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| Oregon Department of Education |
| Oregon State Board of Education Policy & Procedure Manual |
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# Section A: Policies Required by Statute, Rule or Directive

## Mission, Vision & Values - Policy #1

**Mission:** Provide leadership and vision for Oregon’s public school and districts by enacting equitable policies and promoting educational practices that lead directly to the educational and life success of every student.

**Vision:** The Oregon State Board of Education will work collaboratively and inclusively with stakeholders to develop and sustain a public education system that empowers every student to reach their full potential.

**Values:**

EQUITY: We will ensure in words and actions that every student has access to the resources and supports they need to thrive in school. We will explicitly work toward an education system that is culturally responsive, sustaining, eliminates barriers, and is relevant to Oregon’s diverse communities.

INTEGRITY: We will act with honesty and transparency in everything we do.

INNOVATION: We will promote creativity, challenge the status quo, and work to improve Oregon’s education system.

EMPOWERMENT: we will value, respect, listen to multiple perspectives, and empower students, education professionals, families, and community members to take a leading role in ensuring student success.

INCLUSION: We will ensure that every student has access to the opportunities and benefits of Oregon’s education system.

EXCELLENCE: We will take actions to ensure the Oregon education system prepares every student for college, career, and life.

ADAPTABILITY: We will modify and adopt policies and practices to respond to changing social, demographic, operational, or financial conditions in order to do what is best for students and schools.

STUDENT CENTERED: We will ensure that all discussion, decisions, and action are centered on the best interest of every student.

## State Board of Education Membership

### Number & Terms of Office

The State Board of Education consists of the State Treasurer or the Treasurer’s designee; the Secretary of State or Secretary’s designee; and seven members, appointed by the Governor for a term of four years beginning July 1 of the year of appointment, subject to confirmation by the Senate. No person may be appointed to serve consecutively more than two full terms as a board member. According to the Office of the Governor, a member who completes another’s term is still eligible to serve two additional four-year terms; a member whose final term has expired may remain on the board until replaced. The State Treasurer and the Secretary of State are nonvoting, ex officio members of the board (ORS 171.562 and 171.565; ORS 326.021).

### Eligibility for Board Membership

In making appointments to the State Board of Education, the Governor selects from residents of Oregon one member from each congressional district and two from the state at large. One appointed member [may not] from the state at large must be engaged in teaching as a licensed teacher in this state. (ORS 326.021). The State Treasurer and the Secretary of State are nonvoting, ex officio members of the board (ORS 171.562 and 171.565; ORS 326.021). The State Treasurer and the Secretary of state may appoint a designee. Designees work to represent the perspective of the Secretary of State or State Treasurer to areas of shared interest, such as civics and financial literacy.

### Vacancies

The Governor fills vacancies by appointment, and those nominations must be confirmed by the Senate. Appointments made to fill vacancies occurring prior to the expiration of a term are for the remainder of the unexpired term. When a vacancy occurs in an appointment made from a congressional district, the successor shall be appointed from the congressional district for which the vacancy exists (ORS 326.031).

### Removal from Office

The Governor may remove members of the State Board of Education for cause at any time after notice and public hearing (ORS 326.021).

The secretary or clerk of the state board reports to the Governor the names of all members who fail to attend any meeting of the board or commission (ORS 182.020). Any member of a state board or commission appointed by the Governor who fails to attend two consecutive meetings of the board or commission, whether regular, adjourned or special, may forfeit the office unless the member is prevented from attending by the serious illness of a member or the family of the member or for any other cause that in the judgment of the Governor constitutes a valid reason for failing to attend (ORS 182.010). Ex-officio non-voting members or their designees are not expected to attend every meeting. However, designees are expected to be abide by the policies and procedures adopted by the State Board of Education. If a designee violates any of the Board’s policies, the Chair may approach the Ex-Offcio member and ask a different designee to be assigned.

### Chair

The board shall elect one of its members to serve as chairperson of the board for one year commencing July 1. If the office of chairperson of the board is permanently vacated for any reason, the board may elect a new chairperson to serve until the June 30 next following (ORS 326.041).

END OF POLICY

## Board Authority/Responsibilities[[1]](#footnote-1) - Policy # 2

### Policy Setting Authority

The State Board of Education is responsible for adopting rules for the general governance of public kindergartens and public elementary and secondary schools. (ORS 326.051) In promulgating policies, the board shall consider the goals of a modern education, the requirements of a sound, comprehensive curriculum best suited to the needs of the students and the public and any other factors consistent with the maintenance of a modern and efficient elementary and secondary school system. (ORS 326.011).

### Rule Making Authority

The State Board of Education is responsible for adopting Oregon Administrative Rules for the governance of K-12 education. Adoption of such rules shall comply with state and federal law (326.051).

### Review/Appeal Authority

As provided by law, the board acts as decision-making body in some situations where a party makes an appeal to the board or asks for review. Examples of such actions include the following:

* Hearing district appeals on district boundary board decisions concerning boundary changes (ORS 330.090).
* Reviewing appeals from charter schools denied district sponsorship (ORS 338.075).

### Executive/Administrative Authority

The Oregon Department of Education functions under the direction and control of the State Board of Education. All administrative functions of the board relating to supervision, management and control of schools are exercised through the Oregon Department of Education under the Superintendent of Public Instruction (ORS 326.111).

However, state law does specifically assign the board some administrative duties. Among those administrative duties is accepting money or property donated for the use or benefit of schools (ORS 326.051) and applying for federal funds and entering into contracts for the receipt of federal funds (ORS 326.051).

### Fiscal Responsibility

In consultation with the State Board of Education, approves the budget of the Oregon Department of Education proposes an agency budget to the Governor. The Governor the introduces an agency budget to the Legislature, which then takes action on ODE’s budget.

As a state agency, the State Board of Education is subject to the provisions of the Oregon Accounting Manual (OAM 01.05.00.PO, section .105).

As a state agency, the State Board of Education is subject to the federal Cash Management Improvement Act that requires that state agencies minimize the time between the deposit of federal funds in state agency accounts and the disbursement of funds for program purposes (OAM 30.30.00.PO section .101). The Board shall receive quarterly updates on the agency’s budget and finances.

### Board Management Responsibility[[2]](#footnote-2)

Board members will act in accordance with their role as a public representative of the agency.

1. Working with Other Boards

The board will monitor and coordinate with those other boards whose responsibilities and interests are closely related or overlap.

1. Effective Practices

The board mayadopt practices that support effective meetings, such as the use of a consent calendar, subcommittees, public comment opportunities, and discussion. Members will identify and attend appropriate member training sessions, conduct periodic self-evaluations and audits of board practices, and periodic evaluations of board staff.

END OF POLICY

## Oregon Department of Education (ORS 326.111) - Policy #3

The Department of Education is created and shall function under the direction and control of the State Board of Education with the Superintendent of Public Instruction serving as an administrative officer for public school matters.

The Department of Education shall consist of agencies and officers that are added by law to the Department of Education and administrative organizations and staffs required for the performance of the department’s functions.

All administrative functions of the State Board of Education shall be exercised through the Department of Education, and the department shall exercise all administrative functions of the state relating to supervision, management and control of schools not conferred by law on some other agency.

END OF POLICY

## Superintendent of Public Instruction Policy # 4

### The Superintendent of Public Instruction

The Governor is the Superintendent of Public Instruction. (ORS 326.300). The Governor appoints a Deputy Superintendent of Public Instruction and is subject to confirmation by the Senate (ORS 171.562 & ORS 171.565

### Authority

The Superintendent of Public Instruction:

1. Acts as administrative officer of the State Board of Education. (ORS 326. 310)
2. Acts as executive head of the Department of Education. (ORS 326. 310)
3. Assists all district school boards and education service district boards in answering questions concerning the proper administration of the school laws. (ORS 326. 310)
4. Obtains and compiles statistical information relative to the condition and operation of the public schools. (ORS 326. 310)
5. Appoints personnel as needed. (ORS 326. 310)
6. Administers and supervise adult education programs in elementary and secondary schools. (ORS 326. 310)
7. Performs other functions necessary to carry out the superintendent’s duties. (ORS 326. 310)
8. Compiles rules and laws for distribution to school districts (ORS 326.320).
9. Prepares biennial budget in compliance with Department of Administrative Services’ requirements (OAM 107-02-010).

END OF POLICY

## Deputy Superintendent of Public Instruction Policy # 5

### Deputy Superintendent of Public Instruction

The Governor shall appoint a Deputy Superintendent of Public Instruction. The appointment of the deputy superintendent shall be subject to confirmation by the Senate. (ORS 326.300)

### Authority

The deputy superintendent shall perform any act or duty of the office of Superintendent of Public Instruction that is designated by the Governor. (ORS 326.300)

### Removal

The deputy superintendent may be removed from office by the Governor following consultation with the State Board of Education. (ORS 326.300)

END OF POLICY

## Meetings Policy #6

### Regular Meetings

The State Board of Education shall meet at least six times each year on dates determined by the board, and at such other times as may be designated by the chairperson agreeable to a majority of the board, or at the call of a majority of the board members (ORS 326.041).

### Requirements of Meetings

1. Public Meeting Law Compliance

The State Board of Education shall comply with the provisions of ORS chapter 192, Records, Public Reports, Public Meetings.

* All meetings of the State Board of Education shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by law. (ORS 192.630)
* Any subcommittees, task forces, or work groups that are charged with making recommendations as a whole to the board shall comply with the provisions of chapter 192[[3]](#footnote-3).

1. Time and Place

Meetings of the board shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. The State Board of Education may not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age, national origin or disability is practiced. It is discrimination on the basis of disability for the State Board of Education to meet in a place inaccessible to the disabled, or, upon request of a deaf or hard-of-hearing person, to fail to make a good faith effort to have an interpreter for deaf or hard-of-hearing persons provided at a regularly scheduled meeting (ORS 192.630).

1. Notice

The members of the board will be given at least 10 days' notice, in writing, of the date and place of each regular or special meeting (ORS 182.020).

The board shall give public notice reasonably calculated to give actual notice to interested persons including news media who have requested notice, of the time and place for holding of its meetings, including its committees and work groups. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting (ORS 192.640).

1. Quorum

For a motion to be adopted, a majority of the State Board of Education must vote in favor of the motion. A quorum of the seven-member State Board of Education is four members (ORS 174.130; *Opinions of the Attorney General,* vol. 41, p. 28, 1980). Absent a quorum, the State Board of Education may meet for the purposes of gathering information but no formal action may be taken.

A quorum of the State Board of Education may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by law (ORS 192.630(2)).

1. Minutes and Other Written Records

The board shall provide for the sound, video, or digital recording or the taking of written minutes of all its meetings. All minutes shall be available to the public within a reasonable time after the meeting and shall include at least the following information:

* All members of the board present;
* All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
* The results of all votes and the vote of each member by name;
* The substance of any discussion on any matter; and
* Subject to public records law, a reference to any document discussed at the meeting. (ORS 192.650)

Minutes and other reports presented to the board shall be available to the public and posted to the board’s website (ORS 192.243).

1. Archiving Records

The State Board of Education shall follow the retention schedule suggested by the Secretary of State’s Archivist (ORS 192.105).

### Executive Session

1. Meetings (ORS 192.660)

The board may schedule an “executive session,” closed to the public, under certain circumstances allowed by law, including the following:

* To consider the employment of a public officer, employee, staff member or individual agent.
* 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.
* To review and evaluate the employment-related performances. The State Board of Education may not use an executive session for purposes of evaluating a staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs).
* To conduct deliberations with persons designated by the governing body to negotiate real property transactions
* To consider information or records that are exempt by law from public inspection

The board as a whole can invite or include whomever they wish to attend an executive session meeting. The Board as a whole can invite Board Advisors and/or Ex-officio members or their designees to the executive session. An individual board member does not have that authority. The individual board member should make a motion to invite a specific individual to an executive session and the result of the vote will be the board’s decision.

No executive session may be held for the purpose of taking any final action or making any final decision. Representatives of the news media shall be allowed to attend executive sessions, but the board may require that specified information be undisclosed. When the board convenes an executive session for the purposes of conferring with counsel on current litigation or litigation likely to be filed, the board shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation (ORS 192.660).

If an executive session is to be held, the meeting notice shall be given to the members of the board, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session (ORS 192.640(2), Attorney General’s Public Records and Meetings Manual, 2005, p.129, 143,).

A record of any executive session may be written minutes or be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility (ORS 192.650).2. Penalties

Any decision made in violation of the public meetings law is voidable. A decision shall not be voided if the State Board of Education reinstates the decision while in compliance with public meetings law. A decision that is reinstated is effective from the date of its initial adoption (ORS 192.680).

The Government Standards and Practices Commission may impose civil penalties not to exceed $1,000 for violating any provision of law pertaining to executive sessions. However, a civil penalty may not be imposed under this subsection if the violation occurred as a result of the State Board of Education acting upon the advice of the public body’s counsel (ORS 244.350).

### Special Meetings

No special meeting shall be held without at least 24 hours’ notice to the members of the board, the news media that have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours’ notice (ORS 192.640).

END OF POLICY

## Compensation and Reimbursement Policy #7

### Compensation

Board members (other than members who are employed in full-time public service) are authorized to receive compensation for time spent in performance of official duties. Members shall receive a payment of $30 for each day or portion thereof during which the member is actually engaged in the performance of official duties.

Compensation is subject to federal and state income tax withholding, social security and Medicare taxes, Workers’ Compensation insurance, and Workers’ Benefit Fund assessment (ORS 292.495; Dept. of Administrative Services *Oregon Statewide Payroll Services Reference Manual, Volunteers, Boards and Commissions*).

### Reimbursement

Board members, including those employed in full-time public service, may receive actual and necessary travel or other expenses actually incurred in the performance of their official duties within the limits provided by law or by the Oregon Department of Administrative Services under ORS 292.210 to 292.250 (ORS 292.495).

As a state agency, the State Board of Education is subject to the provisions of the Oregon Accounting Manual (OAM 01.05.00.PO, section .105).

Board members are directed to use state per diem meal and lodging reimbursement allowances. Under this option, receipts are not required for meal expenses (Oregon Accounting Manual 10.40.00.PO, section .108). Receipts for lodging are required. Receipts for meals are required when the expenses exceed the state per diem or if gratuities are claimed. Gratuities of 15% actual meal costs are permissible if reasonable and necessary for the conduct of state business and need to be documented on the receipt (Oregon Accounting Manual 10.40.00.PO, section .150).

Reimbursement for expenses incurred in a privately owned motor vehicle shall be at the rate established and regulated by the Oregon Department of Administrative Services. Reimbursement shall be paid only for distances actually traveled and trips made in the performance of official or state related duties. The rate is deemed to include gasoline, oil, repair parts, depreciation, taxes, insurance and maintenance and upkeep of every kind and nature (ORS 292.250).

### Out of State Travel

It is the policy of the state that all out-of-state travel by state agency personnel shall be allowed only when the travel is essential to the normal discharge of the agency’s responsibilities and shall be conducted in the most efficient and cost-effective manner resulting in the best value to the state.

* All out-of-state travel must be for official state business.
* Use of out-of-state travel must be related to the board’s scope of responsibilities.
* Travel awards earned while conducting state business shall be used to reduce the costs of state travel. The use of travel awards obtained while conducting state business for personal travel constitutes personal gain from state employment and violates ORS 244.040.

END OF POLICY

## Member Ethics - Policy #8

### Code of Ethics

Board members are public officials under state law. Public office is a public trust, and as one safeguard of that trust, the people require all public officials to adhere to the code of ethics set forth in ORS 244.040. Board members should not make private promises that are binding upon the duties of a board member, because a board member has no private word that can be binding on public duty (ORS 244.010-.020). Members should familiarize themselves with Oregon’s ethics laws; this policy high lights some key features but is not comprehensive. In the event of any conflict between this policy and Oregon ethics laws, the law supersedes the policy.

### Financial Gain

No board member may use, or attempt to use, their official position or office to obtain financial gain or avoidance of financial detriment for the board member, a relative or household member of the board member, or any business with which the board member or a relative, or member of the household of the board member is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the member’s holding of the official position. Permitted is official salary, honoraria, (except as prohibited below), reimbursement of expenses or an unsolicited award for professional achievement for the board member, the board member’s relative, or for a household member of the board member (ORS 244.040).

A board member may not solicit or receive, whether directly or indirectly, honoraria for himself or for any member of the member’s household with a value of $50 or more if the honoraria is solicited or received in connection with the official duties of the board member. Honoraria does not include a certificate, plaque, commemorative token or other item with a value of $50 or less, or honoraria for services performed in relation to the private profession, occupation, avocation or expertise of the board member. Any person that provides a board member or household member of the board member with an honorarium as allowed under ORS 244.042 with a value of $15 shall notify the member in writing of the value of the item within ten days after the event for which the item was received (ORS 244.042, ORS 244.100).

No board member may solicit or receive, either directly or indirectly, and no person shall offer or give to any board member any pledge or promise of future employment, based on any understanding that such board member’s vote, official action or judgment would be influenced by such a pledge or promise (ORS 244.040).

No board member or former board member may attempt to further or further the personal gain of the board member through the use of confidential information gained in the course of or by reason of the official position or activities of the board member in any way (ORS 244.040).

No board member may attempt to represent or represent a client for a fee before the State Board of Education. This subsection does not apply to the person’s employer, business partner or other associate (ORS 244.040).

### Gifts

No person shall offer during any calendar year any gifts with an aggregate value in excess of $50 from any single source to any board member or their relative or household member, if the person offering the gift could reasonably be known to have a legislative or administrative interest in the Oregon Department of Education (ORS 244.025).

No board member, their relative, or household member shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of $50 from any single source who could reasonably be known to have a legislative or administrative interest in the board member. “Legislative or administrative interest” means an economic interest, distinct from that of the general public in any matter subject to the decision or vote of the board member acting in the board member’s capacity as a public official. (ORS 244.020, ORS 244.025).

Gifts do not mean:

(a) Gifts from relatives or members of the board member’s household.

(b) Unsolicited tokens of appreciation with a resale value of less than $25.

(c) Informational material, publications, or subscriptions related to the performance of the board member’s public duties.

(d) Admission/cost of food consumed by a board member, or a member of the household when accompanying the board member at a reception, meal, or meeting held by an organization when the board member represents state government.

(e) Reasonable expenses paid by any local, state, or federal government; a state or nationally recognized Native American tribe; a membership organization to which a public body pays membership dues; or a not-for-profit corporation for attendance at a convention, fact-finding mission or trip, or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government.

(f) Reasonable food, travel, or lodging expenses provided to a public official, or a relative/household member/staff member of the board member accompanying the board member when the board member is representing state government.

(g) Food or beverage consumed while the board member is acting in an official capacity.

(h) Food or beverage consumed by a board member at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage.

(i) Entertainment provided to a board member/relative/member of the household that is incidental to the main purpose of another event.

(j) Entertainment provided to a board member/relative/member of the household where the board member is acting in an official capacity while representing state government.

(k) Anything of economic value that is part of the usual and customary practice of the person’s private business, employment, or volunteer activities and bears no relationship to the board member’s official position.

Any organization, unit of government, tribe, or corporation that provides a board member with expenses with an aggregate value exceeding $50 for an event (convention, trip, certain meetings) shall notify the board member in writing of the amount of the expense. The notice shall be sent to the board member within 10 days from the date such expenses are incurred (ORS 244.100).

### Conflicts of Interest

An “actual conflict of interest,” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person’s relative or any business with which the person or a relative of the person is associated (ORS 244.020).

A potential conflict of interest means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person’s relative, or a business with which the person or the person’s relative is associated, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person’s official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person’s relative or business with which the person or the person’s relative is associated, is a member or is engaged.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

When confronted with a **potential** conflict of interest, a board member shall:

* announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official.

When confronted with an **actual** conflict of interest, a board member shall:

* Announce publicly the nature of the actual conflict.
* Refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue, unless the member’s vote is necessary to meet the quorum requirement.
* Notify in writing the Governor of the nature of the conflict and request that the Governor dispose of the matter giving rise to the conflict. Upon receipt of the request, the Governor shall designate, within a reasonable time, an alternate to dispose of the matter or shall direct the official to dispose of the matter in a manner specified by the Governor (ORS 244.120).

Conflicts and potential conflicts and their disposition shall be recorded in the minutes and may be reported to the Oregon Government Ethics Commission at the discretion of the board (ORS 244.130).

The Oregon Government Ethics Commission may impose civil penalties not to exceed $1000 for violating any provision of this chapter or any resolution adopted under ORS chapter 244 (ORS 244.350). Board members who have financially benefited by a conflict of interest may be required to forfeit twice the amount of the gain realized (ORS 244.360).

### Bribery

A person commits the crime of bribe-giving if the person offers, confers or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant’s vote, opinion, judgment, action, decision or exercise of discretion in an official capacity. (ORS 162.015). Bribe giving is a Class B felony, punishable with up to 10 years in jail and a $250,000 fine (ORS 161.625, ORS 161.605).

A public servant commits the crime of bribe-receiving if the public servant: (a) solicits any pecuniary benefit with the intent that the vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced; or (b) accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that the vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced (ORS 162.025). Bribe receiving is a Class B felony punishable with up to 10 years in jail and a $250,000 fine (ORS 161.625, ORS 161.605).

### Official Misconduct

A board member commits the crime of official misconduct in the second degree if the person knowingly violates any statute relating to the office of the person (ORS 162.405). Official misconduct in the second degree is a Class C misdemeanor, punishable with up to 30 days in jail and a $1250 fine (ORS 161.615, ORS 161.635).

A board member commits the crime of official misconduct in the first degree if with intent to obtain a benefit or to harm another: (a) the public servant knowingly fails to perform a duty imposed upon the public servant by law or one clearly inherent in the nature of office; or (b) the public servant knowingly performs an act constituting an unauthorized exercise in official duties (ORS 162.415). Official misconduct in the first degree is a Class A misdemeanor, punishable with up to one year in jail or a $6250 fine (ORS 161.635, ORS 161.615).

### Economic Interest Form

Members of the State Board of Education are required to file with the Oregon Government Ethics Commission a verified statement of economic interest by April 15 of each year (ORS 244.050). The statement of economic interest filed under ORS 244.050, shall be on a form prescribed by the Oregon Government Ethics Commission (ORS 244.060). Failure to file the statement may result in a civil penalty (ORS 244.050, ORS 244.060).

The Oregon Government Ethics Commission shall notify the board member if it has not received the statement within five days of its due date and give the board member no fewer than 15 days to comply prior to imposing a penalty. Failure to file the statement may result in the commission imposing a fine of $10 for each of the 14 days the statement is late and $50 for each day thereafter (ORS 244.350).

END OF POLICY

## Public Records, Social Media & Email Policy - # 9

### Definition of Public Records

For retention purposes, a “public record” includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use (ORS 192.005).

For public access purposes, a “public record” is any writing containing information relating to the conduct of the public’s business, including but not limited to, court records, mortgages and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics” (ORS 192.410(4)).

Board docket items, handouts, administrator files, board e-mails, social media accounts, correspondence, and minutes are all public records required to be retained and accessible by the public (ORS 192.005, OAR 166-350- 0010).

Purely personal messages, as well as unsolicited messages and advertisements (spam), are not public records under the retention/disposition aspect of the law but may be accessible to the public under the access portion of the law (ORS 192.502). Confidential records, such as those protected by lawyer-client privilege are not public records.

### Access to Public Records

All board materials are public documents and available to the public upon request. An exception is confidential lawyer-client materials. In addition, work done on private e-mail accounts as well as personally purchased computers and hand held devices might be considered a public record for both access and retention/disposition (ORS 192.502).

### Retention of Public Records

The State Board of Education will follow the retention schedule suggested by the Secretary of State’s Archivist (ORS 192.105; OAR 166-350-0010). Tampering with a public record is punishable by a year in prison and a $5000 fine (ORS 162.305). • Audio Tapes: Retention: 1 year following transcription; destroy

* Minutes: Retention: Permanent; transfer to State Archives after 10 years
* Other meeting records: Retention: 5 years; destroy
* Board Records (correspondence, budgets, committee reports, reports, reference material) -- Retention: 4 years, destroy
* Member Personnel Records (appointment letters, employee data sheets) - Retention: 10 years after final term expires, destroy
* Organizational Records (bylaws, mission/goal statements, work plans, policy) - Retention: Permanent, transfer to State Archives after 10 years
* Board Lobbyist Records (registration, correspondence, reports) - Retention: Expenditure reports: 5 years, destroy; Other: 5 years after last activity

### Charging for Records Requests

The Oregon Public Records Law expressly authorizes a public body to establish fees “reasonably calculated to reimburse it for its actual cost in making such records available.” It further permits local government to include in its fees “costs for summarizing, compiling or tailoring a record to meet the person’s request.” “Actual cost” may include a charge for the time spent by staff to locate the requested records, review the records to delete exempt material, supervise a person’s inspection of the original documents in order to protect the records, copy records, certify documents as true copies or send records by special methods such as express mail. It also includes the cost of an attorney reviewing and segregating records that should not be disclosed. The board may not charge a fee greater than $25 unless the public body first provides the requestor with a written notification of the estimated amount of the fee and the requestor confirms that the requestor wants the public body to proceed with making the public record available (ORS 192.440).

### Social Media – Board Members, Board Advisors, & Ex-Officio or their Designee

**Definitions**

1. "Social Media" is an umbrella term for various forms of communication consisting of user-created text, audio and video published in a shared online environment, such as over the Internet or through mobile telephone networks, including but not limited to, social network services (i.e., Facebook, Twitter, LinkedIn, etc.), blogs, texts, forums or message boards, audio/video content commodities (i.e., You Tube, Flickr), etc.
2. "Intellectual Property" is a product of the intellect (knowledge) that has commercial value, including copyrighted property such as literary or artistic works, and ideational property, such as patents, appellations of origin, business methods, and industrial processes.
3. “Public official” is defined in ORS 244.020(14)1 as any person who, when an alleged violation of ORS Chapter 244 occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services. Volunteers are also public officials.

To address the increasing popularity and usefulness of social media as a rapidly evolving means of communication. The policy is to provide important standards and guidelines when using social media.

Board members, board advisors, ex-officio or their designees will abide by the State Board of Education (SBE) Policy & Procedures manual and any guidelines provided in the manual. Board members, board advisors, ex-officio or their designees are public officials. Participation in social media on behalf of SBE is not a right, but an opportunity. Board members, board advisors, ex-officio or their designees are expected to treat this opportunity with due seriousness and respect, and are expected to follow the terms and conditions for any third-party sites.

Failure to abide by these guidelines could put any board members, board advisor, ex-officio or their designee participation at risk.

The following are official guidelines for participating in social media for SBE and are applicable for any board members, board advisors, ex-officio or their designees personally creating or contributing to blogs, social networks or any other kind of social media.

Board members, board advisors, ex-officio or their designees who use social media for SBE purposes are to always conduct themselves in a professional manner according to this policy and any other applicable policies and procedures. Board members, board advisors, ex-officio or their designees are public figures are public officials subject to Oregon Ethics Laws.

All Board members, board advisors, ex-officio or their designees will maintain SBE's confidentiality, legal guidelines for speech, follow the Ethics Commission guidelines, and personal privacy. Everything on the Internet is public and searchable. Ultimately individual postings are the responsibility of the individual. Board members, board advisors, ex-officio or their designees should have no expectation of privacy while using SBE email addresses or while sending to Oregon Department of Education (ODE) computer systems and other devices. ODE and SBE will monitor and investigate the use of equipment and associated sites as necessary. “

Confidential information” includes, but is not limited to, litigation and client-related information.

SBE and ODE support transparency and are committed to ensuring all postings clearly disclose relationships or endorsements, and that statements about SBE and ODE are truthful and substantiated. All published material must be true and not misleading, and all claims must be substantiated and approved.

SBE board administrator monitors social media related to its activities and interests, including the activities of board members, board advisors, ex-officio or their designees. Authors of any nondisclosed relationships or statements that are false or misleading will be contacted for correction. If it is found that an author repetitively makes inaccurate statements about SBE or ODE, SBE may revoke authorization to participate in social media on behalf of the State Board of Education.

Social media websites have nearly unlimited communication potential, duration and retention, and generally can be accessed by anyone around the world. Thus, to protect SBE’s legitimate interests, Board members, board advisors, board staff, ex-officio or their designees or volunteers who maintain or contribute to social media sites are prohibited from engaging in the following activities:

* Using social media to threaten physical violence against ODE employees, SBE members, contractors, volunteers or others associated with the organization or to harass such individuals based on their color, race, national origin, religion, sex, sexual orientation, age, disability, marital status, or any other protected status under applicable law;
* Using social media to comment on anything that would be protected by federal law under HIPPA/FERPA;
* Using social media to post intellectual property, trademarks logos or copyrighted materials owned by SBE and ODE or any of its affiliates;
* Post photos or recordings without prior notification;
* Posting SBE or ODE confidential business information, including but not limited to private information about ODE employees, volunteers, Board members, board advisors, ex-officio or their designees, service providers and suppliers, SBE's financial information;
* Using photographs, recordings, marketing materials or other materials owned by SBE for personal social media activities;
* Using social media to engage in libelous, defamatory, obscene, violent, maliciously false or otherwise egregious behavior directed at or implicating SBE, its members, visitors, employees, volunteers, contractors, service providers or others associated with the SBE or any of its affiliates.

If individual Board members, board advisors, ex-officio or their designees requests to create a Facebook, twitter, or any other social media account to represent yourself as a Board member, board advisor or ex-officio member, the Chair must first approve the request. Once the Chair approves, the Board Administrator will create the social media account and give access to the Board member, ex-officio or their designee, or advisor. The Board administrator will monitor the individual Board member, board advisors, ex-officio social media account.

These limitations are not intended to infringe upon any rights that Board members, board advisors, ex-officio or their designees may have under applicable local, state and federal employment and/or labor laws. These guidelines have been created to protect the Board from liabilities.

SBE reserves the right to take any appropriate legal action necessary to stop or remedy improper or unlawful conduct involving social media.

Public record laws apply to all information posted on any social media platform while representing SBE, including private messages sent between public and private individuals.

**Board Member Email Account Guidelines**

As email access has spread to many of SBE members, it has become a significant means of communicating within the SBE members, SBE advisors, Ex-Officio members and their designees. Meeting agendas and other information is frequently distributed via an electronic distribution list of all current board members. Some board members may not have access to email, or cannot receive attachments. In such cases, the Board member should work with board staff to develop a mutually agreeable method of communication. This could be via US mail, fax, phone, or another board member with email who could relay information to/from the board member.

Board members should create a unique individual email account for public business. Board members may request that ODE provide an individual email address through ODE for business use. The Board Administrator will have access to all Board member email and assist Board members with email responses, as needed.

END OF POLICY

## Oregon Administrative Rules - Policy #10

### Definition (ORS 183.310(9))

Under Oregon law, an administrative rule means any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency. The term includes the amendment or repeal of a prior rule, but does not include:

1. Unless a hearing is required by statute, internal management directives, regulations or statements which do not substantially affect the interests of the public:
   1. Between agencies, or their officers or their employees; or
   2. Within an agency, between its officers or between employees.
2. Action by agencies directed to other agencies or other units of government which do not substantially affect the interests of the public.
3. Declaratory rulings issued pursuant to ORS 183.410 or 305.105.
4. Intra-agency memoranda.
5. Executive orders of the Governor.
6. Rules of conduct for persons committed to the physical and legal custody of the Department of Corrections, the violation of which will not result in:
   1. Placement in segregation or isolation status in excess of seven days.
   2. Institutional transfer or other transfer to secure confinement status for disciplinary reasons.
   3. Disciplinary procedures adopted pursuant to ORS 421.180. (ORS 183.310)

### Public Input (ORS 183.333)

It is the policy of this state that whenever possible the public be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule. Written comments or testimony to the Board can be sent to the board administrator.

1. Public Comment at Board Meetings:

The State Board of Education values public input. The role of the State Board of Education is to actively listen to and reflect on public comments. Each person wishing to address the Board must sign-up individually for the Public Comment period on the agenda. A sign-up sheet will be placed by the boardroom entrance and each name will be called upon by the Board’s Executive Officer. Public Comment allows the Board and Deputy Superintendent to hear issues of interest, but does not allow an opportunity for dialogue between the speaker, Board or Deputy Superintendent. The Board may ask staff to respond to public comments or questions raised during the public comment period.

The guidelines below for public input emphasize respect and consideration of others:

* A sign-up sheet will be placed by the room entrance and each name will be called upon by the
* Board’s Executive Officer.
* The Board’s Executive Officer will read off the names of the speakers who signed up to testify. Individuals called will come up to the testimony table and will have three minutes to testify, unless otherwise stated.
* Please begin by stating your name for the record.
* Each person providing public comment will have a total of three minutes; when your time is up, a buzzer will sound. The Board respectfully asks that you conclude your comments at that time.
* Taking more time reduces others ability to provide public comments.
* Those providing public comment may submit written testimony before or at the meeting.
* If an interpreter is required, please notify the Board Officer at least 48 hours in advance.

Complaints about individual employees should be directed to the Deputy Superintendent’s office as a personnel matter.

1. Advisory Committees

The agency may appoint an advisory committee that will represent the interests of persons likely to be affected by the rule, or use any other means of obtaining public views that will assist the agency in drafting the rule.

If an agency appoints an advisory committee for consideration of a rule, the agency shall seek the committee's recommendations on whether the rule will have a fiscal impact, what the extent of that impact will be and whether the rule will have a significant adverse impact on small businesses. If the committee indicates that the rule will have a significant adverse impact on small businesses, the agency shall seek the committee's recommendations on compliance with ORS 183.540.

An agency shall consider an advisory committee's recommendations provided under subsection (3) of this section in preparing the statement of fiscal impact required by ORS 183.335 (2)(b)(E).

If an agency does not appoint an advisory committee for consideration of a permanent rule under subsection (1) of this section and 10 or more persons likely to be affected by the rule object to the agency's statement of fiscal impact as required by ORS 183.335 (2)(b)(E) or an association with at least 10 members likely to be affected by the rule objects to the statement, the agency shall appoint a fiscal impact advisory committee to provide recommendations on whether the rule will have a fiscal impact and what the extent of that impact will be. An objection under this subsection must be made not later than 14 days after the notice required by ORS 183.335 (1) is given. If the agency determines that the statement does not adequately reflect the rule's fiscal impact, the agency shall extend the period for submission of data or views under ORS 183.335 (3)(a) by at least 20 days. The agency shall include any recommendations from the committee in the record maintained by the agency for the rule.

1. Interested Parties

Any agency in its discretion may develop a list of interested parties and inform those parties of any issue that may be the subject of rulemaking and invite the parties to make comments on the issue (ORS 183.333).

1. Hearing

Opportunity for oral hearing shall be granted upon request received from 10 persons or from an association having not less than 10 members before the earliest date that the rule could become effective after the giving of notice. An agency holding a hearing upon a request made under this subsection shall give notice of the hearing at least 21 days before the hearing to the person who has requested the hearing. The agency shall publish notice of the hearing in the bulletin referred to in ORS 183.360 at least 14 days before the hearing. The agency shall consider fully any written or oral submission (ORS 183.335).

### Notice (ORS 183.335, 183.341; OAR 581-001-000)

Prior to the adoption, amendments or repeal of any rule, the State Board of Education shall give notice as required by OAR 581-001-000.

### Content of Notice (ORS 183.335)

The required notice may be given in written or electronic form and must include:

A caption of not more than 15 words that reasonably identifies the subject matter of the agency's intended action. The agency shall include the caption on each separate notice, statement, certificate or other similar document related to the intended action.

* An objective, simple and understandable statement summarizing the subject matter and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected, and the time, place and manner in which interested persons may present their views on the intended action.
* A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;
* A citation of the statute or other law the rule is intended to implement;
* A statement of the need for the rule and a statement of how the rule is intended to meet the need;
* A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and their location;
* A statement of fiscal impact identifying state agencies, units of local government and the public which may be economically affected by the adoption, amendment or repeal of the rule and an estimate of that economic;
* If an advisory committee is not appointed under the provisions of ORS 183.333, an explanation as to why no advisory committee was used to assist the agency in drafting the rule; and
* A request for public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.
* When providing notice of an intended action under subsection (1)(c) of this section, the agency shall provide a copy of the rule that the agency proposes to adopt, amend or repeal, or an explanation of how the person may acquire a copy of the rule. The copy of an amended rule shall show all changes to the rule by striking through material to be deleted and underlining all new material, or by any other method, that clearly shows all new and deleted material.

### Temporary Rules (ORS 183.335)

An agency may adopt a temporary rule that adopts, amends or suspends a rule without prior notice or hearing or upon any abbreviated notice and hearing, if the agency prepares:

* A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;
* A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;
* A statement of the need for the rule and a statement of how the rule is intended to meet the need;
* A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection.

A rule adopted, amended or suspended under subsection (5) of this section is temporary and may be effective for a period of no longer than 180 days.

### Filing of Rules (ORS 183.335)

Each agency shall file in the office of the Secretary of State a certified copy of each rule adopted by it. Each rule is effective upon filing as required, unless another effective date is given.

### Rules Review (ORS 183.405)

Not later than five years after adopting a rule, an agency shall review the rule for the purpose of determining:

* Whether the rule has had the intended effect;
* Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
* Whether subsequent changes in the law require that the rule be repealed or amended; and
* Whether there is continued need for the rule.

### Rules Coordinator (ORS 183.330)

Each state agency that adopts rules shall appoint a rules coordinator and file a copy of that appointment with the Secretary of State. The rules coordinator shall:

* Maintain copies of all rules adopted by the agency and be able to provide information to the public about the status of those rules;
* Provide information to the public on all rulemaking proceedings of the agency; and
* Keep and make available the mailing list required by ORS 183.335 (8).

### Readability (ORS 183.750)

The Department of Education shall prepare its public writings in language that is as clear and simple as possible.

END OF POLICY

# Section B: Board General Governance Policies

## Board Policies and Procedures - Policy #100

### Board Policies

The board shall operate under its policies as directed by law and as adopted by the board. These policies may be adopted, amended, or repealed by a majority of the board. No amendment shall be contrary to the laws of Oregon.

The policies may be amended at any meeting upon giving the members of the board ten (10) days advance notice of such proposed amendments, and upon an affirmative vote of a majority of the directors. Punctuation, grammar, and typographical errors may be corrected by board staff without a vote of the board.

### Board Procedures

The board shall regularly review its operational procedures, generally at its annual retreat. At a minimum, the board’s operational review shall include an annual work plan session[[4]](#footnote-4)

## Board Officers/ Board Organization - Policy #101

### Chair

The board shall elect one of its members to serve as chairperson of the board for one year commencing July 1. If the office of chairperson of the board is permanently vacated for any reason, the board may elect a new chairperson to serve until the June 30 next following year (ORS 326.041).

A member may serve as chair for no more than two consecutive years[[5]](#footnote-5).

Duties of the Chair[[6]](#footnote-6):

* Calls special meetings not on board’s adopted calendar.
* Sets agenda.
* Presides at meetings.
* Ensures fairness and impartiality.
* Enforces parliamentary procedure.
* Names members for board subcommittees and liaisons, unless a majority of the board votes otherwise.
* Serves as an ex-officio member on board subcommittees.
* Acts as the primary spokesperson to the press for the board.
* Performs other duties as may be required by law or action of the board.
* May form committees and workgroups

### Vice Chair[[7]](#footnote-7)

The board will elect one of its members to serve as vice-chairperson of the board for one year commencing July 1.

Duties of the Vice Chair:

* Presides at meetings in the event of an absence of the Chair.
* Performs other duties as directed by the Chair or the vote of the board.

### Second Vice Chair[[8]](#footnote-8)

The board will elect one of its members to serve as second vice-chairperson of the board for one year commencing July 1.

Duties of the Second Vice Chair:

* Presides at meetings in the event of an absence of the Chair and Vice Chair.
* Performs other duties as directed by the Chair or the vote of the board.

### Member Duties

* Attend meetings on time, prepared to act on the agenda.
* Act in an impartial, fair, and courteous manner.
* Familiarize themselves with proper parliamentary procedure.
* Accept assignments and complete them in a timely manner.
* Respect and accept majority rules.
* May, with three other board members, add items to the agenda.

### Ex-Officio Member or Designee

The State Treasurer and the Secretary of State are nonvoting ex-officio members of the board by by virtue of the office or position they hold. The State Treasurer and Secretary of State may appoint a designee.(ORS 326.021) It is recommended that the designee of Ex-Officio member be a state employees of the respective offices to provide updates of shared interest. When an ex-officio member ceases to hold the office that entitles them to membership, their membership on the board terminates automatically.

Duties of the Ex-Officio Member or their Designee:

* May attend Board meetings.
* May not vote on actions before the board.
* Provide updates from their respective offices on how their offices work intersects with educational policies.
* Act in an impartial, fair, and courteous manner.
* Familiarize themselves with proper parliamentary procedure.

### Individual Board Members, Ex-Officio Member or Designee, and Advisors

Board Members, Ex-officio or their designees, and Board advisors of the State Board of Education have authority only when acting as a member of the board during legal sessions. The Board cannot be bound by statements or actions of individual members unless directed by the Chair. Individual Board members, Advisors, Ex-officio or their designees do not have authority to direct ODE, district or school level staff. Individual board members do not speak for the board unless the board arrived at a formal decision. If individual Board, advisors or ex-officio members want updates on ODE topics, those request need to be sent to the Board Administrator and Chair.

To contact individual ODE staff, that request must be sent to the Board administrator to make sure staff is properly responding to Board members.

### Organization

1. Subcommittees

The board chair may form subcommittees and workgroups on issues before the board to make more efficient use of meeting time. A “subcommittee” will consist solely of board members with staff support and may also include advisors and community members who have been appointed by the board; a “work group” will include other stakeholders and is led by staff.

A board advisor or ex-officio member on a subcommittee may vote for a recommendation to be brought to the State Board of Education. However, the State Board of Education will ultimately have the final vote on that recommendation. The board advisor or ex-officio member will not be able to vote when the final recommendation is made to the State Board of Education.

When subcommittees and work groups are created, their duties and length of service will be determined by chair, unless a majority of the board votes otherwise. Board members serving on committees will keep the board apprised of the committee’s activities.

Committees will comply with the Oregon public meetings law. They will be open to the public with formal notices sent out.

1. Executive Committee

The Executive Committee assists the chair in carrying out his or her duties. The Executive Committee consists of the Chair, Vice Chair, and immediate past Chair, or Chair, Vice Chair, and Second Vice Chair. The Chair will determine membership of the Executive Committee.

The Executive Committee is empowered to act in emergencies requiring immediate action and in which reasonable efforts to convene an emergency meeting or conference call to resolve the issue have not succeeded. Notification of any such action must be conveyed to all board members as soon as possible and ratified by the full board at the next regular meeting[[9]](#footnote-9). Failure to ratify the Executive Committee’s action by the full board nullifies the decision.

1. Liaisons

Members may be asked to be a contact for various education associations and attend some or all meetings. Members and advisors may be reimbursed for their participation in assigned liaisons.

END OF POLICY

## Board Advisors/Stakeholder Groups - Policy #102

### Creation and Term of Board Advisors

The board may elect to have board advisors. Advisors will serve a one-year term from July 1 through June 30. Advisors may serve more than a single term and be re-elected for consecutive terms. Advisors will receive all materials distributed to the board as a whole

1. Criteria for Advisor Selection

• Interest in serving as an advisor for one year

• Commitment to attend board meetings and any special board functions

• Willingness to participate in policy discussions

• Ability to deliberate policy issues

• Demonstrated leadership qualities

• Experience with education delivery in Oregon

• Actively employed in good standing

1. Advisors

• K-12 School Administrator

• K-12 Teacher

• K-12 Student

• Early Learning Teacher/Professional Advisor

1. Advisor Selection Process

In consultation with the Superintendent of Public Instruction and the board chair, advisors will be selected as follows:

*K-12 School Administrator:* Up to three nominations from the Confederation of School Administrators will be submitted to the board. The board Executive Committee will recommend a candidate to the full board who will vote on the selection.

*K-12 Teacher:* Up to three nominations from the Oregon Education Association will be submitted to the board. The board Executive Committee will recommend a candidate to the full board who will vote on the selection.

*K-12 Student*: The board administrator will solicit candidates, review applications, and forward up to three names to an interviewing committee named by the board chair who will recommend a candidate to the full board who will vote on the selection.

Board advisors will be approved by a vote of the full board.

1. Responsibilities of Advisors

* Attend board meetings
* Assist the board in analyzing issues, proposals, and requests before it
* Other duties as assigned by the board chair

1. Advisor Compensation

Advisors are eligible for reimbursement of actual expenses incurred in attending board meetings and board- related activities, including mileage, meals, and hotels.

### Stakeholder Groups

The board may vote to have regular reports from stakeholder groups including but not limited to:

1. Recognized Stakeholders

* Oregon School Boards Association
* Oregon Education Association
* Confederation of Oregon School Administrators
* Nine Confederated Tribes of Oregon
* Community Organizations
* Parent Groups

1. Responsibilities of Stakeholders

* Make periodic updates at board meetings of their organization’s activities
* Assist the board in analyzing issues, proposals, and requests before it

END OF POLICY

## Meeting Protocol - Policy # 103

The State Board of Education will conduct all meetings in accordance with state law and will be accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations should be made at least 48 hours prior to the meeting.

### Agendas

The board chair, working with the board administrator, and the Superintendent of Public Instruction, and the will prepare an official agenda for board meetings. The agenda will be posted to the board’s website and distributed to interested parties as soon as it is available. Any four board members may request in writing that an item be added to an agenda.

### Docket Materials

1. Content

All items on the agenda will be accompanied by written material a completed docket that supports the presence of the item on the agenda, unless the item is a presentation by someone other than ODE staff. The docket includes background, summary of previous board action, policy issues or concerns, equity impact analysis, fiscal analysis, effects of decision, and staff recommendations.

1. Timing:

The agenda with supporting detail will be provided to each state board member and advisor approximately one week prior to the board meeting[[10]](#footnote-10).

1. Public Access:

All board documents, to the extent possible, will be posted on the State Board of Education’s website.

1. Recommendations:

When action on an item is requested, staff will make a recommendation on what that action should be to the board.

### Public Comment[[11]](#footnote-11)

The role of the State Board of Education is to actively listen to and reflect on public comments. Each person wishing to address the Board must sign-up individually for the public comment period on the agenda. Persons or groups wishing to appear before the board may be given a reasonable opportunity to do so; there will be time allotted on each agenda for public comment. A sign-up sheet for those who wish to offer comments or testimony on any item will be available at the meeting. The board may impose such time limitations on any appearance as it may deem appropriate. Written testimony may also be submitted to the board administrator. The public comment period is not to be used as a vehicle for immediate resolution of problems, but is a method to bring important issues to the board’s attention. Speakers may offer objective criticism of state operations and programs, but the board will not hear complaints concerning individual personnel; persons with such complaints will be directed to the appropriate process for the disposition of personnel complaints. Public Comment allows the Board and Deputy Superintendent to hear issues of interest, but does not allow an opportunity for dialogue between the speaker, Board or Deputy Superintendent. The Board may ask staff to respond to public comments or questions raised during the public comment period.

The guidelines below for public input emphasize respect and consideration of others and will be used by Board staff:

* A sign-up sheet will be placed by the room entrance and each name will be called upon by the Board Chair or administrator.
* The Board Chair or administrator will read off the names of the speakers who signed up to testify. Individuals called will come up to the testimony table and will have three minutes to testify, unless otherwise stated.
* Please begin by stating your name for the record.
* Each person providing public comment will have a total of three minutes; when your time is up, a buzzer will sound. The Board respectfully asks that you conclude your comments at that time. Taking more time reduces others ability to provide public comments.
* Those providing public comment may submit written testimony before or at the meeting.
* If an interpreter is required, please notify the Board Officer at least 48 hours in advance.

Complaints about individual employees should be directed to the Deputy Superintendent’s office as a personnel matter.

### Consent Agenda[[12]](#footnote-12)

Items requiring board approval may be placed on the consent agenda upon the recommendation of the superintendent. Any item may be removed from the consent agenda by a board member. Items remaining in the consent agenda section will be adopted by a single motion. Actions that have been taken by the superintendent that require board approval may be placed on the agenda in the for-the-record section. By a single consent motion, the board adopts the resolutions submitted and ratifies the actions presented in the for-the-record section.

### Parliamentary Procedure

Except where otherwise noted, the board will be guided by Robert’s Rules of Order Newly Revised, 11th Ed. The board administrator will serve as parliamentarian.

1. Quorum

Robert’s Rule of Order states that a quorum is a majority (more than half) of all the members. A quorum must be present for the board to act. A quorum of the seven-member State Board of Education is four members (ORS 174.130; Opinions of the Attorney General, vol. 41, p. 28, 1980). Absent a quorum, the State Board of Education may meet for the purposes of gathering information but no formal action may be taken.

1. Voting

All voting board members are expected to participate in voting unless a conflict of interest exists. If a conflict of interest arises, a member will need to excuse themselves from any votes or discussion. A conflict of interest is when an official action by the public official could or would result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either is associated (Oregon Ethics Commission).

A majority of board members are required for a motion to pass. The word “majority” in this context means more than half (RONR (11th ed.), p. 400; see also p. 66 of RONRIB).Votes may be taken either by individually calling member names, by a group voice vote, or by “unanimous consent.” The chair may say, “If there is no objection . . .” If an objection is lodged, a roll call vote must then be taken. Following the vote, the chair will announce vote and whether the motion has failed or passed. All votes must be recorded in the minutes indicating how each member voted.

When a potential conflict of interest exists, the member will announce that conflict and be allowed to vote. When an actual conflict exists, the member will announce the conflict and refrain from participating in the debate or vote unless necessary for a quorum (ORS 244.120). The conflict will be recorded in the minutes (ORS 244.130).

A vote by proxy is a vote cast by a substitute on behalf of a member who is not present at the meeting. Proxy voting is not authorized since no member of the board is empowered to delegate his or her vote to others[[13]](#footnote-13).

Members of the State Board of Education are discouraged from voting abstention. They should only be used in rare instances with a full explanation to the Board, as outlined in the Oregon Government Ethics Commission Manual.

### Executive Sessions

Members of the State Board of Education will not reveal information learned in executive session to others, and shall keep the lawyer-client privilege that attaches to such a session. Violation of confidentiality will result in that member being barred from future executive sessions and possible removal from the board. The chair has the discretion of allowing board advisors, ex-officio members, staff, and others to attend the meetings. If the chair is aware of a conflict of interest, or potential conflict of interest by members, or that a member is a party in the litigation, the chair will report that conflict to the Office of the Governor. Representatives of the press, unless a party to the litigation, may sit in on executive sessions but may not report on them.

END OF POLICY

## Board Authority/ Individual Authority – Policy #104

Any duty imposed upon the board as a body will be performed at a regular or special meeting and will be made a matter of record[[14]](#footnote-14). For a complete list of statutory responsibilities, see Appendix.

### Board Committee Authority

The board chair may form committees and workgroups on issues before the board to make more efficient use of meeting time.

Committees and workgroups may schedule meetings and invite stakeholders as needed. Committees and workgroups are expected to make regular reports that include policy issues and recommendations to the full board.

The Executive Committee assists the chair in carrying out his or her duties. The Executive Committee is empowered to act in emergencies requiring immediate action and in which reasonable efforts to convene an emergency meeting or conference call to resolve the issue have not succeeded. Notification of any such action must be conveyed to all board members as soon as possible and action will be ratified at the next regular board meeting[[15]](#footnote-15).

### Individual Board Members, Ex-Officio or their designees, and Board Advisors

Board members, ex-officio or their designees , and Board advisors will have authority only when acting as a member of the board, ex-officio or their designees and Board advisors. The board cannot be bound by statements or actions of individual board members, ex-officio or their designees and Board advisors or employees, except when such a statement or action is pursuant to policies of the board or as delegated by the board[[16]](#footnote-16).

Board members, ex-officio or their designees, and Board advisors do not have the authority to direct the staff work. The chair may, however, ask staff, through the board administrator, and in consultation with the Deputy Superintendent, to prepare materials for presentation to the full board. The chair may do this in anticipation of questions board members may have about a specific issue[[17]](#footnote-17).

Any board member, ex-officio or their designees, and Board advisors who desires a written report or survey prepared by the administrative staff will make such a request to the Deputy Superintendent through board staff who will weigh the request with its value to the board and staff workload issues. Individual board member requests will also be distributed to other board members or a notification of the request will be made to each board member[[18]](#footnote-18).

Board members will not presume to speak for the board unless the board has arrived at a formal decision. Members should also be cautious about voicing personal opinions since those views may be interpreted as representing board opinion. Members should not, for example, write a letter to the editor on an education issue, especially a letter signed with his title as board chair, unless the board has authorized it. Members of the board will not use their position or Oregon Department of Education facilities to advocate individual views on an issue without the official sanction of the board[[19]](#footnote-19).

Board members should be especially cautious in becoming involved in matters that may be appealed to the State Board of Education in its judicial function, as the member may need to be recused from discussion and voting on that matter. For example, it would be inappropriate for a board member to identify themselves as a board member and then testify in favor of the formation of a charter school or to independently contact parties in a matter before the board. This includes but is not limited to requests to speak by the Legislature and local school boards.

END OF POLICY

## Staff to the Board[[20]](#footnote-20) - Policy #105

The Deputy Superintendent of Public Instruction acts as administrative officer of the State Board of Education (ORS 326.310). The Deputy superintendent may delegate this responsibility to other staff.

### Board Administrator & Support Staff

Staff to the board will be responsible for the day-to-day activities of board work including the following:

* Coordinating the preparation of board agendas, docket items, and minutes in keeping with the Public Records Law.
* Facilitating communication between the board and others, including the Governor, Legislature, Deputy superintendent, state and federal agencies, and state, local, and national organizations.
* Coordinating travel and expense reimbursement to meetings.
* Developing and monitoring expenditures from biennial board budget.
* Coordinating and overseeing board standing and special committees.
* Orienting new members and advisors to board processes and agency function

### Department of Justice

The State Attorney General’s office is the authorized legal counsel for the State Board of Education, the Deputy Superintendent of Public Instruction, and the Department of Education (ORS 180.060; 180.220). No state officer, board, commission, or the head of a department or institution of the state shall employ or be represented by any other counsel or attorney at law (ORS 180.220). Individual Board members, either governor-appointed, ex-officio, or the designees of ex-officios, do not have access to DOJ as individuals. The Board would need a motion to ask advice and a majority of the Board would need to vote to get the advice. There are very specific criteria that the Board needs to meet in order to enter into executive session under ORS 192.660 which must be identified on the agenda.

### Agency Staff

Agency staff will bring issues to the board for policy direction through the Deputy Superintendent of Public Instruction.

Individual board members do not have the authority to direct individual staff work. The chair may, however, ask staff, through the board administrator or, the DeputySuperintendent, to prepare materials for presentation to the full board. The chair may do this in anticipation of questions board members may have about a specific issue[[21]](#footnote-21).Requests of staff by the full board shall be evaluated in terms of resources and impact on the agency by the Deputy Superintendent who shall report on that impact at the next regular meeting.

Docket items prepared by agency staff should communicate clearly the issue, background on the issue, what problem needs to be solved, and a staff recommendation.

END OF POLICY

## Board Member Professional Development[[22]](#footnote-22) - Policy #106

### Orientation

The board administrator will orient each new board member and advisers concerning the board’s functions, rules, policies, and procedures.

The appointee will be given materials to assist in the orientation to the board’s work.

Prior to taking office, the appointee will be invited to attend board meetings and participate in discussions. Staff will supply material pertinent to meetings and will explain its use.

The appointee will be invited to meet the state Deputy Superintendent and others to discuss services they perform for the board.

### On-Going Professional Development

Board member professional development opportunities may include but are not limited to participation in conferences, workshops, and conventions held by state and national associations, and subscriptions to publications.

The Deputy Superintendent or board administrator will inform board members in a timely manner of upcoming conferences, conventions and workshops. The board will decide which meetings appear to be most likely to produce the greatest benefit to the board.

Funds for participation at such meetings will be budgeted. When funds are limited, the board will designate which members would be most appropriate to participate at a given meeting and approve the participation at a board meeting. If the board does not have an opportunity to approve the participation prior to the event date, the board chair may approve the participation. The participation shall be placed on the agenda for approval, and the member will report on the event at the next board meeting.

If authorized to attend, reimbursement will be for reasonable and necessary expenses actually incurred. For members to attend conferences, the full Board should approve travel for bookkeeping. Members who travel to conferences will report back to the full Board what they learned at the conference.

When a conference, convention or workshop is not attended by the full board, those who do participate will be requested to share, by means of written or oral reports, information, recommendations and materials acquired at the meeting.

END POLICY

## Board Partnerships - Policy #107

The State Board of Education works cooperatively with others engaged in improving education for Oregon’s PK--20 educational system. These partnerships[[23]](#footnote-23) include, but are not limited to the following:

* The Governor;
* The Legislature;
* The federal government, particularly the US Department of Education;
* The Higher Education Coordinating Commission;
* The Early Learning Council;
* The Governor’s Education Policy Advisor;
* Oregon Student Assistance Commission;
* The Teacher Standards & Practices Commission;
* The Quality Education Commission;
* Local school districts;
* Education Service Districts;
* Educator Advancement Council;
* Youth Development Council;
* Nine Confederated Tribes of Oregon;
* ;
* Private schools; and
* Business, industry, and labor

The board should regularly communicate with members of the Legislative Assembly and be available to them for consideration of educational matters. Similarly, the board encourages its partners to communicate their concerns and needs to the board.

The Deputy Superintendent will regularly communicate with the Governor and Legislature regarding the needs of public education.

END OF POLICY

## Adoption of Administrative Rules - Policy #108

A fundamental responsibility of the board is the adoption of Oregon Administrative Rules that govern the state’s school districts.

The board is the lawful and final authority in formulating policy but may involve those who will be affected. In formulating administrative rules, staff is directed to collaborate with interested parties, provide public notice and consider public comment.

### Board Process for Permanent Rule-Making

The board will have sufficient time to consider a proposed administrative rule. Once staff has determined the need for an administrative rule, the following steps will be observed:

1. An advisory committee will be created if the proposed rule will have a significant impact on a segment of the board’s constituency. If an advisory committee is not formed, then stakeholders will be consulted.
2. Staff will draft the rule. If the rule amends a prior rule, the changes will be clearly displayed, with new language in bold, and deleted language marked as deleted.
3. Staff will bring the proposed rule to the board for a “first reading,” showing the proposed changes and review the need for the rule and what the rule accomplishes.
4. Staff will schedule and hold a public hearing on the proposed rule. The hearings officer will summarize the oral testimony presented at the hearing.
5. Staff will revise the rule if advisable.
6. If significant changes are made, the rule will be returned to the board for a “second reading.”
7. If significant changes are not made, or following a second reading of the rule, staff will schedule the rule for adoption before the state board.

### Board Materials

The packet of materials will be sufficient to inform the board of the need for the rule, and what the rule accomplishes. The packet will include a board docket that explains the changes to the rules or policy changes. The Board administrator has discretion to make changes to the docket template according to Board needs. All board packets will be posted to the State Board of Education Boardbook and made public at one week before any board meeting.

1st/2nd Reading: This is when a rule is first introduced to the State Board of Education. Typically, staff presents administrative rules or standards to the State Board. Then discussion of the rule or standard follows. The Board will provide input, ask for changes and ask staff to come back for a Second Reading or action. If no changes are made by the Board, then staff are invited back for adoption the following month. The docket will include:

* Background and explanation of the need for the rule.
* Summary of previous board action.
* Policy issues or concerns raised during the rule writing process or public comment period.
* Equity Impact Analysis
* Fiscal Analysis
* Effects of board approval.
* Rule number and wording with the changes clearly indicated.
* Estimated fiscal impact, as indicated on the board’s rule template.

Action: The State Board will vote on a proposed rule. In order for a rule to be adopted, four members of the seven member board, will need to vote yes. ODE staff will submit a board docket outlining changes from the first reading. The docket will be updated and include:

* Background and explanation of the need for the rule.
* Summary of previous board action.
* Policy issues or concerns raised during the rule writing process or public comment period.
* Equity Impact Analysis
* Fiscal Analysis
* Effects of board approval
* Rule number and wording with the changes clearly indicated.
* Estimated fiscal impact, as indicated on the board’s rule template.
* Hearings Officer Report, including a summary of oral testimony.
* Written testimony submitted or summary of written testimony submitted.

Consent Agenda: This is a single item that encompasses all the things the board would normally approve with little comment. The minutes, are usually a consent agenda item or perfunctory items such as formal approval of a contract that has been already talked about in past meetings. Board members can make motions to move consent agenda items for board discussion. The full board will need to approve.

### Notice

An administrative rule will not be voted on without prior public notice unless it is a temporary rule and failure to act promptly will result in serious prejudice to the public interest or the interest to the parties concerned. Such notice will be on the board agenda and include the number of the board rule and the title of the board sufficient to give the public adequate notice of the matter before the board[[24]](#footnote-24). Public notice of a board meeting will be sent out at least one week before any board meeting unless a meeting is called by the Chair due to an emergency.

### Public Comment

In order to avoid opening up the public comment period, the board will not entertain testimony on a proposed rule after the public comment period has closed on the agenda. [[25]](#footnote-25)

However, this does not in any way foreclose the board members from discussing and debating among themselves the merits of the proposed rules at a meeting. The board is also free to ask questions and seek input from ODE staff at the meeting. Finally, the limits discussed above apply to comments that are received by the board as a body. Individual board members are free to discuss board business, including proposed rules, with members of the public.

### Temporary Rules

When the failure to immediately modify, adopt, or suspend a rule will result in serious prejudice to the public interest or the interest of the parties concerned, the board may enact a temporary rule with an effective period of no more than 180 days.

No prior notice, hearing, or board meeting is necessary prior to a temporary rule adoption. Staff will include the following information in their written docket item:

* An explanation as to why immediate action is needed.
* A copy of the proposed rule language.
* A list of principal documents, reports, or studies, if any, prepared by the agency or relied upon by the agency when considering the need for the rule and writing the rule.

### Vote

The adoption, amendment, or repeal of administrative rules will be accomplished by recorded vote with the result entered in the minutes.

END OF POLICY

## Reimbursement - Policy #109

### General Travel Policy

A member of the Board is entitled to compensation and expenses as provided in ORS 292.495. Board members will be reimbursed for those costs incurred in participating in regularly scheduled board meetings, Joint Boards of Education meetings, board committee meetings, and other board business events approved by the board.

Members will keep the chair or board staff apprised of activities undertaken on behalf of the board and will seek approval of the activity prior to the activity or travel. All state-funded out-of-state travel will be reviewed and approved in advance by the board at one of its regular meetings except for emergency requests which may be approved by the board Executive Committee[[26]](#footnote-26).Any activities undertaken on behalf of the board will be reported at the next regularly scheduled board meeting.

Board approval is to ensure that such travel is aligned with board budget priorities, within the board budget, and will be part of the board budget oversight responsibility. Reimbursements will be made in accordance to Department of Administrative Services (DAS) travel policies (OAM 40.10.00.PO).

### Lodging Reimbursement

Board staff will arrange for lodging of board members prior to meetings when possible, and will make direct payments to the hotel. Such a practice is designed to reduce board members’ out-of-pocket expenses. Staff is directed to follow DAS lodging rates whenever possible.

Travelers are eligible for lodging reimbursement when the one-way distance from their homes is 70 miles or more. Exceptions may be made in special cases that include inclement weather and medical conditions. Individuals traveling on official state business who share lodging will each be reimbursed for their equal share of the allowed per diem for that location. Persons sharing with a family member or friend will be reimbursed for the allowed lodging single room rate expense for that location (ODE Travel, Parking, and Expense Claims procedure).

### Meal Reimbursement

Meal per diem rates vary depending on departure and arrival times and also if the trip is overnight or non- overnight. Rates (for overnight and non-overnight trips and high-cost locations) can be obtained from the ODE travel management system.

### Other Board-Related Business Reimbursement

Board members may travel and incur expenses for board-approved events. Requests for reimbursement will include some documentation of the event such as an agenda or e-mail setting up the meeting and any other documentation that supports the request, such as receipts

### Forms

Board members will use those reimbursement forms provided to them to facilitate timely reimbursement. Additional documentation may be attached to the claim form.

END OF POLICY

# Section C: Policies Relating to the Department of Education

## Delegation of Authority to State Deputy Superintendent[[27]](#footnote-27)- Policy #300

The State Board of Education will delegate to the state Deputy Superintendent, as its administrative officer, authority for administering rules and policies that fall under the scope of the Oregon Department of Education. Functions delegated to the Deputy Superintendent include the following:

1. Applying for and accepting federal funds, and entering into any contracts or agreements on behalf of the state for the receipt of such federal funds (ORS 326.051).
2. Accepting money or property donated for the use or benefit of public kindergartens, elementary, secondary schools, and using the funds for the purpose it was donated (ORS 326.051).
3. Appointing such personnel as may be necessary for the performance of the duties of the office of the superintendent (ORS 326.310).
4. Obtaining and compiling statistical information relative to the condition and operation of the public schools (ORS 326.310).
5. Administering adult education programs in the public elementary and secondary schools (ORS 326.310); the board shall retain its supervisory responsibilities.
6. Annotating and compiling all school laws (ORS 326.320).
7. Receiving any revenue as a result of ownership/management of intellectual property (ORS 326.530).
8. Distributing board-adopted administrative rules to school districts (ORS 326.565).
9. Soliciting and accepting funds for the Prekindergarten Program Trust Fund and Early Childhood Education Trust Fund (ORS 329.183, 329.228).
10. Distributing prekindergarten funds (ORS 329.195).
11. Coordinating, implementing and assisting public high schools in identifying local and regional needs and resources available for American Sign Language courses (ORS 329.489).
12. Enforcing the requirement that school districts give individual, written notice of reasonable assurance of continued employment to all classified school employees (ORS 332.505).
13. Developing curriculum to commemorate the formation of the provisional government at Champoeg (ORS 336.023).
14. Reporting to the public the textbooks and instructional materials the board adopts (ORS 337.080).
15. Contracting with board approved textbook publishers (ORS 337.090).

Should a policy decision by the Deputy Superintendent be necessary in an emergency where no board policy has been adopted, the DeputySuperintendent will have the authority to make a decision and will notify the board. The decision will be subject to the approval of the board at its next regular meeting.

The following issues will be referred to the board:

1. Situations that conflict with current board policy; Situations where no policy currently exists;
2. Matters involving major differences of opinion that could not be resolved administratively;
3. Contracts that would be binding upon the board. Such contracts, which must be within budget limitations, will be presented at the next regular board meeting;
4. Any other matter which the Deputy Superintendent wishes to call to the board's attention.

END OF POLICY

## Department Budget[[28]](#footnote-28) - Policy #301

The State Deputy Superintendent of Public Instruction will direct the preparation of the Department of Education's budget with input from the State Board of Education in the form and manner required by the Department of Administrative Services. To allow for consideration by the board, budget discussions with the board will begin at least four months before the executive department's deadline for filing the budget document.

Proposals brought to the board for input by the Deputy Superintendent will be based on realistic assessments of the needs and priorities of the state's educational system. Proposals will be justified with statements which suggest both benefits to and impact on local and state programs. Cost projections will include estimates of expenditure requirements for currently approved programs and activities and for new or revised programs and activities as recommended by the superintendent or requested by the board.

The board will receive an update on ODE’s proposed budget to the Governor and provide input to the Deputy Superintendent.

END OF POLICY

## Charter School Waiver Process - Policy # 302

### Request for a Waiver

Pursuant to ORS 338.025, a public charter school (charter school) that has been approved for sponsorship may request the waiver of any provision of ORS 338 (Public Charter School law) by the State Board of Education, as allowed by law

### Content of Waiver Request

Such a request must be in writing and comply with the timeline and format published by the Department annually in the Process to Request a Charter School Waiver. Pursuant to OAR 581-020- 0130(2)026-0130 include the following elements:

1. The ORS law to be waived.
2. The specific reason(s) the charter school is seeking the waiver and any other relevant information.
3. The impact the waiver will have on the school.
4. Evidence that the sponsor has been notified as required under OAR 581-026-0130(2).
5. How the waiver will promote the development of programs by providers, enhance the equitable access by underserved families to the public education of their choice, extend the equitable access to public support by all students, or permit high quality programs of unusual cost. (ORS 338.025; OAR581-026-0130(3))
6. Whether the sponsoring school district supports the law waiver request.

### Review Process

Upon receipt of the request, board or ODE staff shall acknowledge receipt of the request, and shall assign staff to review the request. Staff will evaluate whether the waiver request for the following elements:

1. Enhances the equitable access by underserved families to the public education of their choice,

2. Estends the equitable access to public support by all students,

3. Promotes the development of programs by providers, or

4. Permits high quality programs of unusual cost.

Reviewing staff will complete an equity impact analysis and provide the charter school with an opportunity to answer questions and clarify the waiver request before a recommendation is made to the Board. Reviewing staff will present evaluation to the Deputy Superintendent who will make a recommendation to the Board. Each waiver request will be scheduled for a first read and then a second read and decision.

### Board Review

The contents of the docket item shall be written by the staff reviewer and shall include, at a minimum:

1. The name of the charter school and its sponsor;
2. How long the charter school has been operating;
3. The ORS law to be waived and its content;
4. Whether the sponsoring school district supports the waiver;
5. Any other support and opposition to the waiver submitted to the Deputy Superintendent;
6. The impact on students, other school districts, other entities, and the state’s education system, if any;
7. Any correspondence or supporting documents from the charter school, district, or others concerning the request; and
8. A recommendation as to whether the request should be granted or not, and the reasons for the recommendation.

Upon review by the board, board members may request additional information from the Deputy Superintendent regarding the waiver. The item shall be scheduled for action as soon after the first reading, generally at the following board meeting.

### Decisions

Within 120 days of receipt of the waiver request, the board will act upon the request. The time period may be extended for good cause. Once the board has voted on whether to grant the waiver or not, the decision shall be communicated to the charter school and the sponsoring school district in a timely manner. Decisions shall also be logged in a reference document identifying the name of the charter school, the waiver requested, and the date the board decided the request. Such a log will aid in the research of future waiver requests.

END OF POLICY

## Charter School Denial Review/ State Board of Education Sponsorship Requests Policy #303

### Review of School District Decision

Following the district denial of a resubmitted charter school proposal, the applicant may request that the State Board of

Education review the decision of the school district board within 30 days of the local board’s decision to deny (OAR 581-026-0065). The request should be accompanied by the most recent charter proposal submitted to the district and the district’s written response to that proposal. ODE staff will notify the district of the request for review and possible sponsorship and will request the full record of board (including subcommittees) discussions of the proposal. The board delegates to the Deputy Superintendent of public instruction or designee all administrative functions necessary to conduct the review (OAR 581-026-0065). The Deputy Superintendent shall determine whether the school district board used the required process, whether the proposal meets the evaluation criteria, and whether the reasons stated by the district board for the denial are valid and align with the evaluation criteria. The review shall be concluded with a report detailing the determination and sent to the charter school developer, the district and included with the Board docket.

### Recommendation to the Board

Following the review determination, the Deputy Superintendent shall present a recommendation for the Board to either uphold the decision of the school district board to deny the resubmitted proposal, remand the resubmitted proposal back to the school district board for reconsideration if the district and the charter school agree to the remand, or consider becoming the sponsor of the charter school.

If the Board decides to uphold the denial, notice will be sent to the charter school and the school district.

If the Board decides to remand the proposal, the charter school and school district will be consulted about whether they agree to the remand. If both parties agree, notice will be sent to the charter school and the school district. If one or both parties do not agree to the remand, the Board will either uphold the denial or consider becoming the sponsor. The Board will send notice of its decision to the charter school and the school district.

If the Board decides to consider sponsoring the charter school, the Board will complete a rigorous evaluation of the proposal.

### Sponsorship Review Process

Pursuant to OAR 581-026-0065(6)(a), the Board shall complete a rigorous evaluation of the proposal before deciding to sponsor the charter school. The evaluation shall be completed by department staff using the criteria in ORS 338.005 and the State Board of Education’s Guide to Charter School Sponsorship. The guide shall include a rubric for evaluating the requirements in ORS 338.045 and the evaluation criteria in ORs 338.055.

In addition, the department may evaluate the proposal for how the charter school proposal meets the goals of the charter school law (ORS 338.015):

1. Increase student learning and achievement.

2. Increase choices of learning opportunities for students.

3. Better meet individual student academic needs and interests.

4. Build stronger working relationships among educators, parents and other community members.

5. Encourage the use of different and innovative learning methods.

6. Provide opportunities in small learning environments for flexibility and innovation.

7. Create new professional opportunities for teachers.

8. Establish additional forms of accountability for schools.

9. Create innovative measurement tools.

Prior to concluding the proposal evaluation, the Department shall conduct an interview of the charter school developer team and board of directors. Board members shall be notified of the interview and may participate in the interview process. If enough Board members want to participate that a quorum will be formed, the interview will be scheduled as a special meeting of the board.

Upon completion of the review process and interview, Department staff shall coordinate with the Deputy Superintendent to prepare a recommendation for the Board.

### Recommendation

Reviewing staff will prepare a summary document to accompany the Deputy Superintendent’s recommendation regarding sponsorship. The recommendation and supporting documentation will be given to the charter school developer and local district. Department staff will schedule the item for board consideration as a first read and then a second read and decision.

### Board Hearing

1. Contents

The contents of the docket item shall be written by the staff reviewer and shall include, at a minimum:

* 1. The name of the charter school and its school district.
  2. The proposal.
  3. Any additional materials requested by staff reviewers.
  4. Reasons for local school board denial of sponsorship request.
  5. Any policy issues the request raises.
  6. A recommendation and the reasons for the recommendation.

Upon review by the board, board members may direct staff for additional information regarding the sponsorship request. The item shall be scheduled for action as soon as possible after the initial hearing (“first reading”) before the board, generally at the next regularly scheduled board meeting.

1. Presentations by Proposed School and District

In the letter containing the staff recommendation that is sent to the applicants and the district, both the applicants and the district will be informed of their option to make a 15-minute presentation before the board. Such presentations will be made at the board’s first hearing of the item, unless the board chair determines otherwise for good cause. Reviewing department staff shall notify board staff of any planned presentations and request enough time for the one or two presentations in addition to the presentation of the staff presentation and recommendation. An outline of the presentations from the applicants and the district is required and will be included in the staff packet on the item.

### Board Decision

The State Board will consider the recommendation of the superintendent and any other information it deems relevant when determining to reject or sponsor the school. The board’s decision will be made within 75 days of receipt by the State Board of the superintendent's recommendation, unless extended for good cause (OAR 581- 026-0065(7)).

Once the board has voted on whether to sponsor the school or not, the decision shall be communicated to the charter school and the sponsoring school district in a timely manner by department staff. Decisions shall also be logged in a reference document identifying the name of the charter school, the waiver requested, and the date the board decided the request. Such a log will aid in the research of future sponsorship requests.

### Operation

Research has shown that adequate planning time to develop a quality infrastructure is critical to a charter school’s success. A State Board of Education Charter School will need a minimum of nine months before the school opens to students for such planning. If a developer can demonstrate the capacity to open and operate a fully functioning school in a shorter time-period, special permission may be granted.

END OF POLICY

## Charter School Contract Renewal Request Process - Policy #304

### Request for Renewal

Pursuant to ORS 338.065, a public charter school that has been operating under the sponsorship of the State Board of Education may request renewal of its contract in writing within one year of the contract’s expiration but at least 180 days prior to the expiration of the charter. Requests shall be directed to the Department of Education’s Charter School Education Specialist.

The board shall base its decision to renew on a good faith evaluation of whether the charter a) is in compliance with this chapter and all other applicable state and federal laws; b) is in compliance with the charter of the public charter school; c) is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreements between the sponsor and the public charter school governing body; d) is fiscally stable and has used the sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter; and e) is in compliance with any renewal criteria specified in the charter of the public charter school.

ODE shall base the renewal evaluation primarily on a review of the school’s annual performance reports, annual audit, and annual site visit and any other information mutually agreed upon.

### Request Contents

**Required information in the request shall be the following information:**

**The Record of Performance**

1. **Academic Performance**
   1. Using the results contained in the Performance Framework, explain whether or not the school has met its performance expectations.
   2. Provide any academic performance-related evidence, supplemental data, or contextual information that may not be captured in authorizer records. Submissions may include supplements related to the Renewal Performance Report. Please reference the specific Performance Framework measures to which the information applies, as appropriate.
   3. Provide evidence of outcomes related to any mission-specific academic goals and measures established in the charter contract (if not already captured in Renewal Performance Report).
2. **Financial Performance**
   1. Provide evidence that the school is currently in meeting its liabilities, including but not limited to payroll taxes, debt service payments, and employee benefits.
   2. Provide any financial performance-related evidence, supplemental data, or contextual information that may not be captured in authorizer records. Submissions may include, but are not limited to, updated financial records and other updates regarding the Renewal Performance Report. Please reference the specific Performance Framework measures to which the information applies, as appropriate.
3. **Organizational Performance**
   1. Provide any organizational performance-related evidence, supplemental data, or contextual information that may not be captured in authorizer records. Submissions may include evidence of current compliance in areas for which the school was found previously to be non-compliant or other updates relevant to the Renewal Performance Report. Please reference the specific Performance Framework measures to which the information applies, as appropriate.
   2. Provide evidence of outcomes related to any school-established organizational goals, as appropriate.

**Plans for the Next Charter Term**

1. **Educational Program**
   1. Describe any significant changes to the essential terms of the school’s educational program. Essential terms are those included, either directly or by incorporation, in the school’s existing charter contract that relate to its educational program, including but not limited to the school’s mission, course of study, instructional program, grade levels served, and, if applicable, any mission-specific goals.
2. **Financial Plans**
   1. Provide a five-year projected budget for the next charter term. The budget narrative should make clear the assumptions on which the school bases its key revenue and expenditure projections. In addition, the budget and narrative should describe any anticipated changes to the school’s financial position and clearly articulate the financial impact of any proposed modifications on other aspects of the school’s education program and operations (e.g., new curriculum or instructional materials, modified staffing structure, decreased or increased enrollment, etc.).
3. **Organizational Plans**
   1. Describe any anticipated changes to the governance of the school, including but not limited to board composition, committee structure, and/or amendments to by-laws.
   2. Describe any anticipated changes to the school leadership or staffing model and any proposed changes to the management of the school, including any changes to the school’s relationship with a third-party education service provider, if one exists. If the school does not currently contract with an ESP but intends to do so during the next charter term, if the school currently contracts with an ESP but does not intend to continue to do so during the next term, or if the school intends to make material modifications to its existing management agreement, the school must contact the authorizer for additional information prior to the submission of this application.
   3. Describe the current status of the school facility and discuss any anticipated changes in facilities needs or location. Ensure that the budget narrative in section 2 explains how the school’s facilities plans are reflected in the budget.

**Local District Relationship**

1. Provide evidence that the charter school has notified the district in which the charter school is located of the charter school’s intent to request a contract renewal.

**Optional, but recommended information to be included:**

1. How the school has increased choices of learning opportunities for students in the community. How the school better meets individual student academic needs and interests.
2. How the school has built stronger working relationships among educators, parents and other community members.
3. How the school has encouraged the use of different and innovative learning methods.
4. How the school has provided opportunities in small learning environments for flexibility and innovation.
5. How the school has created new professional opportunities for teachers.
6. How the school has established additional forms of accountability for schools. 8. How the school has created innovative measurement tools.

### Renewal Preparation

Application Review

Upon receipt of a contract renewal request, ODE staff shall review the submitted materials for completeness and notify the requestor of any deficiencies within 30 days of receipt.

### Board Review

Docket Item

ODE staff will prepare a summary document and recommendation regarding renewal as a first reading of the item. Reviewing staff will also notify board staff upon completion of the review and schedule the item for board consideration as an information item as soon as feasible.

The contents of the docket item shall be written by the staff reviewer and shall include, at a minimum: The name of the charter school;

1. How long the charter school has been in operation;
2. Student academic progress or other student progress factors
3. A summary of the materials submitted by the charter school, with the full materials available
4. A summary of the charter school’s and the Department’s notification of the charter school’s renewal request to the local school district in which the charter school is located;
5. A summary of prior annual evaluations of the school, including any issues that have come to the attention of ODE
6. The impact on students, other school districts, other entities, and the state’s education system, if any;
7. Any correspondence or supporting documents from the charter school, district, or others concerning the request; and
8. A recommendation as to whether the request should be granted or not, and the reasons for the recommendation.
9. Charter Application Renewal will be added to the docket.

In addition to the State Board of Education, the docket item will be provided to the Deputy Superintendent of Public Instruction, the charter school governing board, and the resident district.

Upon review by the board, board members may direct staff for additional information regarding the sponsorship request. The item shall be scheduled for action as soon as possible after the initial hearing before the board, generally at the next regularly scheduled board meeting.

### Public Hearing

Within 45 days[[29]](#footnote-29) of receiving a written renewal request from a charter school governing body, ODE shall hold a public hearing regarding the request for renewal. The hearing will take place within the school district where the charter school is located. Written comments will be accepted in lieu of oral testimony.

### Board Hearing

In the letter containing the staff recommendation that is sent to the applicants and the district, both the applicants and the district will be informed of their option to make a presentation before the board. Such presentations will be made at the board’s first hearing of the item, unless the board chair determines otherwise for good cause. The board chair shall determine presentation lengths. Reviewing department staff shall notify board staff of any planned presentations and request enough time for the one or two presentations in addition to the presentation of the staff presentation and recommendation. An outline of the presentations from the applicants and the district is required and will be included in the staff packet on the item.

### Decision

Within 30 days[[30]](#footnote-30) after the public hearing the board shall approve the renewal or state in writing the reasons for denying the renewal. Once the board has voted on whether to renew the contract or not, the decision shall be communicated to the charter school and the school district in which the charter school is located in a timely manner.

Renew

If the State Board of Education approves the renewal of the charter, the sponsor and the charter school governing body shall negotiate a new charter within 90 days after the date on which the sponsor approved the renewal of the charter unless the sponsor and charter school governing body agree to an extension of the time period. An expiring charter shall remain in effect until a new charter is successfully executed.

Deny and Reconsideration

If the State Board of Education does not renew the charter, the charter school governing body has 30 days to address the reasons stated by the board for the denial and any remedial measures suggested by the State Board of Education and submit a revised request for renewal to the department.

If the State Board does not renew based on the revised request for renewal, the public charter sc hool governing body may seek judicial review of an order of the state board pursuant to ORS 183.484 for a review of whether the state board used the process required by law for renewal.

### Contract Periods

Pursuant to ORS 338.065, the first contract between a charter school and the State Board of Education shall be in effect for a period of not more than five years. The first renewal of a charter shall be for the same time period as the initial charter. Subsequent renewals of a charter shall be for a minimum of five years but may not exceed ten years. The State Board of Education generally supports five year terms unless other circumstances have been documented.

END OF POLICY

## Charter School Contract Amendment Request Process - Policy #305

### Request for Contract Amendment

Amendments may be requested mid-contract by either the State Board of Education or the charter school sponsored by the state board. Amendments must be agreed upon by both parties.

### Request by the State Board of Education

Such a request must be in writing and addressed to the governing board of charter school, with a copy to the principal of the charter school and the resident school district. The request must contain the following:

1. The existing contract language proposed to be changed,
2. The proposed change,
3. The reasons for the requested change, and
4. The impact of the change on the school, students, parents, community, and resident school district.

### Request by the Charter School

Such a request must be in writing and addressed to the State Board of Education, with a copy to the resident school district. The request must contain the following:

1. The existing contract language proposed to be changed,
2. The proposed change,
3. The reasons for the requested change, and
4. The impact of the change on the school, students, parents, community, and resident school district.

### Resolution

Within 30 days of the request, the parties shall meet (may teleconference) to discuss the proposal. Within 60 days, the party subject to the request must notify the other party in writing as to the decision. A copy of the decision shall be sent to the resident school district.

If the decision is to amend the contract, such a change will be completed within 60 days of the decision. Legal costs may be paid by the entity making the request.

END OF THE POLICY

## Termination of Charter School Contract - Policy #306

The State Board of Education may terminate the charter contract for a board-sponsored school for those reasons found in ORS 338.105.

### Grounds for Termination

Grounds for termination are set forth below:

1. Failure to meet the terms of an approved charter or state law.
2. Failure to meet the requirements for student performance stated in the charter.
3. Failure to correct a violation of a federal or state law that is described in ORS 338.115.
4. Failure to maintain insurance as described in the charter.
5. Failure to maintain financial stability.
6. Failure to maintain, for one or more consecutive years, a sound financial management system.

If the sponsor reasonably believes that a public charter school is endangering the health or safety of the students enrolled in the charter school, ODE may act to immediately terminate the approved charter and close the school without providing the notice requirements set forth below:

* Notification of Termination

The State Board shall notify the charter school governing body at least 60 days prior to the proposed effective date of the termination. The notice shall state the grounds for the termination. The decision must be made at a public meeting.

* Plan to Correct Deficiencies

If the reason for termination is failure to maintain financial stability or failure to maintain a sound financial management system, the sponsor and the public charter school may agree to develop a plan to correct deficiencies. The charter school may attempt to correct deficiencies related to financial stability or a sound financial management system by a date identified by ODE which may not be less than 60 days from the notice, which will extend the termination date.

ODE may withhold in trust up to 50% of the funds owed the charter school while the school works to correct deficiencies. A deadline to correct deficiencies may be extended by mutual agreement. A charter school governing board may request a hearing by the sponsor in relation to a termination or plan to correct deficiencies.

* Appeal

A charter school may appeal a decision to terminate to the circuit court pursuant to ORS 183.484.

If the termination was immediate and the result of a health or safety concern, the governing body of the charter school may request a hearing by the ODE. Such a request must be made in writing and be delivered to the business address of the sponsor. Within 10 days of receiving the request for a hearing, the sponsor must provide the charter school with the opportunity for a hearing on the termination.

END OF POLICY

– Policy #400

# Section E: Appendices

## Salaries and Expenses of Nonelective State Officials

**292.495 Compensation and expenses of members of state boards and commissions.** (1) Subject to the availability of funds therefor in the budget of the state board or commission, and except as otherwise provided by law, any member of a state board or commission, other than a member who is employed in full-time public service, who is authorized by law to receive compensation for time spent in performance of official duties, shall receive a payment of $30 for each day or portion thereof during which the member is actually engaged in the performance of official duties.

1. Except as otherwise provided by law, all members of state boards and commissions, including those employed in full-time public service, may receive actual and necessary travel or other expenses actually incurred in the performance of their official duties within the limits provided by law or by the Oregon Department of Administrative Services under ORS 292.210 to 292.250.
2. As used in subsection (2) of this section, “other expenses” includes expenses incurred by a member of a state board or commission in employing a substitute to perform duties, including personal, normally performed by the member which the member is unable to perform because of the performance of official duties and which by the nature of such duties cannot be delayed without risk to health or safety. No member shall be reimbursed for expenses incurred in employing a substitute in excess of $25 per day. [1969 c.314 §1; 1973 c.224 §2; 1975 c.441

§1; 1979 c.616 §1]

SUBSISTENCE AND MILEAGE ALLOWANCES FOR TRAVEL BY STATE OFFICERS AND EMPLOYEES

**292.210 Definitions for ORS 292.210 to 292.230.** As used in ORS 292.210 to 292.230, unless the context otherwise requires:

1. “State agency” has the same meaning as provided in ORS 291.002.
2. “State officer” means any elected or appointed state officer, including members of boards and commissions. [Amended by 1953 c.623 §3; 1971 c.153 §1]

**292.220 Department to regulate subsistence and mileage allowances for travel; rules.** The amounts and nature of subsistence allowances for travel, and the rate of mileage allowance for travel by private automobile, payable by state agencies, shall be established and regulated by the Oregon Department of Administrative Services within any limits that may be prescribed by statute. The department shall prescribe by rule the conditions under which allowances for travel by private automobile may be made. [Amended by 2005 c.22 §215]

**292.230 Policy on out-of-state travel; guidelines; use of travel awards; rules.** (1) It is the policy of the state that all out-of-state travel by state agency personnel shall be allowed only when the travel is essential to the normal discharge of the agency’s responsibilities. Out-of-state travel shall be conducted in the most efficient and cost-effective manner resulting in the best value to the state. The travel must comply with requirements of rules adopted under subsection (5) of this section. State agencies shall adhere to the following guidelines when using out-of-state travel:

1. All out-of-state travel must be for official state business.
2. Use of out-of-state travel must be related to the agency’s scope of responsibilities.
3. Each state agency is charged with the responsibility for determining the necessity and justification for and method of travel.
4. Each state agency shall make every effort possible to minimize employee time spent on out-of-state travel.
5. Notwithstanding any other law, including but not limited to ORS 243.650 to 243.782, it is the policy of the state that travel awards earned while conducting state business shall be used to reduce the costs of state travel expenses except as otherwise required as a prerequisite to receipt of federal or other granted funds. The use of travel awards obtained while conducting state business for personal travel constitutes personal gain from state employment and violates ORS 244.040.
6. The Oregon Department of Administrative Services shall work with commercial airlines to make travel awards available to the state rather than individual employees.
7. Notwithstanding subsection (5) of this section, each state agency shall manage all travel awards earned by personnel employed by them who travel for the state. Agencies shall establish procedures in accordance with Oregon Department of Administrative Services rules to monitor the earning and use of awards by individual employees.
8. The Oregon Department of Administrative Services shall adopt by rule standards regulating out-of-state travel including but not limited to:
9. Limiting the number of officers and employees who may attend the same meeting;
10. Requiring state agencies to establish practices for travel that are consistent with the agency’s resources;
11. Requiring agencies to develop information sharing for reporting and other aspects that have benefits to more than one agency;
12. Developing telecommunication resources to be used in lieu of travel;
13. Requiring agency administrators or their designees, as designated in writing, to approve out-of-state travel;
14. and
15. Setting up procedures to audit agency use of travel and travel awards including appropriate sanctions for
16. misuse.
17. As used in this section:
18. “Official state business” means activity conducted by any agency personnel that has been authorized by that agency in support of approved state programs.
19. “Out-of-state travel” means all travel from a point of origin in Oregon to a point of destination in another state and return therefrom.
20. “Travel award” means any object of value awarded by any business providing commercial transportation or accommodations to an individual or agency which can be used to reduce the cost of travel including, but not limited to, frequent flier miles, discounts or coupons. [Amended by 1993 c.750 §1]
21. **292.240** [Repealed by 1953 c.623 §3]
22. **292.250 Reimbursement for use of privately owned motor vehicle on official business.** (1) No person shall be reimbursed by the state for the use on official or state related business of a privately owned motor vehicle at a rate to exceed the rate established and regulated by the Oregon Department of Administrative Services. Reimbursement shall be paid only for distances actually traveled and trips made in the performance of official or state related duties.
23. The rate prescribed in subsection (1) of this section shall be deemed to be in full compensation for all and every expense, charge or liability incurred through the use of the privately owned motor vehicle, including the cost of gasoline, oil, repair parts, depreciation, taxes, insurance and maintenance and upkeep of every kind and nature.
24. No law enacted before August 2, 1951, allowing the recovery by any person of necessary and reasonable traveling expenses incurred in the performance of official duties shall be construed to authorize payment by the state for the use of a privately owned motor vehicle on a basis in excess of the rate provided in subsection (1) of this section. [Amended by 1965 c.8 §1; 1971 c.153 §2; 1971 c.244 §1; 1973 c.224 §1; 1974 c.10 §1; 1975 c.525 §1; 1979 c.179 §1]
25. Proposed:
26. **.124 Provisions for Elected Officials and Members of Boards and Commissions**
27. Elected officials are encouraged to use state per diems for meals and lodging, but may opt to claim reimbursement for actual and necessary travel expenses incurred in the performance of official state duties. Except as otherwise provided by law, members of state boards and commissions (including those individuals employed in full-time public service) may receive reimbursement for actual and necessary travel expenses incurred in the performance of official state duties. Gratuities up to 15% of actual meal costs are permissible if reasonable and necessary for the conduct of state business and need to be documented on the receipt. This is in addition to any per diem compensation that may be provided by statute that is not intended as a travel reimbursement. This special provision applies to both instate and out-of-state travel.
28. Now:
29. **Provisions for Elected Officials and Members of Boards and Commissions**
30. **.108** Elected officials are encouraged to use state per diems for meals and lodging, but may opt to claim reimbursement for actual and necessary travel expenses incurred in the performance of official state duties. Except as otherwise provided by law, members of state boards and commissions (including those individuals employed in full-time public service) may receive reimbursement for actual and necessary travel expenses incurred in the performance of official state duties. Gratuities up to 15% of actual meal costs are permissible if reasonable and necessary for the conduct of state business and need to be documented on the receipt. This is in addition to any per diem compensation that may be provided by statute that is not intended as a travel reimbursement. This special provision applies to both in state and out-of-state travel and is in addition to all other applicable provisions of this policy.

## State Board of Education

**326.011 Policy.** In establishing policy for the administration and operation of the public elementary and secondary

schools in the State of Oregon and in carrying out its duties as prescribed by law, the State Board of Education shall consider the goals of modern education, the requirements of a sound, comprehensive curriculum best suited to the needs of the students and the public and any other factors consistent with the maintenance of a modern and efficient elementary and secondary school system. [1965 c.100 §1; 1971 c.513 §8; 2013 c.747 §176]

**326.020** [Amended by 1961 c.624 §2; 1963 c.544 §15; repealed by 1965 c.100 §456]

**326.021 State Board of Education membership.** (1) The State Board of Education shall consist of:

(a) The State Treasurer, or the designee of the State Treasurer;

(b) The Secretary of State, or the designee of the Secretary of State; and

(c) Seven members, appointed by the Governor for a term of four years beginning July 1 of the year of appointment, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. A person appointed under this paragraph may not be appointed to serve consecutively more than two full terms as a board member.

(2) In making appointments under subsection (1) of this section, the Governor shall select from residents of Oregon one member from each congressional district and two members from the state at large. An appointed member may not be engaged in teaching or participate in the administration or operation of any school.

(3) The Governor may remove appointed members of the State Board of Education for cause at any time after notice and public hearing.

(4) The State Treasurer and the Secretary of State, or the designee of the State Treasurer or Secretary of State, are nonvoting, ex officio members of the board.

(5) The board shall coordinate and collaborate with the Chief Education Office as provided by section 1, chapter 519, Oregon Laws 2011. [1965 c.100 §3 (enacted in lieu of 326.060); 1969 c.695 §4; 1971 c.485 §1; 1985 c.565 §56;

1993 c.45 §2; 2009 c.446 §1; 2013 c.624 §§87,88; 2015 c.774 §12]

**Note:** The amendments to 326.021 by section 42, chapter 774, Oregon Laws 2015, become operative June 30,

2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, and section 20, chapter 763, Oregon Laws 2015. The text that is operative on and after June 30, 2019, is set forth

for the user’s convenience.

**326.021.** (1) The State Board of Education shall consist of:

(a) The State Treasurer, or the designee of the State Treasurer;

(b) The Secretary of State, or the designee of the Secretary of State; and

(c) Seven members, appointed by the Governor for a term of four years beginning July 1 of the year of appointment, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. A person appointed under this paragraph may not be appointed to serve consecutively more than two full terms as a board member.

(2) In making appointments under subsection (1) of this section, the Governor shall select from residents of Oregon one member from each congressional district and two members from the state at large. An appointed member may not be engaged in teaching or participate in the administration or operation of any school.

(3) The Governor may remove appointed members of the State Board of Education for cause at any time after notice and public hearing.

(4) The State Treasurer and the Secretary of State, or the designee of the State Treasurer or Secretary of State, are nonvoting, ex officio members of the board.

**326.030** [Amended by 1961 c.624 §3; renumbered 326.095]

**326.031 Vacancies.** Appointments made to fill vacancies of the State Board of Education occurring prior to

expiration of a term of an appointed member shall be for the remainder of the unexpired term. When a vacancy occurs in an appointment made from a congressional district, the successor shall be appointed from the congressional district for which the vacancy exists. [1965 c.100 §4; 1985 c.565 §57; 2009 c.446 §2]

**326.040** [Amended by 1957 c.124 §1; repealed by 1965 c.100 §456]

**326.041 Meetings; election and term of chairperson; compensation and expenses.** (1) The State Board of

Education shall meet at least six times each year on dates determined by the board, and at such other times as may be designated by the chairperson agreeable to a majority of the board, or at the call of a majority of the board members.

(2) The board shall elect one of its members to serve as chairperson of the board for one year commencing July 1. In case the office of chairperson of the board is permanently vacated for any reason, the board may elect a new chairperson to serve until the June 30 next following.

(3) A member is entitled to compensation and expenses as provided in ORS 292.495. [1965 c.100 §5; 1967 c.507 §3; 1969 c.314 §21; 1971 c.656 §1; 1987 c.474 §1; 1993 c.15 §1; 1993 c.45 §3]

**326.050** [Repealed by 1957 c.124 §3]

**326.051 Board functions; rules.** Subject to ORS 417.300 and 417.305:

(1) In addition to such other duties as are prescribed by law and pursuant to the requirement of ORS chapter 183, the State Board of Education shall:

(a) Establish state standards for public kindergartens and public elementary and secondary schools consistent with the policies stated in ORS 326.011.

(b) Adopt rules for the general governance of public kindergartens and public elementary and secondary schools.

(c) Prescribe required or minimum courses of study.

(d) Adopt rules regarding school and interscholastic activities.

(e) Adopt rules that provide that no public elementary or secondary school shall discriminate in determining participation in interscholastic activities. As used in this paragraph, “discrimination” has the meaning given that term in ORS 659.850.

(f) Adopt rules that will eliminate the use and purchase of elemental mercury, mercury compounds and mercury-added instructional materials by public elementary and secondary schools.

(2) The State Board of Education may:

(a) Consistent with the laws of this state, accept money or property not otherwise provided for under paragraph (b) of this subsection, which is donated for the use or benefit of the public kindergartens and public elementary and secondary schools and use such money or property for the purpose for which it was donated. Until it is used, the board shall deposit any money received under this paragraph in a special fund with the State Treasurer as provided in ORS 293.265 to 293.275.

(b) Apply for federal funds and accept and enter into any contracts or agreements on behalf of the state for the receipt of such funds from the federal government or its agencies for:

(A) Educational purposes, including but not limited to any funds available for the school lunch program;

(B) Career and technical education programs in public elementary and secondary schools; and

(C) Any grants available to the state or its political subdivisions for general federal aid for public kindergartens, public elementary schools and public secondary schools and their auxiliary services, improvement of teacher preparation, teacher salaries, construction of school buildings, administration of the Department of Education and any other educational activities under the jurisdiction of the State Board of Education.

(c) Adopt rules to administer the United States Department of Agriculture’s National School Lunch Program and School Breakfast Program for public and private prekindergarten through grade 12 schools and residential child care facilities. [1965 c.100 §6; 1965 c.519 §14; 1967 c.67 §24; 1969 c.284 §1; 1971 c.513 §9; 1973 c.707 §1; 1975

c.459 §1; 1975 c.605 §17a; 1981 c.91 §1; 1987 c.404 §2; 1987 c.474 §2; 1989 c.834 §§12,13; 1993 c.45 §§5,6; 2001 c.530 §1; 2003 c.14 §146; 2003 c.151 §1; 2009 c.94 §1; 2011 c.313 §17; 2013 c.747 §37]

1. For a complete list of statutory responsibilities, see Appendix C. [↑](#footnote-ref-1)
2. Department of Administrative Services and Legislative Fiscal Office. *Budget Note Report on Performance Measures* *for Boards and Commissions*. Prepared for July 6, 2006 Joint Legislative Audit Committee. [↑](#footnote-ref-2)
3. A body that has authority to make recommendations to a public body on policy or administration is a governing body (ORS 192.610(3); *Attorney General’s Public Records and Meetings* Manual, 2005, p. 110-111. Subcommittees, task forces, and work groups that are charged with making recommendations as a whole, to the board, are subject to the public meetings law. [↑](#footnote-ref-3)
4. *1997 State Board of Education Policy Manual,* Code BK [↑](#footnote-ref-4)
5. Ibid. [↑](#footnote-ref-5)
6. Ibid. [↑](#footnote-ref-6)
7. Ibid. [↑](#footnote-ref-7)
8. Ibid. [↑](#footnote-ref-8)
9. 1997 State Board of Education Policy Manual, Code BCE [↑](#footnote-ref-9)
10. 1997 State Board of Education Policy Manual, Code BDDA. Prior requirement was 5 days before a meeting [↑](#footnote-ref-10)
11. State Board of Education Policy Manual, 1997, policy code BDDB [↑](#footnote-ref-11)
12. State Board of Education Policy Manual, 1997, policy code BDDB [↑](#footnote-ref-12)
13. *Attorney General’s Public Records and Meetings Manual*, Appendix C, E Proxy Vote, Absentee Vote, Votes by Mail, and Secret Ballots Prohibited. January 2008, p. C-6. [↑](#footnote-ref-13)
14. State Board of Education Policy Manual, 1997, policy code BBAA [↑](#footnote-ref-14)
15. 1997 State Board of Education Policy Manual, Code BCE [↑](#footnote-ref-15)
16. State Board of Education Policy Manual, 1997, policy code BBAA [↑](#footnote-ref-16)
17. Language suggested by Oregon Community College Association Governance “Board Operations” section. [↑](#footnote-ref-17)
18. Ibid. [↑](#footnote-ref-18)
19. State Board of Education Policy Manual, 1997, policy code BBAA [↑](#footnote-ref-19)
20. Summarized from list found in State Board Policy Manual, 1997, policy code BCBB [↑](#footnote-ref-20)
21. Language suggested by Oregon Community College Association Governance “Board Operations” section. [↑](#footnote-ref-21)
22. 1997 State Board of Education Policy Manual, Code BH, BHB [↑](#footnote-ref-22)
23. Condensed from policies in the 1997 State Board of Education Policy Manual, Codes LAB, LAC, LB, LBA, LBB, LBCA, LC, LE, LG [↑](#footnote-ref-23)
24. 1997 State Board of Education Policy Manual, Code BF [↑](#footnote-ref-24)
25. Letter of advice from DOJ attorney McKeever, Joe [↑](#footnote-ref-25)
26. From 1997 State Board of Education Policy Manual, 1997, policy code BHD [↑](#footnote-ref-26)
27. With the exception of the list of 15 specific statutory board responsibilities, the language is from the 1997 State Board of Education’s Policy Manual Code CB [↑](#footnote-ref-27)
28. 1997 State Board of Education Policy Manual, Code DB [↑](#footnote-ref-28)
29. ORS 338.065(5)(c) unless charter language specifies another timeframe for renewals [↑](#footnote-ref-29)
30. ORS 338.065(4)(d) unless charter language specifies another timeframe for renewals [↑](#footnote-ref-30)