

OSBA Model Sample ESD Policy

Code:
Adopted:

BBAA

Board Member's Authority and Responsibilities

An individual Board member exercises the authority and responsibility of their position when the Board is in a meeting which is being held in accordance with Oregon's Public Meetings Law. A Board member has the authority to act in the name of the Board only when authorized by a specific Board motion. The affirmative vote of the majority of members of the Board is required to transact any business.

When authorized to act as the ESD's designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to subsequent approval by the Board.

Board members may speak on behalf of the Board or ESD only when specifically authorized to do so. Any other statements do not represent the position of the Board or ESD. When expressing personal opinions in public, Board members are encouraged to clearly identify the opinions as their own.

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

All members of the Board will adhere to the following in carrying out the responsibilities of membership:

1. Request for Records

Any individual Board member who desires a copy of an existing record may make such a request to the superintendent. Requests involving confidential records or significant staff time will be referred to the Board for approval.

2. Requests for Legal Opinions^{1}

Requests for legal advice or opinions by a Board member that will incur a cost for the ESD must be approved by a majority vote of the Board before the request is made to legal counsel. The Board chair is authorized to obtain legal advice or opinions if advantageous to do so prior to the next meeting (e.g., advice regarding an executive session or a decision to invite ESD legal counsel) without a need for Board approval. Legal counsel is responsible to the Board.

3. Action on Complaints or Requests Made to a Board Member

When a Board member receives complaints or requests for action from staff, students or members of the public, the Board member will direct the staff, students, members of the public to the public

¹ {Consider how board members obtain legal advice and whether a cost is associated with that. Does the Board want individual board members to be able to contact attorneys at PACE or OSBA (no bill accrued) on their own, or does the Board want them to get Board approval first? Do you want individual Board members to be able to contact attorneys that will bill the ESD on their own, or do you want them to get board approval first?}

complaint policy Board policy KL – Public Complaints. Such information will be conveyed to the superintendent. An individual Board member is not authorized to independently act on complaints.

4. Board Member’s Communication with Administration

No individual Board member may direct the superintendent or other staff to action without Board authorization. No Board member will intervene in the administration of the ESD [or its schools].

5. Contracts or Agreements

All ESD contracts must be approved by the Board, unless otherwise delegated by the Board to the superintendent or designee for approval before an order can be drawn for payment. If a contract is made without authority of the Board, the individual making such contract shall be personally liable.

6. [Visits to Schools

A Board members may visit schools in accordance with Board policy BG – Board–Staff Communications.]

7. Public Meetings Law

All Board members will comply with Public Meetings Law, including participating in an approved² training at least once during each term of office.

8. Mandatory Reporting

A Board member having reasonable cause to believe that any child with whom the Board member comes in contact has suffered abuse or that any person with whom the Board member comes in contact has abused a child shall immediately make an oral report or cause an oral report be made to Department of Human Services³ or local law enforcement.

9. Oregon Ethics Laws

All Board members will adhere to Oregon Government Ethics laws, including filing the statement of economic interest as required by Oregon Revised Statute (ORS) 244.

10. Confidential Information

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

11. Other Laws, Policies, Agreements and Procedures

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

END OF POLICY

² Approved by the Oregon Government Ethics Commission.

³ (855) 503-SAFE (7233)

Legal Reference(s):

[ORS 192.311 – 192.478](#)
[ORS 192.610 – 192.705](#)

[ORS Chapter 244](#)
[ORS 334.100](#)

[ORS 334.125](#)
[ORS 419B.010](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

S. Benton Educ. Ass'n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

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