OR 192.610

(5) “Meeting” means the convening 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. “Meeting” does not include any on-site inspection of any project or program. “Meeting” also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong.

Attorney General’s Public Records and Meetings Manual

“The Public Meetings Law applies to all meetings of a quorum of a governing body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Even if a meeting is for the sole purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, the meetings law will apply.” P. 139, p. 376 of pdf.

ORS 332.055 Quorum; transaction of business. A majority of the members of the district school board shall constitute a quorum. A less number may meet and adjourn from time to time and compel the presence of absent members. The affirmative vote of the majority of members of the board is required to transact any business.

THREE TYPES OF MEETINGS

Regular—A regular meeting is generally one that is scheduled at the July organizational meeting. Often-times these are held on a certain day of every month (the second Tuesday). This may include a work session that is regularly scheduled.

Special—Special meetings can be called at any time to conduct any business. As much notice as possible should be provided, but 24 hours’ notice is required. The Board can conduct any type of business at a special meeting.

Emergency—Emergency meetings can be held only in the case of an actual emergency that justifies less than 24 hours’ notice. Only matters relating to the emergency can be discussed or acted upon at the emergency meeting.

EXECUTIVE SESSIONS

Executive sessions can be held as an agenda item of a regular, special or emergency meeting. The reason for the executive session must be announced and included in the minutes of the meeting. Minutes must be kept for the executive session, but those minutes are not released to the public. The media is allowed to attend executive sessions except meetings relating to labor negotiations, to expel a student, to discuss a student’s confidential medical record or for litigation in which the reporter or media is involved. The Board should always advise the media that they are not to disclose information discussed in executive session.

ADDITIONAL RESOURCES


Public Meetings Law, Board Meetings & Executive Sessions, www.osba.org, access under MyOSBA, Member Resources.

Policies in the BD Section. Check your current policies and the June 2016 from OSBA.

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EXECUTIVE SESSION

can be held for the following reasons:

- To consider the employment of a public officer, employee, staff member or individual agent. ORS 192.660(2)(a). The AG manual specifies that this is only for the initial hiring of an individual. This does not apply to appointing a board member to fill a vacancy. You must also follow the advertising and procedural requirements found in ORS 192.660(7)(d).
- To consider the dismissal or disciplining of, or to hear complaint or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing. ORS 192.660(2)(b). You must notify the person that the complaint is about in order to give them the opportunity to request an open session.
- To conduct deliberations with persons designated by the governing body to carry on labor negotiations. ORS 192.660(2)(d). The actual labor negotiations must be held in open session unless both parties agree to hold them in executive session. ORS 192.660(3).
- To conduct deliberations with persons designated by the governing body to negotiate real property transactions. ORS 192.660(2)(e).
- To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. ORS 192.660(2)(h).
- To review and evaluate the performance of the chief executive officer, employee or staff member, unless the person whose performance is being reviewed and evaluated requests an open hearing. ORS 192.660(2)(i).
- To consider matters relating to school safety or a plan that responds to safety threats made toward a school. ORS 192.660(2)(k).
- To conduct a hearing on the expulsion of a student or to review a student’s confidential medical records. ORS 332.061(1).

Always check the statute prior to executive session and seek legal advice when needed.

REQUIREMENTS FOR ALL MEETINGS

1. Open to the public, not in private. ORS 192.630(1)-(2).
2. Not at a place that practices discrimination. ORS 192.630(3).
3. Held within geographic boundaries. ORS 192.630(4).
4. Accessible to those with disabilities, including providing interpreters if requested. ORS 192.630(5).
5. 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. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.” ORS 192.640(1).
   a. Special Meeting—at least 24 hours’ notice. ORS 192.640(3).
   b. Emergency meeting—notice as is appropriate to the circumstances. ORS 192.640(3).
6. Minutes
   “Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:
   a) All members of the governing body present;
   b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
   c) The results of all votes and ... the vote of each member by name;
   d) The substance of any discussion on any matter; and
   e) ... a reference to any document discussed at the meeting.” ORS 192.650(1).

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