



OREGON EDUCATION INVESTMENT BOARD

Tuesday, February 11, 2014

1pm – 5pm

Oregon State Fairgrounds

Cascade Hall, 2330 17th Street, NE, Salem, 97301

Video Streaming [HERE](#)

JOHN KITZHABER
Governor of Oregon
OEIB Chair

JULIA BRIM-
EDWARDS

YVONNE CURTIS

MATTHEW DONEGAN

SAMUEL HENRY

NICHOLE JUNE
MAHER

MARK MULVIHILL

DAVID RIVES

RON SAXTON

MARY SPILDE
Chair-Designee

KAY TORAN

JOHANNA
VAANDERING

DICK WITHNELL

Chief Education Officer
NANCY GOLDEN

*Members of the public wanting to give public testimony must sign in.
There will only be one speaker from each group.
Each individual speaker or group spokesperson will have 3 minutes.*

AGENDA

1. Board Welcome and Roll Call
2. Approval of Minutes from January board meeting
Action Item
3. Chief Education Officer Update
Dr. Nancy Golden, Chief Education Officer
4. Subcommittee Update
Best Practices and Student Transitions – Dr. Yvonne Curtis, Chair
Equity and Partnerships – Nichole June Maher, Chair
Outcomes & Investments Subcommittee -- Dick Withnell, Chair
5. 2013-15 Strategic Investment Implementation Update
Rob Saxton, Deputy Superintendent of Public Instruction
Sarah Pope, Chief of Staff, Oregon Department of Education
6. 2015-17 Budget Process and Initial Conversation and OEIB Scorecard
Whitney Grubbs, OEIB Chief of Staff
David Edwards, OEIB Policy & Research Director
7. Regional Achievement Collaborative Update
Whitney Grubbs, OEIB Chief of Staff, and Laurel Singer, Oregon Solutions Network
Central Oregon Better Together
- Dr. Paul Andrews, Deputy Superintendent, High Desert ESD
- Anna Higgins, Coordinator of Student Success, High Desert ESD
Southern Oregon Success
- Scott Perry, Superintendent, Southern Oregon ESD
8. Agency Updates
Jada Rupley, Early Learning System Director, Early Learning Division

Bob Brew, Executive Director, Oregon Student Access Commission

9. Public testimony

10. Board Ethics Training

Ron Bersin, Executive Director, Oregon Government Ethics Commission

Russ Casler, Trainer/Program Analyst, Oregon Government Ethics Commission

11. Adjournment

***Times are approximate**

All meetings of the Oregon Education Investment Board are open to the public and will conform to Oregon public meetings laws. The upcoming meeting schedule and materials from past meetings are posted [online](#). A request for an interpreter for the hearing impaired or for accommodations for people with disabilities should be made to Seth Allen at 503-378-8213 or by email at Seth.Allen@state.or.us. Requests for accommodation should be made at least 48 hours in advance.

OREGON EDUCATION INVESTMENT BOARD

January 14, 2014

1pm – 5pm

Oregon State Fairgrounds

Cascade Hall, 2330 17th Street, NE, Salem, 97301

[LINK TO MEETING AUDIO](#)

[LINK TO MEETING MATERIALS](#)

OEIB Members Present:

Mark Mulvihill, Johanna Vaandering; Nichole June Maher; Dick Withnell; David Rives; Ron Saxton; Samuel Henry; Mary Spilde, Julia Brim-Edwards (late); Samuel Henry; Kay Toran (phone)

Advisors Present

Rob Saxton; Vicki Chamberlain; Gerald Hamilton; Melody Rose; Bob Brew; Jada Rupley

Members/Advisors Excused

Gov. John Kitzhaber, Mathew Donegan, Iris

Staff/Other Participants

Nancy Golden - OEIB Chief Education Officer

Ben Cannon -HECC

Whitney Grubbs – OEIB Staff

Hilda Rosselli – OEIB Staff

Serena Stoudamire Wesley – OEIB Staff

Kristin Gimbel – OEIB Staff

Mark Lewis – OEIB Staff

Peter Tromba – OEIB Staff

Mark Lewis – OEIB Staff

David Edwards – OEIB Staff

Seth Allen – OEIB Staff

Dr. Mary Spilde, the Chair Designee, chaired this meeting in the absence of the Chair, Governor John Kitzhaber.

1. Board Welcome and Roll Call
The meeting is called to order at 1:05pm
2. Approval of Minutes from January 2014 board meeting
Action Item
[DRAFT January Meeting Minutes](#)

MOTION: Dr. Samuel Henry moves to accept the meeting minutes from the January meeting. (Unintelligible) seconds the motion. The motion passes unanimously.

3. Chief Education Officer Update
Dr. Nancy Golden, Chief Education Officer
[Update](#)

4. Subcommittee Updates:
Best Practices and Student Transitions – Dr. Yvonne Curtis, Chair
Equity and Partnerships – Nichole June Maher, Chair
Outcomes and Investments – Dick Withnell, Chair

5. 40-40-20 Presentation – Pipeline vs. adult population
John Tapogna, ECONorthwest
David Yaden, State Board of Higher Education
[PowerPoint presentation](#)

6. Higher Education Coordinating Commission observations and potential implications regarding 40-40-20 pipeline / population.
Ben Cannon, Executive Director, Higher Education Coordinating Committee
[Redefining 40-40-20 – Suggesting for moving forward](#)
[PowerPoint presentation](#)

7. Longitudinal database business case report
Peter Tromba, OEIB, Longitudinal Database Project Manager
[Presentation](#)

MOTION: Dr. Yvonne Curtis moves to support a federated system of data collection and the high level project plan as described to the board, with a price tag of approximately 8.3 million dollars. Julia Brim-Edwards seconds the motion. The Chair Designee requests a roll call vote:

Julia Brim-Edwards	Yes
Yvonne Curtis	Yes
Samuel Henry	Yes
Nichole June Maher	Yes

Mark Mulvihill	Yes
David Rives	Yes
Ron Saxton	Yes
Mary Spilde	Yes
Kay Toran	Yes
Johanna Vaandering	No
Dick Withnell	Yes

The motion passes 10 – 1.

8. Draft OEIB Communications and Engagement plan
Kristin Gimbel, OEIB, Communications Director
[PowerPoint](#)

9. Agency Updates
Oregon Department of Education, Rob Saxton
[PowerPoint presentation](#)
Oregon University System, Dr. Melody Rose

10. There is no public testimony.

11. The meeting is adjourned at 4:30pm



JANUARY UPDATE

A Progress Report on 6-Month Outcomes for Nancy Golden

OBJECTIVE #1

DESIGN & IMPLEMENTATION OF BIRTH TO COLLEGE & CAREER STRUCTURE

Ongoing Systems of Communication/Alignment Across Birth to College and Career

- Met with representatives of the Western Interstate Commission for Higher Education (WICHE) to discuss a multi-state data exchange project.

OBJECTIVE #2

ADOPT STRONG POLICY FRAMEWORK

Engage Regional Achievement Collaboratives in Identifying Policies to Support Student Success

- Met with Cylvia Hayes to discuss the Poverty Initiative, a proposal to facilitate a poverty simulation for Oregon educators.
- Participated as a panel member for the OASE Vision and Policy Coalition Steering Committee with cross sector state leaders.
- Met with the Department of Education Leadership Team to discuss insights about Focus and Priority Schools.

Secure Adoption of Legislative/Administrative Policy Agenda

- Met with the Accelerated Learning Committee to discuss cross state reciprocity and shared focus.
- Met with the House Higher Education and Workforce Development Interim Committee to discuss progress on House Bills relating to higher education.
- Provided testimony to the Joint Ways & Means Subcommittee on Education in support of HB 4134.
- Met with Senator Shields to discuss issues related to Priority & Focus Schools.
- Met with the House Education Community to discuss the longitudinal database.
- Met with Senator Monroe to discuss the longitudinal database.
- Met with Representative Mark Johnson to discuss the longitudinal database.
- Met with Representative Komp to discuss the longitudinal database.
- Attended the Governor's Office Senior Staff Policy Meeting for strategic planning.
- Met with Representative Gelser and Rob Saxton to discuss issues related to the essential skills.

Develop Strong Partnerships and Accountability Across Birth to College and Career

- Met with the director of the ACE Mentor Program to discuss the program and the possibility of a partnership with educators.
- Met with the director of Human Services to discuss the connection between education and human services.
- Attended the annual Legislative Summit, a meeting of Multnomah County legislators, to listen to concerns, issues and suggestions for policy makers.
- Presented at the Oregon Learns Fellows on Oregon's vision for education transformation.
- Met with representatives of the Chalkboard Project to discuss teacher evaluation systems.
- Met with the Oregon Audits Division for update on the Oregon Department of Education Achievement Gap audit.

OBJECTIVE #3

CREATE OUTCOMES-BASED BUDGET, ALIGNED TO INITIATIVES

OBJECTIVE #4

WORK TO BUILD AN ENGAGED & MOTIVATED PUBLIC

Engage and activate diverse communities, parents and students

- Attended the Children's Champion Award Luncheon in which Representative Komp, Representative Sprenger and Senator Monroe were awarded the Oregon Alliance of Children's Programs "Children's Champion" award.
- Met with Robert Dunn of FACT Oregon, to discuss the program and a possible community outreach forum to engage parents of special needs students.
- Attended Beaverton's 40-40-20 town hall with Senator Hass, Representative Tobias Read and Rob Saxton.
- Met with the Oregon Alliance for Education Equity (OAE) to discuss OEIB's strategies to ensure educational equity.
- Met with the Portland African American Leadership Forum (PAALF) to discuss issues and partnership.
- Met with Vân Truong to discuss the educational needs of English Language Learners.
- Attended the Higher Education Symposium, sponsored by the Oregon Business Council, and introduced the speaker, Jamie Merisotis of the Lumina Foundation.
- Served as keynote speaker for the Oregon Association of Central Office Administrators & Oregon Association of School Executives Winter Conference on the focus areas for OEIB.

STRATEGIC INITIATIVES

PROGRESS REPORT TO THE EDUCATION
SUBCOMMITTEE OF WAYS AND MEANS

FEBRUARY 5, 2014

Oregon
Department of
Education

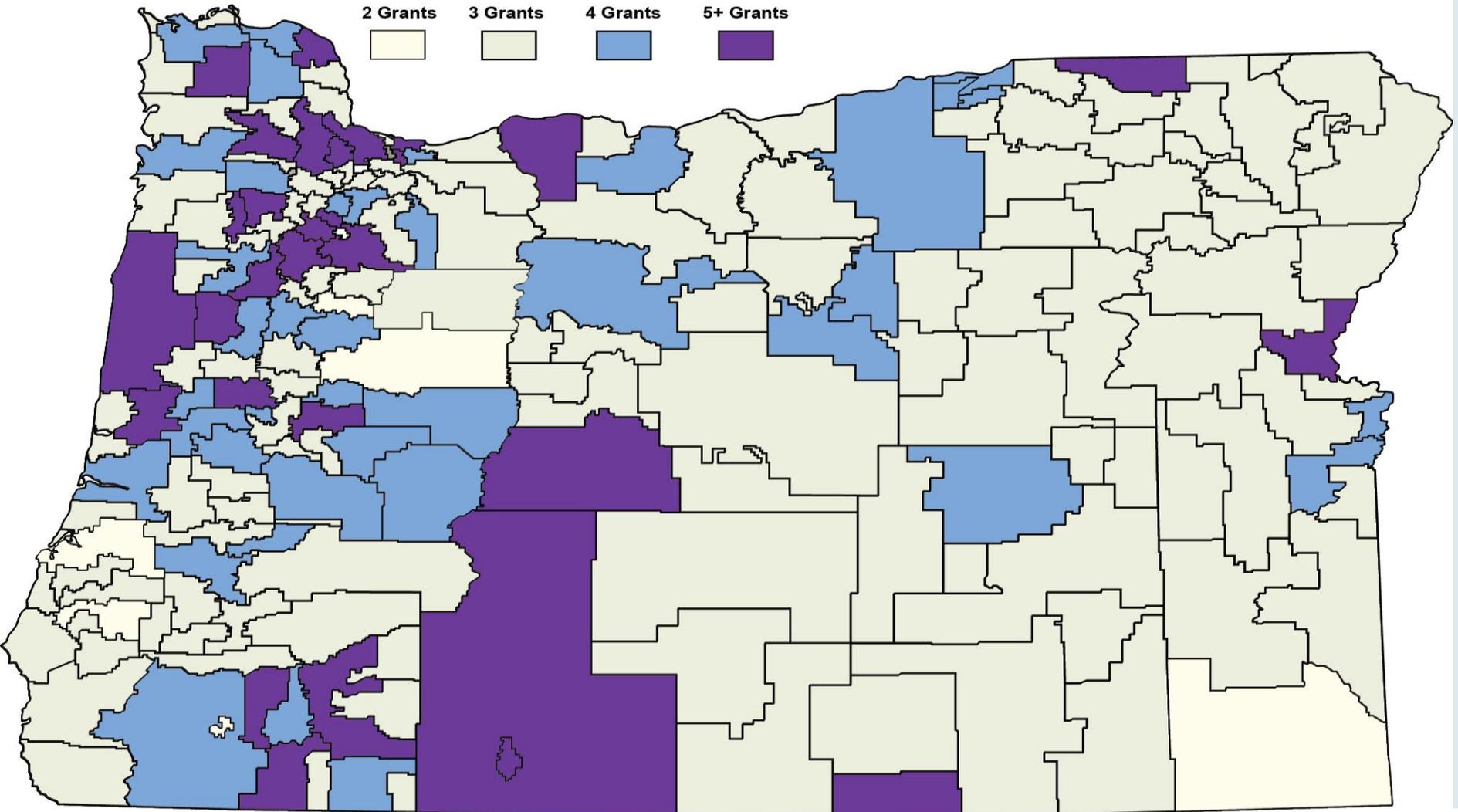


STRATEGIC INITIATIVES BY THE NUMBERS

- **2 Bills**
 - HB 3232
 - HB 3233
- **4 Focus Areas**
 - Early reading
 - Ready for the world of work
 - College-going
 - Support for teaching and learning
- **Over 33 Initiatives**
- **644 grant recipients**

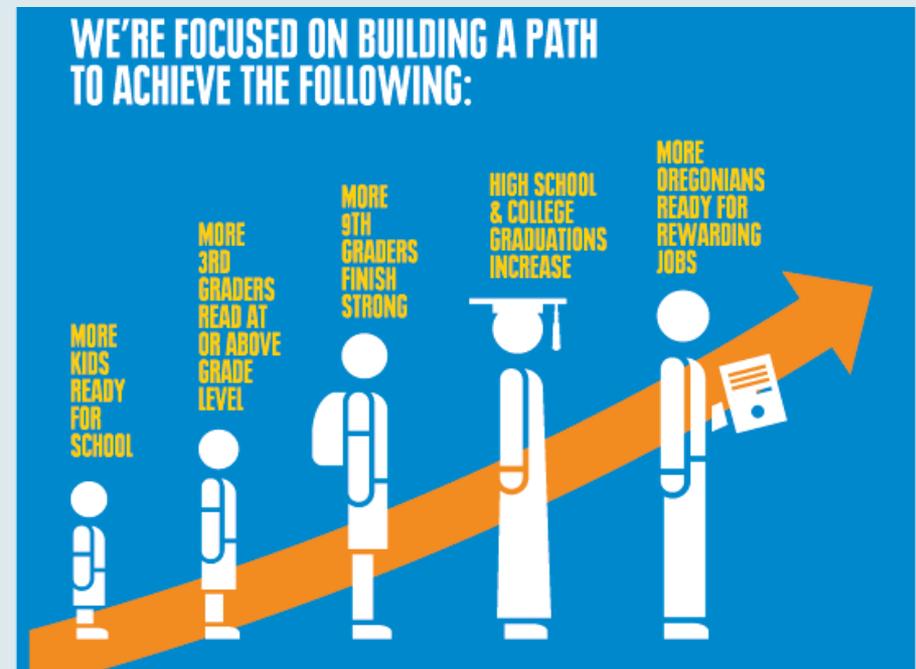


INITIATIVES FUNDED



P-20 (BIRTH TO COLLEGE & CAREER) SYSTEM AT WORK

- Targeted money at critical outcomes within achievement compacts
- Department integration: Old ODE, ELD, YDD, and reorganization
- Partnering agencies: ODE, Arts Commission, State Libraries, OEIB, and BOLI



LESSONS LEARNED

1. Started quickly and adjusted from feedback
2. Support for small, rural, and remote districts
3. Importance of partnerships, but they take time
4. Communities of color, importance of wrap-around services
5. Need for flexible cycles
6. Focus is required



COMMUNICATION TO THE FIELD

- **Strategic initiatives webpage established**
- **Monthly newsletter updates**
- **Technical assistance webinars**
- **Listserv communications**
- **Presentations to the field**



STRATEGIC INITIATIVES INFORMATION

Investing in Strong Students and Schools

Oregon's Strategic Initiatives will provide a targeted investment in Oregon students and educators. Over the coming months, we will be announcing a number of opportunities for school districts and community partners to submit Request for Proposals to move this important work forward. Click here to learn more.



The Oregon Department of Education fosters excellence for every learner through innovation, collaboration, leadership, and service to our education partners.



STRATEGIC INITIATIVES



Link on ODE Website

News and Announcements

- **CTE Revitalization Grant Webinar September 27, 2013 - Crafting a Quality Grant Proposal**
The fifth in a series of webinars related to the CTE Revitalization Grant will be broadcast on Friday, September 27 at 3:00 p.m. This webinar will provide tips on how to write a quality grant proposal. To join the webinar click here on September 27. The...
- **CTE Revitalization Grant - Call for Grant Proposal Reviewers**
The Oregon Department of Education (ODE) is seeking volunteers to serve as grant proposal reviewers. Ideally, reviewers will come from a variety of backgrounds - business, industry, education, labor - and from a wide range of experiences - partnerships,...
- **CCSS English Language Arts (ELA) and Literacy Instructional Materials Adoption-2013**
Instructional materials evaluation occurs in August and is proposed for State Board adoption October 18, 2013. Adopted materials are available for purchase by districts. Materials are to be in classrooms by September 2014 Publisher contracts and bid con...
- **Free and Reduced Price Meal Income Guidelines for School Year 2013-2014**
The Oregon Department of Education Child Nutrition Programs announces annually the income guidelines for free and reduced price meals for students in schools operating the National School Lunch and School Breakfast Programs and for free milk in schools...
- **September 2013 Science Teacher Update Released**
In the September 2013 Science Teacher Update you will read about professional development opportunities, teacher and student competitions and awards, and much more. To learn about subscribing to the Science Teacher Update, please visit the Content Area...

...more

Strategic Priorities

Educator Effectiveness

Priority & Focus Schools

Equity: Closing the Achievement Gap

Common Core Standards & Assessments

Oregon Diploma

School Report Cards

Early Childhood

Student Wellness

State Board of Education

Deputy Superintendent

Policy, Rules & Laws

Jobs

Contact Us

STRATEGIC INITIATIVES

AWARD TIMELINE

Year 1 2013-2014	RFP Draft	Response Due	Funding
Round 1	July	Aug-October	Sept - Nov
Round 2	Oct/Nov	Nov-Jan	Feb-March
Round 3	Dec/Jan	Feb-April	April-May



STRATEGIC INITIATIVES FOR THE NETWORK OF QUALITY TEACHING & LEARNING (HB 3233)

The Network for Quality Teaching & Learning (HB 3233) invests in educators by:

- Providing resources to support professional growth
- Recruitment, retention, & mentoring
- Development and advancement at each stage of the career continuum

In order to improve student achievement



NETWORK FOR QUALITY TEACHING AND LEARNING (HB 3233)

	Total	Round	Status
Mentoring (1st & 2nd year teachers / administrators)	9,600,000	1	Completed
Collaboration grants (focus areas: professional development, performance evaluations, career pathways, compensation models for teachers and administrators)	11,600,000	1	Completed
Student-centered teaching & learning models - Proficiency	600,000	1	RFP
Implementation and support re: teacher evaluation systems (SB 290)	4,548,000	1 & 2	Completed
Common Core implementation & best practices clearinghouse	4,118,000	1 & 2	Completed
Closing the Achievement Gap - dual language programs	760,000	1	Completed
Closing the Achievement Gap for African American Students	600,000	1	Completed
New ELP Standards Professional Development Grant	547,700	3	RFP
Educator preparation - strengthen programs & accountability	2,000,000	3	Completed
Culturally Responsive Teaching/Pedagogy with an emphasis on American Indian/Alaska Native Students	500,000	3	RFP
Culturally Responsive Teaching/Pedagogy	1,500,000	3	RFP
Educator preparation - develop state plan for recruitment and support	500,000	3	Application Review
Leadership improvement / organizational and working conditions assessments	1,700,000	2-3	Completed
Support for rural districts to access PD models (including support for developing proposals)	967,000	1 & 3	Completed
College & Career ready assessments (essential skills)	1,032,000	3	RFP
Early educator training and advancement	500,000	3	In process



STRATEGIC INITIATIVES FOR STUDENT SUCCESS (HB 3232)

Support evidence-based strategies designed to rapidly improve student performance and close achievement gaps on several key measures of progress, including:

- Kindergarten readiness
- 3rd grade reading proficiency
- 9th grade progress toward graduation, high school completion
- College enrollment



STRATEGIC INITIATIVES FOR STUDENT SUCCESS (HB 3232)

Early Reading Initiative	Total	Round	Status
Extended time and individualized support (select Focus / Priority schools)	3,702,000	1	Completed
Scale up Oregon Response to Intervention Network	1,851,000	1	Completed
Early literacy instruction for families/caregivers, early childhood educators	694,000	3	RFP
Expanded access to libraries / resources	740,000	3	RFP
Web-based and print resources to families and caregivers	230,000	3	RFP
Guidance & Support for Post-Secondary Aspirations			
Mentoring, monitoring, and acceleration for at-risk middle & high school students	2,600,000	2	Completed
Dual credit, early college credit, & accelerated learning	2,600,000	3	Rule Making
Connecting to the World of Work			
Scale-up of Eastern Promise & expansion to 2-3 other collaboratives	3,598,000	1&3	RFP
Regional STEM and CTE networks	2,298,000	3	Application Review
Underserved STEM/STEAM populations & CTE programming	2,298,000	3	Application Review
STEM/STEAM school models for grades 6-14	2,758,000	3	RFP
Arts related industries exposure to students (Arts Commission)	500,000	3	Completed



WHAT WE RELEASED EARLY

MENTORING AND E-MENTORING: SUPPORT FOR 1ST AND 2ND YEAR TEACHERS AND ADMINISTRATORS

- Designed to support activities related to an evidence-based mentorship program for beginning teachers and administrators
- Priority of Oregon's educational system is to recruit and retain teachers and administrators of the highest quality
- Support new teacher or administrator mentoring programs as part of a larger induction strategy



MENTORING AND E-MENTORING: SUPPORT FOR 1ST AND 2ND YEAR TEACHERS AND ADMINISTRATORS

- School Districts and ESDs were allocated \$4,000 per beginning teacher and \$3,800 per beginning administrator
- Purpose is to provide foundational support and guidance to newly hired staff to improve effectiveness and retention
- 85% of new teachers and administrators in applicant districts have new mentors



MENTORING: AWARDEES

15 Projects/Consortiums; 62 Districts:

- Clackamas ESD Consortium- Oregon Trail SD, Oregon City SD, Molalla River SD, Colton SD
- Columbia Gorge ESD Consortium - Dufur SD, Hood River SD, Port Orford/Langlois SD
- COPAL(Corvallis, OSU, Philomath, Albany, Lebanon SD) - Lebanon SD, Albany SD, Philomath SD, Corvallis SD
- David Douglas School District
- Lake County ESD Consortium- Lake County SD, Paisley Public Charter SD
- Lane ESD Consortium- South Lane SD, Bethel SD, Blachly SD, Creswell SD, Fern Ridge SD, Junction City SD, Lowell SD, Mapleton SD, Marcola SD, McKenzie SD, Oakridge SD, Siuslaw SD, Springfield Public Schools
- Lincoln County School District
- McMinnville School District
- Mid-Willamette Valley Consortium/Salem-Keizer School District - Cascade SD, Central SD, Dallas SD, Jefferson SD, Mt. Angel SD, North Santiam SD, Silver Falls SD, Woodburn SD, Salem-Keizer SD



MENTORING: AWARDEES (CONT.)

- Portland Public Schools
- Douglas County SD #4-Sutherlin SD, Douglas County SD (Roseburg)
- South Lane School District-Crow-Applegate-Lorane SD, North Douglas SD, Pleasant Hill SD, South Lane SD
- Southern Oregon Mentor Consortium-Medford SD, Klamath Falls City Schools, Ashland SD, Three Rivers SD, Phoenix-Talent Schools, Rogue River SD, Klamath County SD
- Tillamook School District #9-Astoria SD, Neah-Kah-Nie SD, Nestucca Valley SD, Tillamook SD, Jewell SD
- Washington County Consortium-Beaverton SD, Forest Grove SD, Gaston SD, St. Helens SD, West Linn-Wilsonville SD, Hillsboro SD



E-MENTORING OPPORTUNITY

Adel SD 21
Adrian SD 61
Alsea SD
Amity SD 4J
Annex SD 29
Arlington SD 3
Arock SD 81
Ashwood SD 8
Astoria SD 1
Athena-Weston SD 29RJ
Baker SD 5J
Bandon SD 54
Banks SD 13
Blachly SD 90
Black Butte SD 41
Brookings-Harbor SD 17C
Burnt River SD 30J
Butte Falls SD 91
Camas Valley SD 21J
Central Curry SD 1
Central Linn SD 552
Clatskanie SD 6J
Colton SD 53
Condon SD 25J
Coquille SD 8
Corbett SD 39
Cove SD 15
Crow-Applegate-Lorane SD 66
Culver SD 4
Dayton SD 8
Dayville SD 16J
Diamond SD 7
Double O SD 28
Douglas County SD 15
Drewsey SD 13
Dufur SD 29
Echo SD 5
Elgin SD 23
Elkton SD 34
Enterprise SD 21
Falls City SD 57
Fern Ridge SD 28J
Fossil SD 21J

Frenchglen SD 16
Gaston SD 511J
Gervais SD 1
Glendale SD 77
Glide SD 12
Harney County SD 3
Harney County SD 4
Harney County Union High SD 1J
Harper SD 66
Harrisburg SD 7J
Helix SD 1
Huntington SD 16J
Imbler SD 11
Ione SD R2
Jewell SD 8
John Day SD 3
Jordan Valley SD 3
Joseph SD 6
Junction City SD 69
Juntura SD 12
Knappa SD 4
La Grande SD 1
Lake County SD 7
Long Creek SD 17
Lowell SD 71
Mapleton SD 32
Marcola SD 79J
McKenzie SD 68
Milton-Freewater Unified SD 7
Mitchell SD 55
Monroe SD 1J
Monument SD 8
Morrow SD 1
Myrtle Point SD 41
Neah-Kah-Nie SD 56
Nestucca Valley SD 101J
North Douglas SD 22
North Lake SD 14
North Marion SD 15
North Powder SD 8J
Nyssa SD 26
Oakland SD 1
Paisley SD 11

Perrydale SD 21
Philomath SD 17J
Pilot Rock SD 2
Pine Creek SD 5
Pine Eagle SD 61
Pinehurst SD 94
Pleasant Hill SD 1
Plush SD 18
Port Orford-Langlois SD 2CJ
Powers SD 31
Prairie City SD 4
Prospect SD 59
Rainier SD 13
Reedsport SD 105
Riddle SD 70
Rogue River SD 35
Santiam Canyon SD 129J
Seaside SD 10
Sheridan SD 48J
Sherman County SD
Sisters
South Harney SD 33
South Umpqua SD 19
South Wasco County SD 1
Spray SD 1
St Paul SD 45
Stanfield SD 61
Suntex SD 10
Sutherlin SD 130
Tillamook SD 9
Troy SD 54
Ukiah SD 80R
Umatilla SD 6R
Union SD 5
Vale SD 84
Vernonia SD 47J
Wallowa SD 12
Warrenton-Hammond SD 30
Willamina SD 30J
Winston-Dillard SD 116
Yamhill Carlton SD 1
Yoncalla SD 32



WHERE WE WENT BROAD

EDUCATOR EFFECTIVENESS / COMMON CORE STATE STANDARDS: KEY ELEMENTS

- Combined these two initiatives
- Money went to all school districts
- Additional resources went to small, rural, and remote school districts
- ODE partnered with OEA, COSA, and the Chalkboard Project



EDUCATOR EFFECTIVENESS / COMMON CORE STATE STANDARDS: SUPPORT PLAN

- **Fall 2013:**
 - Districts sent Professional Learning Teams to three regional sessions held across the state
 - Resulting in provided professional development and planning for 1,000 educators in Common Core implementation and Educator Evaluation system
 - Team is charged with training in their home district
- **January 2014:** Funding distributed to support districts in implementing their plans
- **April and Summer 2014:** Additional professional development support scheduled



SUPPORT FOR SMALL, RURAL, AND REMOTE SCHOOL DISTRICTS

- All ESDs received money to support grant writing
- 127 school districts received between \$2,700 and \$10,800 depending on size and geographic location
- Every county in the state received funding
- Allowable use of funds:
 - Online mentoring programs
 - Support implementation of Common Core
 - Support implementation of Educator Effectiveness Systems



WHERE WE WENT DEEP

EXAMPLES OF WHERE WE WENT DEEP

- Support for African American students
- Teach Oregon
- Student mentoring
- Collaboration
- CTE
- Scale-up of Eastern Promise
- STEM



SUPPORT FOR AFRICAN AMERICAN STUDENTS

Innovative programming that focuses on closing opportunity gaps for African American students by:

- Strengthening ties between home, school, and community
- Creating space for active parent participation
- Designing and utilizing culturally responsive curriculum
- Training for parents and educators
- Creating literacy initiatives
- Becoming an exemplar program focused on this work



SUPPORT FOR AFRICAN AMERICAN STUDENTS: AWARDEES

A total of 8 grant awards were awarded:

- Lane County Foundation-\$22,463
- SEI (Self-Enhancement, Inc.)-\$100,000
- BPI (Black Parents Initiative)-\$80,500
- Journey to Freedom Foundation-\$97,258
- Oregon Children's Foundation-\$84,069
- OSU Omicron Theta Sigma-\$15,750
- Kairos PDX-\$100,000
- Portland OIC/Rosemary Anderson Charter-\$99,960



TEACH OREGON

- In conjunction with the Teach Oregon Initiative, approximately \$500,000 each to two district/university partnerships totaling \$1,000,000 over a two-year period
- Purpose is to strengthen and transform educator preparation programs through district/university partnerships and program accountability



TEACH OREGON: AWARDEES

- **Central Oregon**
 - Bend La Pine, Crook County, Sisters, High Desert ESD, Oregon State University-Central Oregon, Central Oregon Community College

- **PAC7**
 - Sherwood, Newberg, Woodburn, Tillamook School District, Chemeketa and Tillamook Bay Community Colleges, George Fox and Pacific Universities



STUDENT MENTORING

■ Purpose:

- Support students using wrap-around mentoring or other proven interventions that offer intense student support and monitoring
- Prepare students for the rigor of accelerated college courses in high school, especially those students who might not otherwise consider taking accelerated courses

■ Eligibility:

- School districts
- Non-profit organizations
- Consortia of non-profits, school districts, or other entities



STUDENT MENTORING: AWARDEES

19 Programs Funded:

- Boys and Girls Club of Corvallis
- Catholic Charities
- Citizens for Safe Schools
- Hood River County SD
- Jackson County SD
- Jefferson County SD
- McMinnville SD
- Multnomah School Alliance
- NAYA
- Newberg SD
- Open Meadow
- Parkrose SD
- REAP
- Redmond SD
- Reynolds SD
- Salem-Keizer SD
- SEI
- Siletz Valley Schools
- Springfield SD



COLLABORATION GRANTS THROUGH SCHOOL DISTRICT SUPPORT

- **\$20,000 - \$50,000 in design grants** awarded to school districts to begin the planning to design new collaborative approaches to link educator effectiveness, promote leadership, and raise student achievement
- **\$70,000 - \$1,175,000 in implementation grants** awarded to school districts to support existing plans and put into action



COLLABORATION GRANTS THROUGH SCHOOL DISTRICT SUPPORT

Purpose is to support networking among districts in regions across the state to share lessons learned and best practices from District Collaboration Grants and other model districts in these areas:

- Career pathways for teachers and administrators;
- Evaluation processes for teachers and administrators;
- Compensation models for teachers and administrators; and
- Enhanced professional development opportunities for teachers and administrators



COLLABORATION GRANTS: AWARDEES

Design Grant Awardees:

- Eagle Point – Jackson County #9
- Hood River
- Klamath
- Philomath
- Ranier
- Medford
- Phoenix-Talent
- Rogue River
- Dayton
- Sheridan
- Yamhill/Carlton
- Perrydale
- St. Paul
- Youth Corrections WESD
- Central
- Silver Falls



COLLABORATION GRANTS: AWARDEES

Implementation Awardees:

- Ashland
- Bethel
- Corvallis
- Dallas
- David Douglas
- Lincoln County
- Pendleton
- South Lane
- Springfield



CAREER AND TECHNICAL EDUCATION

- Partnership between ODE and BOLI
- **\$8.87** million funds awarded to support CTE programs serving more than 90,000 students
- Focus on fields including:
 - Health care
 - Advanced manufacturing
 - Construction
 - Engineering
 - Agriculture
 - Renewable energy technology
- (Note: CTE is a strategic investment outside of HB3232 and HB3233)



CAREER AND TECHNICAL EDUCATION: AWARDEES

CTE Revitalization Grant Awardees:

- Beaverton
- Bend-LaPine
- Centennial
- Clackamas
- Enterprise
- Grant
- Gresham-Barlow
- Hermiston
- Hood River
- John Day
- Junction City
- Lane ESD
- McMinnville
- Oregon City
- Philomath
- Portland Public
- Redmond
- Reedsport
- Salem-Keizer
- Sherwood
- Sutherlin
- Vernonia
- Wallowa



SCALE-UP OF EASTERN PROMISE

- Existing program has received \$2.2 million
- Three additional collaborative sites will receive funds to design and provide individualized, innovative and flexible ways of delivering content
- Sites will be able to award high school and college credit and provide developmental education for students in high school or in the first two years of post-secondary education



STEM

- **STEM/CTE Programs:** Fund 10-15 CTE programs and 20-25 STEM programs to increase access for underserved students, rural populations, and girls
- **STEM HUBS:** Create 3-5 STEM Hubs that will operate a clearinghouse of STEM / CTE resources and opportunities for hands-on application; connect schools and institutions with business partnerships and internships
- **STEM/STEAM Lab Schools:** Fund 3-5 existing or new STEM Lab schools for grades 6-14



ADDITIONAL ITEMS FROM THE BUDGET NOTE

- Any changes to law or practice to improve initiatives?
 - No for this year, perhaps yes for 2015-2017
- Did ODE transfer money within the initiatives?
 - To date there has been no transfer, potential small transfers before all awards are complete

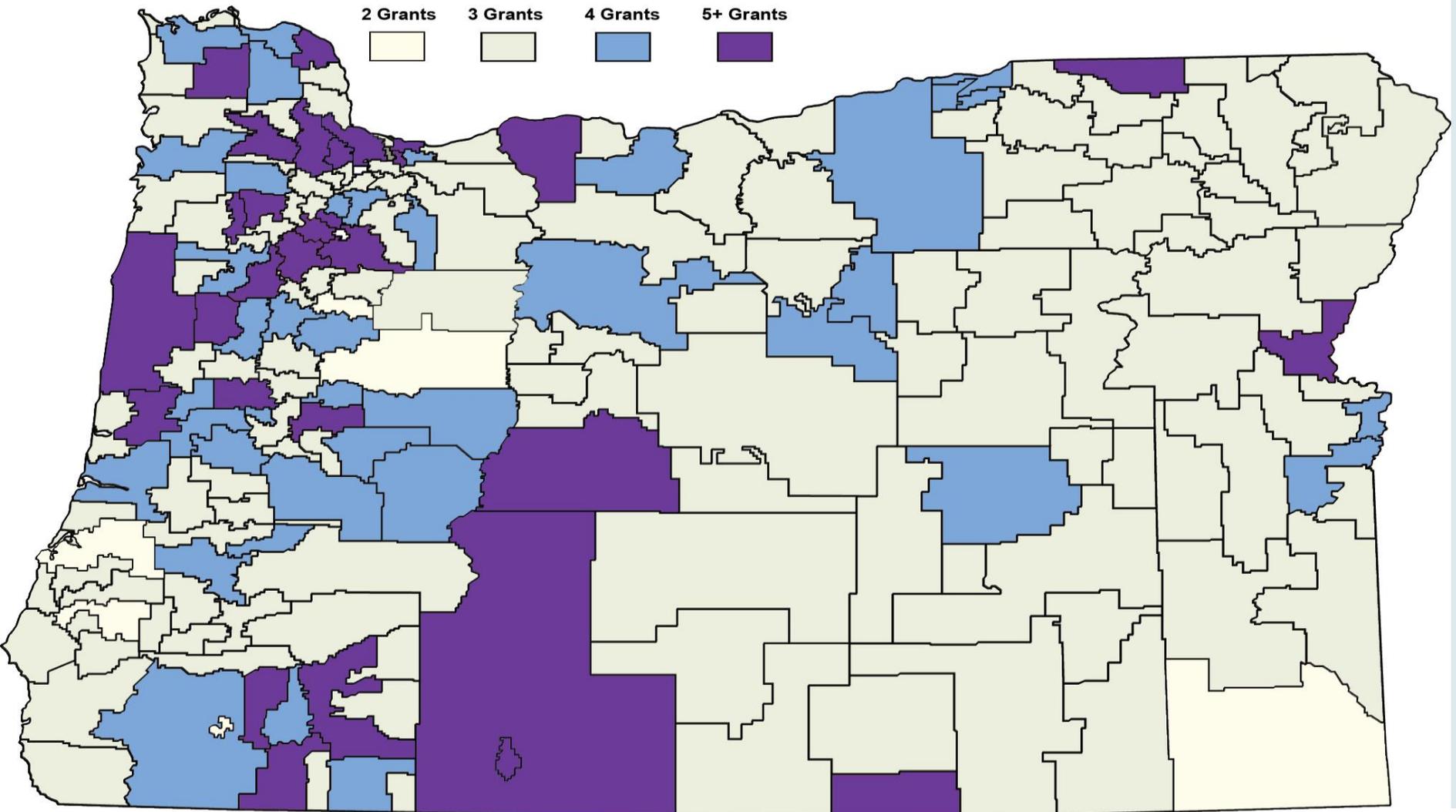


NEXT STEPS

- Finish award process by the end of May
- ODE support and monitor successful implementation
- OEIB will present report to Legislature in 2015 on outcomes
- ODE and OEIB are examining results and lessons learned from 2013-15; OEIB will make strategic investment recommendations to the Governor for the 2015-17 budget this fall



INITIATIVES FUNDED



OEIB Timeline for 15-17 Budget Development

January 2014

OEIB: Outcomes & Investment Subcommittee

- Review timeline & overview for high-level budget process
 - Brief presentation of strategic investment implementation to date (with focus on “lessons learned”)
 - Engage in discussion of driving questions critical to developing high-level Budget Strategy & Priorities document.
-

February 2014

OEIB: Outcomes & Investment Subcommittee

- Develop draft “Budget Strategy & Priorities”

OEIB: Full Board

- Receive report on process from Outcomes & Investments Subcommittee
-

March 2014

OEIB: Outcomes & Investments Subcommittee

- O&I Subcommittee presents draft “Budget Strategy & Priorities” to full board for discussion and feedback
- Revise “Budget Strategy & Priorities” per full Board discussion

OEIB: Full Board

- Provide feedback on “Budget Strategy & Priorities”
-

April 2014

OEIB: Full Board

- Adopt “Budget Strategy & Priorities” & direct P-20 agencies / boards / councils to use it to guide budget development
-

March - May 2014

OEIB: Best Practices & Equity Subcommittees

- Prepare recommendations for strategic investments in best practices / equity

HECC / ELC / ODE / STEM Council

- Prepare agency budgets and/or strategic investment recommendations
-

May - July 2014

OEIB: Outcomes & Investments Subcommittee

- Presentations from Best Practices & Equity Subcommittees
- Presentations from HECC / ELC / ODE / STEM Council re recommendations
- Public and invited input
- Draft recommendations for full Board¹

OEIB: Full Board

- Adopt OEIB Agency Budget²
-

August – September 2014

OEIB: Full Board

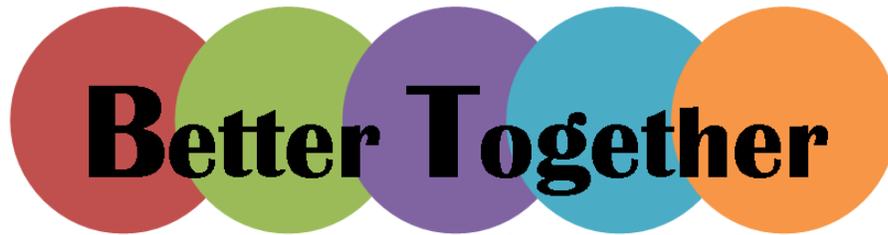
- Receive recommendations from Outcomes & Investments
 - Public and invited input
 - Adopt recommendations to Governor
-

October – November 2014

Governor's Recommended Budget completed

¹ The OEIB recommendations will be advisory to the Governor. The recommendations will not focus on dollar amounts or relative funding levels, but rather would express a sense of priority around: (1) strategic investments, funding strategies and considerations brought forward through OEIB subcommittees; (2) strategic investments brought forward in the agencies' budgets; and (3) cross-sector innovations arising out of the regional collaborative projects.

² This refers to the discrete budget for the OEIB Agency and Board.



Our Vision

Central Oregon Reaching Higher

Better Together is a regional, cross-sector group working collectively to improve children and youth success from cradle to career. We leverage existing resources and work to align around a common goal, and shared indicators for measuring our collective success. As a region we are committed to continuous communication and improvement. Together, we are working to increase the culture of critical thinking and supporting Central Oregon children, youth, families and communities to reach higher from cradle to career.

Our Common Goal

To Create a Culture of Higher Education & Training in Central Oregon

- More students graduate from high school
- More students begin & finish a 2 or 4 year college degree, trade school, technical or vocational training & begin work in a career they find meaningful

Where these **10 Key Elements** (Oregon Community Foundation) have been established and integrated along the *Cradle to Career* continuum:

- | | |
|---|---|
| 1. Academic Rigor | 6. Early Intervention & Long-Term Support |
| 2. High Expectations | 7. Family Involvement & Cultural Sensitivity |
| 3. Counseling | 8. Financial Assistance with Education
Associated Expenses |
| 4. Social Support | 9. Community-Wide Collaboration |
| 5. Information to Access Post-Secondary
Education & Training | 10. Data Collection & Evaluation |

Our Strategy

Better Together is committed to improving student success by using the **Collective Impact** approach within the **Cradle to Career** framework. The **Collective Impact** approach challenges us to work in chorus, rather than isolation. Through cross-sector collaboration, this approach brings the hope and promise of large-scale impact, increased efficiency and effectiveness. Successful Collective Impact initiatives typically have these five conditions that together produce true alignment and lead to powerful results.

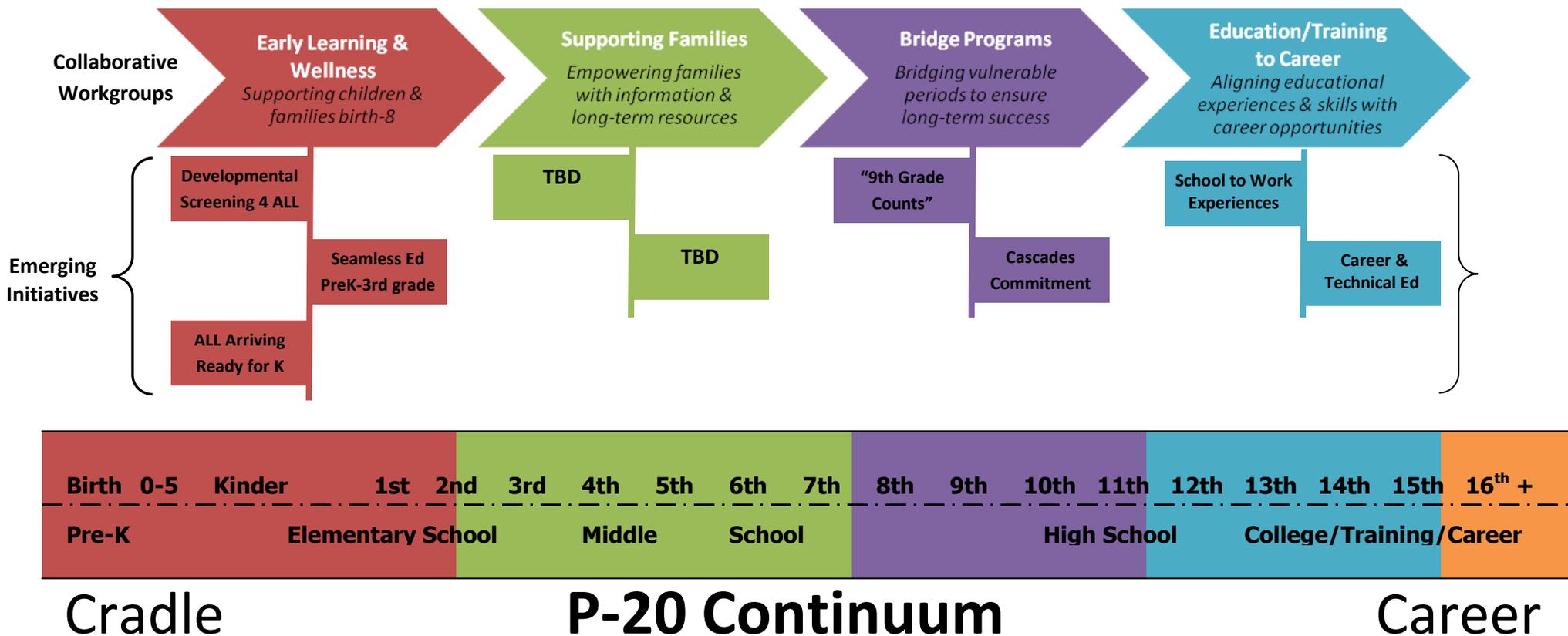
- | | |
|------------------------------------|----------------------------------|
| 1. Common Agenda | 4. Continuous Communication |
| 2. Shared Measurement Systems | 5. Backbone Support Organization |
| 3. Mutually Reinforcing Activities | |

The experiences children and youth have along their educational journey—birth through engagement in a career—significantly influence and impact their long term success and ability to contribute to their communities. The **Cradle to Career** framework is a vision for improving education & social/community outcomes beginning at birth, continuing into and through secondary and into and through postsecondary schooling until they secure a meaningful career.

Better Together

Central Oregon Reaching Higher

Better Together has organized into four regional, cross-sector, **collaborative workgroups** along the cradle to career continuum. These workgroups aim to increase student success by **aligning and leveraging existing resources** and through specific **innovative, data-driven initiatives**.



Better Together outcome Measures/Indicators (DRAFT) v1

Achievement Compact Data Points:	Will Use	Will Likely Use	Not currently collected data
4 year high school graduation rates			
5 year high school completion rates			
% of children “ready for kindergarten”			
3 rd grade reading proficiency			
5 th grade math proficiency			
6 th grade not chronically absent			
8 th grade math proficiency			
9 th grade credits earned (on-track for graduation)			
9 th grade not chronically absent			
Earning 9+ college credits before end of high school			
Higher Education/Training enrollment			
Additional Better Together Identified Data Points:			
# of children (0-8) given developmental screenings			
% of culturally competent teachers			
Resiliency scale/score			
% of students Feeling safe/welcome at school (school climate)			
Number of peer mentors and mentorship matches			
% of students with identified post-secondary plan (including transition plan from HS to post-secondary)			
% of 12th grade students taking math at college level			
% of 12th grade students writing at college level			
% of Higher Ed retention in 1st year			
# of career-focused mentor relationships			
# of career exploration opportunities and the % of students engaging in them			
# of businesses involved as mentors and/or career exploration opportunities			
% of students enrolling and completing 2 or 4 year degrees and certificates			
% of students completing a CTE program (HS and/or college)			
# of available apprenticeship slots in Central Oregon			
# of degree/certificate programs requiring internship or work experience, % of student completion			

OREGON GOVERNMENT ETHICS COMMISSION



OREGON EDUCATION INVESTMENT BOARD

FEBRUARY 11, 2014

INTRODUCTION



Oregon Government Ethics Commission

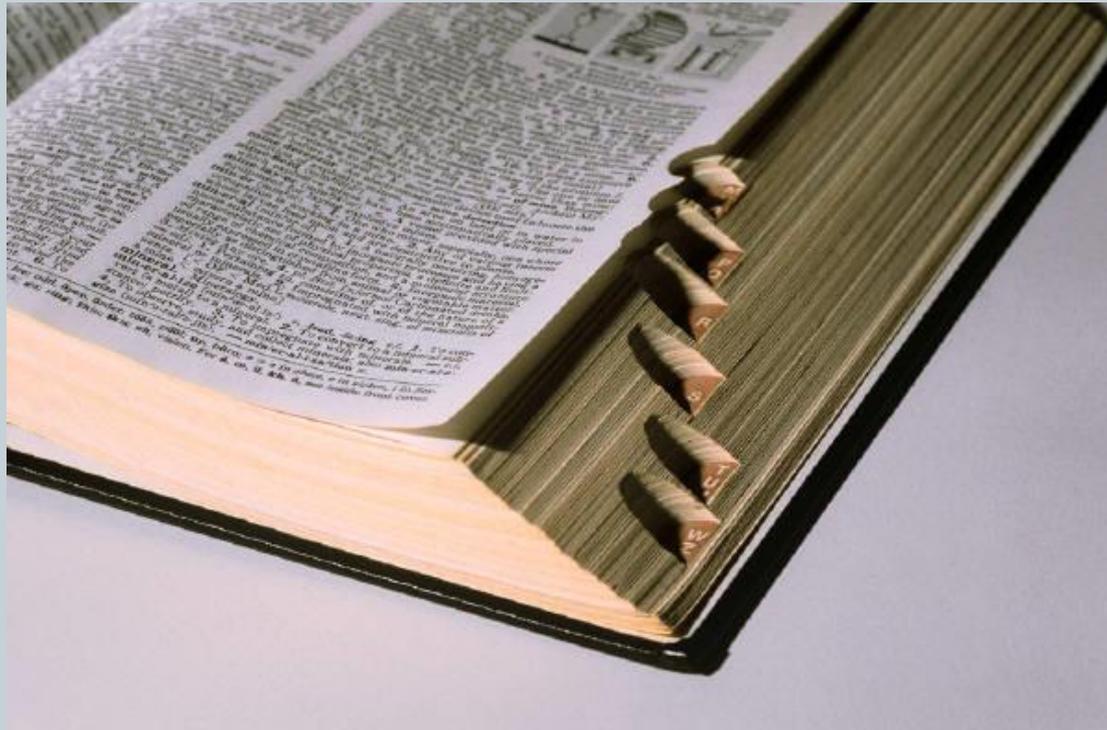
Enacted by voters in 1974

Seven-member citizen commission

Agency jurisdiction:

- Oregon Government Ethics law ORS Chapter 244
- Lobby Regulation law ORS Chapter 171
- Executive Session provisions of Public Meetings law ORS Chapter 192

DEFINITIONS



“PUBLIC OFFICIAL” – ORS 244.020(14)



A “public official” is any person who is serving the State of Oregon or any of its political subdivisions or any other public body, as an elected official, appointed official, employee, agent or otherwise, irrespective of whether the person is compensated for the services.



SAFEGUARD OF THE PUBLIC TRUST



“The Legislative Assembly declares that service as a public official is a public trust, and that as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.” ORS 244.010 (1)



“RELATIVES” – ORS 244.020(15)



- Spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate
- Parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate
- Person for whom the public official has a legal support obligation
- Person benefiting from a public official when benefits are from the public official’s public employment
- Person who benefits a public official or candidate when benefits are from the person’s employment

FINANCIAL BENEFITS



ORS 244.040(1)



Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for:

- the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated,
- if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

PROHIBITED FINANCIAL GAIN



Prohibited gains can be:

obtaining a financial gain or a benefit with a monetary value....



...or avoiding an expense

And they do not have to result in any cost for the public body!

ORS 244.040(2) – EXCEPTIONS



(a) Any part of an official compensation package as determined by the public body that the public official serves.



(c) Reimbursement of expenses.

Employee Expense Report

Employee Last Name _____ Report End Date _____ 29
Employee First Name _____ Trip Reason European Sales Meet
Employee Identification Number _____ Trip Location London

Expense Category	Reason	Start	End
Transportation			
Airplane Ticket(s)	InterCountry Airlines	Anglemie to London	21-Sep 29
Train Ticket(s)	London Rail	it to Center City	22-Sep
Auto Rental			
Auto Rental - Gasoline			
Auto - Tolls			
Auto - Parking			
Car Service			
Taxi	Various Receipts	Hotel to Off-	
Subtotal - Transportation			
Lodging			
Hotel Room			
Food			
Hotel			
Subtotal			
Meals			

Expense Reimbursement Policies

ORS 244.040(2) – EXCEPTIONS (CONT.)

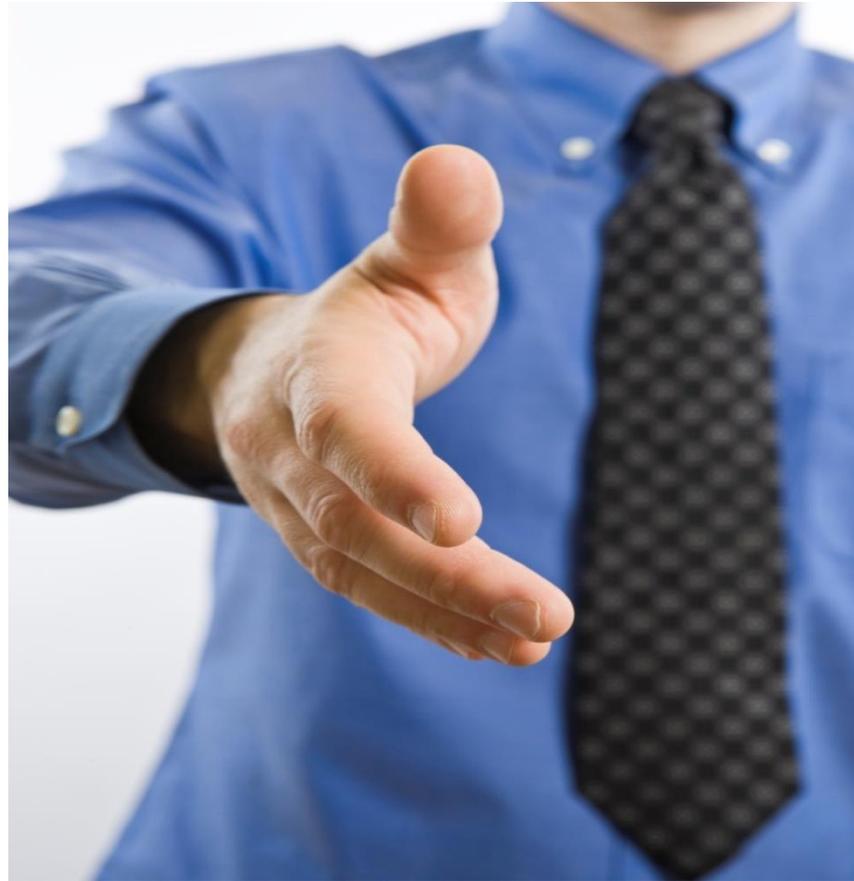


- (e) Gifts of not more than \$50 in a calendar year from a source that has a legislative or administrative interest.
- (f) Gifts of any value from a source that could not reasonably be known to have a legislative or administrative interest.



- (g) The receipt of any item, which is excluded from the definition of “gift” in ORS 244.020.

USE OF OFFICE & PRIVATE EMPLOYMENT



PRIVATE EMPLOYMENT OF PUBLIC OFFICIALS



In general, public officials may obtain employment with a private employer or engage in private income-producing activity of their own. However, they:

- Must not use the position held as a public official to create the opportunity for additional personal income.
- Ensure that there is a clear distinction between the use of personal resources and time for personal income-producing activity, and the use of the public body's time and resources.

GUIDELINES FOR PRIVATE EMPLOYMENT



- Use no public time
- Use no public resources
- Take no official action that could financially impact your private enterprise
- Use no confidential information obtained through your position as a public official
- Disclose all conflicts of interest



RESTRICTIONS RELATED TO PUBLIC CONTRACTS



EMPLOYMENT & CONTRACTS – ORS 244.047



A person who ceases to hold a position as a public official may not have a direct beneficial financial interest in a public contract, for two years after when one of the parties to the contract is the official's former public body if the contract:

- Was authorized by the public official, in their former capacity as a public official.
- Was authorized by a governing body (board, committee, or council) that the former public official was a member of when the contract was authorized.

CONFLICTS OF INTEREST



ACTUAL CONFLICT OF INTEREST



Any action, decision, or recommendation by a public official in their official capacity, the effect of which **WOULD** be to the private pecuniary gain or detriment of the public official, a relative of the public official, or a business with which either are associated.

-ORS 244.020(1)

If the financial effect of an action is **certain**, then that action presents an actual conflict of interest.

POTENTIAL CONFLICT OF INTEREST



Any action, decision, or recommendation by a public official in their official capacity, the effect of which **COULD** be to the private pecuniary gain or detriment of the official, relative, or business of official or relative.

-ORS 244.020(12)

If the financial effect might happen but might not, then that situation would present only a potential conflict of interest to a public official.

QUESTION TO ASK



Will the action, decision or recommendation have a financial effect on the public official, their relative or a business with which either are associated?



QUESTION TO ASK



Is the impact of the action, decision or recommendation on the public official's economic interest certain? Is it direct or indirect?



QUESTION TO ASK



Does the official action, decision or recommendation affect the public official to the same degree as a class of other individuals?



WHAT IF I AM MET WITH A CONFLICT OF INTEREST?



OFFICIALS ON BOARDS OR COMMISSIONS & ELECTED OFFICIALS – ORS 244.120(2)



- Must publicly announce **potential** conflicts of interest, on each occasion **before taking action**.
- Must publicly announce **actual** conflicts of interest, on each occasion, and **refrain** from participating in **discussion, debate, or voting** on the issue out of which the actual conflict arises.

SUMMARY



Statutory conflicts of interest have three components:

1. An action, decision, or recommendation made in the official capacity
which causes
2. A private pecuniary benefit or detriment
for
3. The public official, the public official's relative, or a business associated with the public official or the public official's relative.

GIFTS



“GIFT” – ORS 244.020(6)



Something of economic value given to a public official, a relative of the public official or a member of the public official’s household without payment or other consideration [ORS 244.020(6)(a)].

Under specified conditions public officials may accept gifts.



GIFT LIMIT – ORS 244.025



During a calendar year, a public official or a relative or member of the household of the public official may not:

→ Solicit or Receive

→ Directly or Indirectly

Any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest.

WHAT DOES THAT MEAN?



In the context of gifts offered to or accepted by a public official, the public official must determine if the source of the offered gift has a legislative or administrative interest in the decision or vote of the public official [ORS 244.040(2)(e)].



“SOURCE”



- The Commission adopted a rule [OAR 199-005-0030(2)] that identifies the source of a gift is the person or entity that makes the ultimate and final payment of the gift's expense. OAR 199-005-0030 also places on the public official the burden of knowing the identity of the source and ensuring that the aggregate value in ORS 244.025 is not exceeded.

LEGISLATIVE/ADMINISTRATIVE INTEREST



An economic interest, distinct from that of the general public, in any matter subject to the **decision** or **vote** of the public official acting in the public official's capacity as a public official

-[ORS 244.020(9)].



“VOTE” & “DECISION”



- **Vote**: This has the common meaning of to vote as an elected member of a governing body of a public body or as a member of a committee, commission or board appointed by a governing body, Oregon Legislative Assembly or the Office of the Governor.
- **Decision**: The Commission adopted a rule [OAR 199-005-0003] and in OAR 199-005-0003(2) “decision” is defined. A public official makes a decision when the public official exercises the authority given to the public official to commit the public body to a particular course of action. Making a recommendation or giving advice in an advisory capacity does not constitute a decision.

GIFT EXCEPTIONS



ORS 244.020(6)(b)

Items which are expressly excluded from the definition of a gift in ORS 244.020(6)(b) may be accepted without limit.

Including...

FOOD & BEVERAGE EXCEPTION



ORS 244.020(6)(b)(E)

Admission provided to or the cost of food or beverage consumed by a public official, member of the household or staff of the public official when accompanying the public official at a **reception**, **meal** or **meeting** held by an **organization** when the public official is **representing** a government agency.



FOOD, LODGING & TRAVEL EXCEPTION



ORS 244.020(6)(b)(F)

Reasonable food, lodging and travel expenses when paid by...

- Government entity, Native American Tribe, membership organization or non-profit organizations to participate in:
 - Convention;
 - Fact-finding mission/trip; or
 - Meeting where scheduled to participate - speak, panel discussion or represent government

FOOD, LODGING & TRAVEL EXCEPTION



ORS 244.020(6)(b)(H)

Reasonable food, lodging and travel expenses to public official and a relative when...

- Representing the government agency:
 - Trade-promotion
 - Fact-finding mission
 - Negotiations
 - Economic development



WHAT IF I AM OFFERED A GIFT?



You must analyze the offer and decide if something of value can be accepted with or without restrictions.



COMPLAINT REVIEW PROCESS



- Written, signed complaint/Own motion
- Preliminary Review Phase (135 days)
- Investigation Phase (180 days)
- Contested Case Hearing



RESOURCES & INFORMATION



- Staff Advice
- Staff Opinion
- Advisory Opinion
- Webinars/Training

➤ Telephone: 503-378-5105

➤ FAX: 503-373-1456

➤ e-mail: ogec.mail@state.or.us

➤ Website: <http://www.oregon.gov/OGEC/>

OREGON GOVERNMENT ETHICS COMMISSION



THE END

Oregon Government Ethics Law



Oregon Government Ethics Commission
3218 Pringle Rd. SE, Suite 220
Salem, OR 97302-1544
Telephone: 503-378-5105
Fax: 503-373-1456
Web address: www.oregon.gov/ogec

The Oregon Government Ethics Commission (OGEC), established by vote of the people in 1974, is a seven-member citizen commission charged with enforcing government ethic laws. Oregon government ethics laws prohibit public officials from using office for financial gain, and require public disclosure of economic conflict of interest. The OGEC also enforces state laws that require lobbyists and the entities they represent to register and periodically report their expenditures. The third area of OGEC jurisdiction is the executive session provisions of public meetings law.

Am I a “public official”?

The answer is yes if you are serving the State of Oregon or any of its political subdivisions or any other public body, as an elected official, appointed official, employee, agent or otherwise, irrespective of whether you are compensated for services [ORS 244.020(14)].

What you need to know if you are a public official:

The provisions in Oregon Government Ethics law restrict some choices, decisions or actions a public official may make. The restrictions placed on public officials are different than those placed on private citizens because service as a public office is a public trust and provisions in ORS Chapter 244 were enacted to provide one safeguard for that trust.

Public officials are prohibited from using or attempting to use their positions to gain a financial benefit or to avoid a financial cost for themselves, a relative, or their businesses if the opportunity is available only because of the position held by the public official [ORS 244.040(1)].

There are conditions that must be met before a public official may accept a gift and in some cases, there are limits on the value of gifts that can be accepted. Certain public officials are required to file reports that disclose some gifts accepted and specific economic interests.

When met with a conflict of interest, a public official must follow specific procedures to disclose the nature of the conflict. There are also restrictions on certain types of employment subsequent to public employment and on nepotism.

This guide will discuss how the provisions in ORS Chapter 244 apply to public officials and will summarize Commission procedures. It should be used in conjunction with applicable statutes and rules. This guide should not be used as a substitute for a review of the specific statutes and rules.

You will find links to ORS Chapter 244, and relevant Oregon Administrative Rules (OAR), and other publications referenced in this guide on the Commission’s website at www.oregon.gov/ogec. Questions or comments may be submitted to the Commission by email at ogec.mail@state.or.us, by Fax to 503-373-1456 or by telephone to 503-378-5105.

Are you a public official?

“Public official” is defined in ORS 244.020(14) as any person who, when an alleged violation of this chapter 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.

There are approximately 200,000 public officials in Oregon. You are a public official if you are:

- Elected or appointed to an office or position with a state, county or city government.
- Elected or appointed to an office or position with a special district.
- An employee of a state, county or city agency or special district.
- An unpaid volunteer for a state, county or city agency or special district.
- Anyone serving the State of Oregon or any of its political subdivisions, such as the State Accident Insurance Fund or the Oregon Health Sciences University.

“As defined in ORS 244.020(14), a public official includes anyone serving the State of Oregon or any of its political subdivisions or any other public body in any of the listed capacities, including as an “agent.” An “agent” means any individual performing governmental functions. Governmental functions are services provided on behalf of the government as distinguished from services provided to the government. This may include private contractors and volunteers, depending on the circumstances. This term shall be interpreted to be consistent with Attorney General Opinion No. 8214 (1990).” The Commission has adopted, by rule, additional language used to clarify the use of “agent” in the definition of “public official” in the following OAR 199-005-0035(7).

My position as a _____ defines me as a public official.



What does a public official need to know about relatives?

Public officials need to know how Oregon Government Ethics law defines who is a “relative”. While a public official should exercise sound judgment when participating in actions that could result in personal financial benefits, a public official should also exercise sound judgment when participating in actions could result in financial benefits for a relative.

There are provisions in ORS Chapter 244 that restrict or prohibit a public official from using actions of the position held to benefit a relative; or may limit the value of financial benefits accepted by a relative of the public official or may require the public official to disclose the nature of a conflict of interest when a relative may receive a financial benefit.

In everyday conversation the use of “relative” is applied to a broader spectrum of individuals with “family ties” than those defined as relatives in ORS 244.020(15). In general, when a provision in ORS Chapter 244 refers to “relative” it means one of the following:

- The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate
- The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate
- Person for whom the public official or candidate have a legal support obligation
- Person benefiting from a public official when benefits are from the public official’s public employment
- Person who benefits a public official or candidate when benefits are from the person’s employment

I have approximately _____ relatives as defined by statute.



ORS Chapter 244 does address the issue of nepotism. Nepotism, as used in ORS Chapter 244, is based on the relative relationship alone. Changes to Oregon Government Ethics law passed by the 2013 Legislative Assembly mean that the definition of “relative” in ORS 244.020(15) now applies to these nepotism regulations as well.

If I am a volunteer, does that make me a public official?

If the position for which you have volunteered serves the State of Oregon or any of its political subdivisions or any other public body, “irrespective of whether” you are “compensated” you are a public official.

Volunteers may be elected, appointed or selected by the government agency or public body to hold a position or office or to provide services.

Among the public officials who volunteer are elected or appointed members of governing bodies of state boards or commissions, city councils, planning commissions, fire districts, school districts and many others. There are also many who apply and are selected to perform duties for a government agency, board or commission without compensation, such as fire fighters, reserve law enforcement officers and parks or recreation staff members.

The Commission recognizes that there are many who volunteer to work without compensation for many state and local government agencies, boards, commissions and special districts.

I am a _____ volunteer.



Financial Gain

What are the provisions in the law that prohibits a public official from using the position or office held for financial gain?

Public officials become public officials through employment, appointment, election or volunteering. ORS 244.040(1) prohibits every public official from using or attempting to use the position held as a public official to obtain a financial benefit, if the opportunity for the financial benefit would not otherwise be available but for the position held by the public official. The financial benefit prohibited can be either an opportunity for gain or to avoid an expense.

Not only is a public official prohibited from using the position as a public official to receive certain financial benefits, but the public official is prohibited from using or attempting to use the position as a public official to obtain financial benefits for a relative or a member of the public official's household. Also prohibited is the use or attempted use of the public official position to obtain financial benefits for a business with which either the public official, a relative or a member of the public official's household are associated.

Public officials often have access to or manage information that is confidential and not available to members of the general public. ORS 244.040(4) specifically prohibits public officials from attempting to use confidential information gained because of the position held or by carrying out assigned duties to further the public official's personal gain. ORS 244.040(5) also prohibits a former public official from attempting to use confidential information for personal gain if that confidential information was obtained while holding the position as a public official, from which access to the confidential information was obtained.

ORS 244.040(6) also has a single provision to address circumstances created when public officials who are members of the governing body of a public body own or are associated with a specific type of business. The type of business is one that may occasionally send a representative of the business who appears before the governing body on behalf of a client for a fee. Public officials who are member of governing bodies and own or are employed by businesses, such as a law, engineering or architectural firms, may encounter circumstances in which this provision may apply.

There a variety of actions that a public official may take or participate in that could constitute the prohibited use or attempted use of the public official position. The use of a position could be voting in a public meeting, placing a signature on a government agency's document, making a recommendation, making a purchase with government agency funds, conducting personal business on a government agency's time or with a government agency's resources [i.e. computers, vehicles, heavy equipment or office machines].

NOTES:

Are there any circumstances in which a public official may use their position to accept financial benefits that would not otherwise be available but for holding the position as a public official?

Yes, ORS 244.040(2) provides a list of financial benefits that would not otherwise be available to public officials but for holding the position as a public official. The following financial benefits are not prohibited and may be accepted by a public official and some may also be accepted by a public official's relative or member of the public official's household:

Official Compensation: Public officials may accept any financial benefit that is identified by the public body served by the public official as part of the "official compensation package" of the public official. If the public body identifies such salary, health insurance or various paid allowances in the employment agreement or contract of a public official, those financial benefits are part of the "official compensation package" [ORS 244.040(2)(a)].

OAR 199-005-0035(3) provides a definition of "official compensation package:"

An "official compensation package" means the wages and other benefits provided to the public official. To be part of the public official's "official compensation package", the wages and benefits must have been specifically approved by the public body in a formal manner, such as through a union contract, an employment contract, or other adopted personnel policies that apply generally to employees or other public officials. "Official compensation package" also includes the direct payment of a public official's expenses by the public body, in accordance with the public body's policies.

Reimbursement of Expenses: A public official may accept payments from the public official's public body as reimbursement for expenses the public official has personally paid while conducting the public body's business [ORS 244.040(2)(c)].

The Commission has provided a definition in OAR 199-005-0035(4): "reimbursement of expenses' means the payment by a public body to a public official serving that public body, of expenses incurred in the conduct of official duties on behalf of the public body. Any such repayment must comply with any applicable laws and policies governing the eligibility of such repayment."

Honorarium: Public officials are allowed to accept honorarium by ORS 244.040(2)(b) as it is defined in ORS 244.020(7). A public official must know how honorarium is defined because there are many occasions where someone will offer them a financial benefit and call it an honorarium, but it does not meet the definition of honorarium.

A payment or something of economic value given to a public official in exchange for services provided by the public official is an honorarium when the setting of the economic value has been prevented by custom or propriety. The services provided by a public official may include but not be limited to speeches or other services provided in connection with an event.

The limitation for honorarium is \$_____ .

Awards for Professional Achievement: Public officials may accept an award, if the public official has not solicited the award, and the award is offered to recognize an achievement of the public official [ORS 244.040(2)(d)].

Awards for professional achievement should not be confused with awards of appreciation, allowed by ORS 244.020(6)(b)(C), honorarium allowed by ORS 244.040(2)(b) or gifts that are allowed or restricted by other provisions in ORS Chapter 244.

Awards for professional achievement are best illustrated by awards that denote national or international recognition of a public official's achievement. These awards may also be offered by public or private organizations in the state that are meant to recognize a public official for an achievement. Professional achievements recognized may be identified as a single accomplishment or an accomplishment achieved during a period of time, such as a calendar year or a public official's career upon retirement. Public officials may be educators, lawyers, certified public accountants or hold a doctorate in some field. These public officials may receive awards recognizing achievements in their fields and those awards would be considered by the Commission to be awards allowed by ORS 244.040(2)(d).

Gifts

There are occasions when public officials can accept gifts and Oregon Government Ethics law does not limit the quantity or value of gifts, but there are other occasions when the acceptance of gifts is limited to an aggregate value of \$50 from a single source in each calendar year [ORS 244.025].

When Oregon Government Ethics law uses the word "gift" it has the meaning in ORS 244.020(6)(a):

"Gift" means something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate:

- (a) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or candidates or the relatives or members of the household of public officials or candidates on the same terms and conditions; or

(b) For valuable consideration less than that required from others who are not public officials or candidates.” In other words, a “gift” is something of economic value that is offered to:

- A public official or candidate or to relatives or members of the household of a public official or candidate,
 - Without cost, at a discount or as forgiven debt and,
 - The same offer is not made or available to the general public who are not public officials or candidates.

To know whether gifts from a single source are limited or unlimited you must determine if the decisions or votes of the public official, who is offered a gift, would have a distinct economic impact on the source making the offer. If the source of the offer would receive a financial gain or avoid a financial cost from the decisions or votes of a public official, gifts from that source to that public official would be limited as to the aggregate value of gifts accepted from that source in a calendar year. This economic interest is a pivotal factor in determining the propriety of gifts and is found in the expression “legislative or administrative interest” which is defined in ORS 244.020(9) and is used in ORS Chapter 244, primarily, when applying the provisions regarding gifts accepted by public officials.

While a “gift” is defined in ORS 244.020(6)(a), ORS 244.020(6)(b), identifies specific gifts that are exempt from gift restrictions if the offers are made or accepted in the specific circumstances and conditions described.

What does a public official need to know about a “Legislative or Administrative Interest” [ORS 244.020(9)]?

Beginning in 2010, the change to the definition of what is a legislative or administrative interest represents one of the most significant changes made in Oregon Government Ethics law during the last session of the Oregon Legislative Assembly.

The change is significant because knowing if the source of a gift offered to a public official has a legislative or administrative interest determines whether or not the gift offered is allowed or restricted. Before this change, a public official only had to know if a gift was offered from a source with a legislative or administrative interest in the public official’s governmental agency, but now the focus is on the vote or decision of each individual public official. The change places greater responsibility on the individual public official to decide if a gift offered is restricted by ORS Chapter 244. The definition of a legislative or administrative interest is provided in ORS 244.020(9) as follows:

“‘Legislative or administrative interest’ means an economic interest, distinct from that of the general public, in:

- (a) Any matter subject to the decision or vote of the public official acting in the public official’s capacity as a public official; or

(b) Any matter that would be subject to the decision or vote of the candidate who, if elected, would be acting in the capacity of a public official.”

In the context of gifts offered to or accepted by a public official or candidate, the public official or candidate must determine if the source of the offered gift has a legislative or administrative interest in the decision or vote of the public official or candidate, if elected. In applying the phrase “legislative or administrative interest,” there are several factors to consider:

Source: The Commission adopted a rule [OAR 199-005-0030(2)] that identifies the source of a gift is the person or entity that makes the ultimate and final payment of the gift’s expense. OAR 199-005-0030 also places on the public official the burden of knowing the identity of the source and insuring that the aggregate value in ORS 244.025 is not exceeded.

Distinct from that of the general public: This phrase refers to an economic interest and in the context of gifts the economic interest of the source of a gift. The economic interest is whether a vote or decision by a public official would result in a financial gain or a financial detriment to the party who holds the interest. There are many votes or decisions made by public officials that have the same general economic impact on all members of the general public. Income or property tax rates would be examples.

There are other decisions or votes that have an economic impact on specific persons, businesses or groups that are not experienced by members of the general public alike. To illustrate, private contractors have an economic interest in a public body’s authority to award contracts and that economic interest is distinct from the economic interest held by members of the general public in the contracting authority of a public body. Also, real estate developers would have an economic interest in a public body’s authority to approve subdivision applications and that economic interest is distinct from the economic interest held by members of the general public in the approval authority of a public body.

Vote: This has the common meaning of to vote as an elected member of a governing body of a public body or as a member of a committee, commission or board appointed by a governing body, Oregon Legislative Assembly or the Office of the Governor.

Decision: The Commission defines the term “decision” in OAR 199-005-0003(2). A public official makes a decision when the public official exercises the authority given to the public official to commit the public body to a particular course of action. Making a recommendation or giving advice in an advisory capacity does not constitute a decision.

The change to the definition of a legislative or administrative interest places the focus on the decision or vote of each individual public official. That means that any decision to accept or reject the offer of a gift must be made individually by each public official. It also means that there will be some public officials who may accept unlimited gifts from a source and other public officials within the same public body that would have restrictions

on gifts from that same source because not all public officials in the same public body have similar responsibilities that would require any or similar decisions or votes.

Again, if the source of the offer of a gift to a public official does not have a legislative or administrative interest in the decisions or votes of the public official, the public official can accept unlimited gifts from that source. [ORS 244.040(2)(f)] However, if the source of the offer of a gift to a public official has a legislative or administrative interest in the decisions or votes of the public official, the public official can only accept gifts from that source when the aggregate value of gifts from that source does not exceed \$50 in a calendar year [ORS 244.025].

While gifts from a source with a legislative or administrative interest in the decisions or votes of a public official are limited, there are some gifts that are exempt from the definition of what is a “gift.” If the offer of a gift is exempt from the definition of a “gift,” the offer may be accepted by a public official. The value of gifts that are allowed as exemptions does not have to be included when calculating the aggregate value of gifts received from that source in one calendar year.

There are gifts that are allowed because when offered under specific conditions and within certain circumstances the gifts are exempt from the definition of a “gift.” ORS 244.020(6)(b) provides a description of gifts that are allowed. If you are a public official accepting gifts or a source offering gifts it is important you become familiar with the requirements that may apply to you.

The following **GIFTS ARE ALLOWED** as exemptions to the definition of what is a “gift”:

- Campaign contributions as defined in ORS 260.005 [ORS 244.020(6)(b)(A)].
- Contributions to a legal expense trust fund established under ORS 244.209 [ORS 244.020(6)(b)(G)].
- Gifts from relatives or members of the household of public officials or candidates [ORS 244.020(6)(b)(B)].
- Anything of economic value received by a public official or candidate, their relatives or members of their household when:
 - The receiving is part of the usual and customary practice of the person’s business, employment, or volunteer position with any legal non-profit or for-profit entity [ORS 244.020(6)(b)(O)(i)].
 - The receiving bears no relationship to the person’s holding the official position or public office [ORS 244.020(6)(b)(O)(ii)].
- Unsolicited gifts with a resale value of less than \$25 and in the form of items similar to a token, plaque, trophy and desk or wall mementos [ORS 244.020(6)(b)(C) *and see resale value discussed in OAR199-005-0010*].

- Publications, subscriptions or other informational material related to the public official's duties [ORS 244.020(6)(b)(D)].
- Waivers or discounts for registration fees or materials related to continuing education or to satisfy a professional licensing requirement for a public official or candidate [ORS 244.020(6)(b)(J)].
- Entertainment for a public official or candidate and their relatives or members of their households when the entertainment is incidental to the main purpose of the event [ORS 244.020(6)(b)(M) *and see "incidental" defined in OAR199-005-0025(1)*].
- Entertainment for a public official, a relative of the public official or a member of the public official's household when the public official is acting in an official capacity and representing a governing agency for a ceremonial purpose [ORS 244.020(6)(b)(N) *and see "ceremonial" defined in OAR199-005-0025(2)*].
- Cost of admission or food and beverage consumed by the public official, a member of the public official's household or staff when they are accompanying the public official, who is representing government, state, local or special district, at a reception, meal or meeting held by an organization [ORS 244.020(6)(b)(E) *and the accompanying discussion in OAR199-005-0015*].
- Food or beverage consumed by a public official or candidate at a reception where the food and beverage is an incidental part of the reception and there was no admission charged [ORS 244.020(6)(b)(L) *and the accompanying discussion in OAR199-005-0025(1)*].
- When public officials travel together inside the state to an event bearing a relationship to the office held and the public official appears in an official capacity, a public official may accept the travel related expenses paid by the accompanying public official [ORS 244.020(6)(b)(K)].
- Payment of reasonable expenses if a public official is scheduled to speak, make a presentation, participate on a panel or represent a government agency at a convention, conference, fact-finding trip or other meeting. The paid expenses for this exception can only be accepted from another government agency, Native American Tribe, an organization to which a public body pays membership dues or not-for-profit organizations that are tax exempt under 501(c)(3) [ORS 244.020(6)(b)(F) *and see definition of terms for this exception in OAR 199-005-0020*].
- Payment of reasonable food, lodging or travel expenses for a public official, a relative of the public official or a member of the public official's household or staff may be accepted when the public official is representing the government agency or special district at one of the following:

- Officially sanctioned trade promotion or fact-finding mission; [ORS 244.020(6)(b)(H)(i)]
- Officially designated negotiation or economic development activity when receipt has been approved in advance [ORS 244.020(6)(b)(H)(ii). *Defined terms and an explanation of how and who may officially sanction or designate these events are addressed in OAR 199-005-0020(1)(b)(B).*]
- Payment of reasonable expenses paid to a public school employee for accompanying students on an educational trip [ORS 244.020(6)(b)(P)].
- Food and beverage when acting in an official capacity in the following circumstances:
 - In association with a financial transaction or business agreement between a government agency and another public body or a private entity, including such actions as a review, approval or execution of documents or closing a borrowing or investment transaction [ORS 244.020(6)(b)(I)(i)];
 - While engaged in due diligence research or presentations by the office of the State Treasurer related to an existing or proposed investment or borrowing [ORS 244.020(6)(b)(I)(ii)]; or
 - While engaged in a meeting of an advisory, governance or policy-making body of a corporation, partnership or other entity in which the office of the State Treasurer has invested moneys [ORS 244.020(6)(b)(I)(iii)].

The last gift I received was from _____. The source of this offer is / is not economically affected by my decisions or votes as a public official.

Gifts vs. Prohibited Use of Position

In understanding issues related to gifts, the operative definition of a “gift” is used in deciding how Oregon Government Ethics law would apply to a gift offered to or accepted by a public official or candidate. The application of the gift provisions regarding candidates is not included in this discussion. The following is a paraphrase of the definition taken from ORS 244.020(6)(a):

Gift: “Something of economic value” given to a public official, a relative of the public official or a member of the public official’s household and the recipient either makes no payment or makes payment at a discounted price. The opportunity for the gift is one that is **not available to members of the general public**, who are not public officials, **under the same terms and conditions as** those that apply to the gift offered to **the public official**, the relative or a member of the household.

The definition of a “gift” has remained much the same since Oregon Government Ethics law was enacted. Originally, the law prohibited the offer or acceptance of any gifts; it allowed some gifts and for others it imposed limits on the aggregate value on gifts that could be accepted. With the recent revisions, Oregon Government Ethics law does not prohibit gifts but does place conditions on when some gifts may be accepted and for other gifts there is a limit on the aggregate value that can be accepted.

The primary focus of ORS 244.040(1) is on the use or attempted use of the position held by the public official and not on whether a gift is accepted by a public official. However, accepting gifts that would not be available “but for” holding a position as a public official could represent a prohibited financial benefit.

The financial benefit prohibited by ORS 244.040(1) is one obtained by a public official through the use or attempted use of a position or office held. The prohibited benefit may be gained through the public official’s access to and use of the public body’s resources.

The financial benefit may take several forms. It may be the avoidance of a personal expense, money, extra income from private employment, creation of a new employment opportunity or the use of confidential information for financial gain.

Gifts, on the other hand, are not received by a public official, primarily, because of the public official’s use of a public body’s resources, but because gifts are offered by sources other than the public official’s government employer or the public body represented by the public official. Sources of gifts are private individuals, businesses or organizations; they are public bodies that are not the employer of or represented by the public official. Sources of gifts may also be employees of the same public body of the public official and they offer gifts acquired with their personal resources, not the public body’s resources. If something of economic value is received from the employer of or the public body represented by a public official, that “something” is not a gift, it is a financial benefit either allowed or prohibited by ORS 244.040.

Conflict of Interest

Oregon Government Ethics law defines **actual conflict of interest** [ORS 244.020(1)] and **potential conflict of interest** [ORS 244.020(12)]. In brief, a public official is met with a conflict of interest when participating in official action which could result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either are associated.

The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “would” and “could.” A public official is met with an **actual** conflict of interest when the public official participates in action that **would** affect the financial interest of the official, the official’s relative or a business with which the official or a relative of the official is associated. A public official is met with a **potential** conflict of interest when the public official participates in action that **could** affect the financial interest of the official, a relative of that official or a business with which the official or the relative of that official is associated.

I own a business that my public body does business with. Yes / No

I have a relative that owns a business that my public body does business with. Yes / No

**A member of my household owns a business that my public body does business with.
Yes / No**

I have identified _____ a business or businesses with which I, my relatives and members of my household are associated.

What if I am met with a conflict of interest?

A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held. The following public officials must use the methods described below:

An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission:

- (a) When met with a *potential* conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official;
or
- (b) When met with an *actual* conflict of interest, announce publicly the nature of the actual conflict and 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.

Any other appointed official, including public officials in public bodies who are appointed, employed or volunteer:

Must provide a written notice to the person who appointed or employed them. The notice must describe the nature of the conflict of interest with which they are met [ORS 244,120(1)(c)].

My appointing authority is _____.

***NOTE:** If a public official is met with an actual conflict of interest and the public official's vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement and refrain from any discussion, but may participate in the vote required for official action by the governing body. [ORS 244.120(2)(b)(B)] These circumstances do not often occur. This provision does not apply in situations where there are insufficient votes because of a member's absence when the governing body is convened. Rather, it applies in circumstances when all members of the governing body are present and the numbers of members who must refrain due to actual conflicts of interest make it impossible for the governing body to take official action.

The following circumstances may exempt a public official from the requirement to make a public announcement or give a written notice describing the nature of a conflict of interest:

- If the conflict of interest arises from a membership or interest held in a particular

business, industry, occupation or other class and that membership is a prerequisite for holding the public official position [ORS 244.020(12)(a)].

- If the financial impact of the official action would impact the public official, relative or business of the public official to the same degree as other members of an identifiable group or "class." The Commission has the authority to determine the minimum size of a "class" [ORS 244.020(12)(b) and ORS 244.290(3)(a)].
- If the conflict of interest arises from an unpaid position as officer or membership in a nonprofit corporation that is tax-exempt under 501(c) of the Internal Revenue Code [ORS 244.020(12)(c)].

How is the announcement of the nature of a conflict of interest recorded?

The public body that is served by the public official will record the disclosure of the nature of the conflict of interest in the official records of the public body [ORS 244.130(1)].

Is a public official required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon?

The announcement needs to be made on each occasion the conflict of interest is met. For example, an elected member of the city council would have to make the public announcement one time during a meeting of the city council. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting. An employee in a city planning department would have to give a separate written notice on each occasion they participate in official action on a matter that gives rise to a conflict of interest [ORS 244.120(3)].

If a public official failed to announce the nature of a conflict of interest and participated in official action, is the official action voided?

No. Any official action that is taken may not be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest [ORS 244.130(2)].

**My positions as a _____ requires me to _____
announce the nature of conflicts of interest on _____ occasion.**

NOTES:

Employment

Does Oregon Government Ethics law prohibit a public official from owning a private business or working for a private employer while continuing employment with or holding a position with a public body?

No. Many public officials hold or perform services as volunteers, meaning there is little or no compensation and they have a private source of income to maintain a household. There are also public officials who do receive compensation, but for personal reasons find it necessary to seek additional sources of income. Some obtain employment with a private business and others establish a private business of their own.

ORS 244.040(3) prohibits a public official from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the public official's vote, official action or judgment. Any employer who may directly or indirectly offer employment under these conditions may also violate this provision.

In general, public officials may obtain employment with a private employer or engage in private income producing activity of their own. They must not use the position held as a public official to create the opportunity for additional personal income. The public official must also insure that there is a clear distinction between the use of personal resources and time for personal income producing activity and the use of the public body's time and resources. The Commission has created guidelines for public officials to follow in order to avoid violating Oregon Government Ethics law when engaged in private employment or a personally owned business.

GUIDELINES FOR OUTSIDE EMPLOYMENT OF PUBLIC OFFICIALS

1. Public officials are not to engage in private business interests or other employment activities on their governmental agency's time.
2. A governmental agency's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests.
3. The position as a public official is not to be used to take official action that could have a financial impact on a private business with which you, a relative or member of your household are associated.
4. Confidential information gained as a public official is not to be used to obtain a financial benefit for the public official, a relative or member of the public official's household or a business with which any are associated.
5. When participating in an official capacity and met with a potential or actual conflict of interest related to a business, associated with the public official, relative or household member, the public official must disclose the nature of the conflict of interest using one of the following methods:
 - Employees of governmental agencies must give written notice to their appointing authority.
 - Elected or appointed public officials must publicly disclose once during each meeting convened by the governing body they serve.

What are the restrictions on employment after I resign, retire or leave my public official position?

- ORS 244.040(1) prohibits public officials from using their official positions or offices to create a new employment opportunity; however, most former public officials may enter the private work force with few restrictions.

Resources

All members of the Commission staff are cross-trained in the laws and regulations under the Commission's jurisdictions. Questions regarding the Commission's laws, regulations and procedures are a welcome daily occurrence. Timely and accurate answers are a primary objective of the staff. Guidance and information is provided either informally or in written formal opinions. The following are available:

- Telephone inquiries are answered during the call or as soon as possible.
- E-mail inquiries are answered with return e-mail or telephone call as soon as possible.
- Letter inquiries are answered by letter as soon as possible.
- Written opinions on specific circumstances can also be requested.

If a person requests, receives or relies on any of the advice or opinions authorized by ORS 244.280 through ORS 244.284, does that person have what is referred to as "safe harbor" protection from becoming a respondent to a complaint filed with or initiated by the Commission?

There is no "safe harbor," if the term is understood to mean that any person who relies on any advice or opinions offered by the Commission or the staff is protected from being a respondent to a complaint, found violating laws within the jurisdiction of the Commission or receiving a penalty for a violation.

There is, however, specific and conditional protection for any person who has requested and relied upon advice or an opinion from the Commission or its staff.

It is important to remember that the provisions of law apply to the individual actions of the person or public official. There are events or occasions when more than one public official may be present and participating in their official capacities. Depending on the circumstances and conditions for an event or transaction the law may have a different application for one public official than for other public officials.

Sanctions for Violations

- Civil Penalty [ORS 244.350]

- Forfeiture [ORS 244.306]
- Letters of Reprimand, Correction or Education [ORS 244.350(5)]

Resources and Information

- Telephone 503-378-5105
- Fax 503-373-1456
- e-mail: OGEC.mail@state.or.us
- Website: <http://www.oregon.gov/OGEC>
- Training
 - In person
 - iLinc Webinars – Presented live using the internet
 - iLearn – Self-paced online eLearning



NOTES:

Executive Session provisions of Public Meetings law ORS 192.660

EXECUTIVE SESSION CHECKLIST

Prior to the meeting:

- Provide notice of an executive session in the same manner you give notice of a public meeting. **The notice must cite the specific statutory provision(s) authorizing the executive session.**

See attached document below for the permissible grounds for going into executive session.

At the meeting:

- Announce that you are going into executive session pursuant to ORS 192.660 and **cite the specific reason(s) and statute(s)** that authorize the executive session for **each subject** to be discussed. –Reminder, you may hold a public session even if an executive session is authorized.
- If you intend on coming out of executive session to take final action, announce when the open session will begin again.
- Specify if any individuals other than the news media may remain.
- Tell the media what may not be disclosed from the executive session. **If you fail to do this, the media may report everything!** If you discuss matters other than what you announce you are going to discuss in the executive session, the media may report those additional matters. *A member of the news media must be excluded from executive session held to discuss litigation with legal counsel if he or she is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party.
- Come back into open session to take final action.** If you did not specify at the time you went into executive session when you would return to open session, and the executive session has been very short, you may open the door and announce that you are back in open session. If you unexpectedly come back into open session after previously announcing you would not be doing so, you must use reasonable measures to give actual notice to interested persons that you are back in open session. This may require postponing final action until another meeting.
- Keep minutes or a sound, video, or digital recording of executive sessions.

Statutory Provisions for Executive Session

To consider the employment of an officer, employee, staff member or agent if: (i) the job has been publicly advertised, (ii) regularized procedures for hiring have been adopted, and (iii) in relation to employment of a public officer, there has been an opportunity for public comment. For hiring a chief executive officer, the standards, criteria and policy to be used must be adopted in an open meeting in which the public has an opportunity to comment. This reason for executive session may not be used to fill vacancies in an elective office or on any public committee, commission or other advisory group, or to consider general employment policies	ORS 192.660(2)(a) ORS 192.660(7)
To consider dismissal or discipline of, or to hear charges or complaints against an officer, employee, staff member or agent, if the individual does not request an open meeting.	ORS 192.660(2)(b)
To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063, 441.085 and 441.990(3).	ORS 192.660(2)(c)
To conduct deliberations with persons you have designated to carry on labor negotiations.	ORS 192.660(2)(d)
To conduct deliberations with persons you have designated to negotiate real property transactions.	ORS 192.660(2)(e)
To consider information or records that are exempt from disclosure by law, including written advice from your attorney.	ORS 192.660(2)(f)
To consider preliminary negotiations regarding trade or commerce in which you are in competition with other states or nations.	ORS 192.660(2)(g)
To consult with your attorney regarding your legal rights and duties in regard to current litigation or litigation that is more likely than not to be filed.	ORS 192.660(2)(h)
To review and evaluate the performance of an officer, employee or staff member if the person does not request an open hearing. This reason for executive session may not be used to do a general evaluation of an agency goal, objective or operation or any directive to personnel concerning those subjects.	ORS 192.660(2)(i) ORS 192.660 (8)
To carry on negotiations under ORS Chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.	ORS 192.660(2)(j)
For a health professional regulatory board to consider information obtained as part of an investigation of licensee or applicant conduct.	ORS 192.660(2)(k)
For the State Landscape Architect Board or its advisory committee to consider information obtained as part of an investigation of registrant or applicant conduct.	ORS 192.660(2)(l)
To discuss information about review or approval of programs relating to the security of any of the following: (A) a nuclear-powered thermal power plant or nuclear installation; (B) transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation; (C) generation, storage or conveyance of (i) electricity (ii) gas in liquefied or gaseous form (iii) hazardous substances as defined in ORS 453.005(7)(a), (b), and (d), (iv) petroleum products, (v) sewage, or (vi) water; (D) telecommunications systems, including cellular, wireless or radio systems; or (E) data transmissions by whatever means provided.	ORS 192.660(2)(m)