311(5).

Question: Is a student’s record a public record?



FERPA/Public Records Law

Family Educational Rights and Privacy Act (“FERPA”). 20 USC § 1232g; 34 CFR § 99

- Originally a law of access
- Confidentiality provisions preclude disclosure of information from “Education Records”
- Board Policy: 2.50.020-P and 2.50.021-AD
- State law: ORS 30.864 – lawsuit available for reckless disclosure



FERPA/Public Records Law

Definition: “Education Records” – records with personally identifiable information, “directly related to a student, and [m]aintained” by a school district

What is “directly related”?

What is “maintained by”?



FERPA/Public Records Law

Key exceptions:

- “Directory information” (PPS’s Section VII B of 2.50.021-AD; PPS’s Annual Notice)
- “School official with a legitimate educational interest”
- Subpoena – with notice first



FERPA/Public Records Law

Key issues for Boards/Districts

- Contractors/Outside entities – access, restrictions
 - PPS contracts address with confidentiality requirement
- Maintaining confidentiality – use of approved systems if dealing with education records is critical
- FERPA is one aspect of confidentiality – disclosing private facts can lead to other claims



Thank You

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