



Early Learning Division | 700 Summer St NE, Salem, OR 97301

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To: Early Learning Hubs

From: Denise Swanson, Early Learning Hub Operations Manager

Re: Public Meeting Law and Conflict of Interest Policies for Early Learning Hub clarification of requirements

Date: December 31, 2018

This memo serves to clarify the requirements of Early Learning Hubs regarding Oregon Public Meeting Laws.

In preparation for the upcoming Early Learning Hub Monitoring Process; several questions have arisen as to the roles and responsibilities of Early Learning Hubs and their Governing bodies regarding Public Meeting Law.

In 2015 the Early Learning Division released a memo outlining the Oregon Public Meeting Law and its application to Early Learning Hubs. Oregon has comprehensive statutory provisions governing the manner in which public entities conduct business. Early Learning Division staff sought the advice of the Department of Justice as to the applicability of the public meetings and records laws to the Early Learning Hubs. Based on advice from the Department of Justice, Hubs and their governing boards are required to follow Oregon's public meetings laws and public records laws when conducting business and in taking official action.

All public bodies, as defined in statute, are subject to public meetings and records laws. "The state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, *committee or subcommittee or advisory group* or any other agency thereof". ORS 192.610 (4). (emphasis added)

The intent of the public meeting law is clearly outlined in statute to apply towards all "governing bodies and the information upon which such decisions were made".

The statute defines a governing body as a group "of two or more members, with the authority to make decisions for or *recommendations to a public body on policy or administration*". ORS 192.610(3). (emphasis added).

As Early Learning Hubs are public entities then those serving in the capacity of Governance are considered public officials who are held accountable to following Public Meeting Law as well as those rules associated with Conflict of Interest. Early Learning Hubs are required to have a Conflict of Interest Policy as part of their governing By-Laws. These were created as part of the formation of each Hub and all members of an Early Learning Hub Governing Body are required to sign and abide by a Conflict of Interest Statement. Both the By-Laws and the Conflict of Interest statements are pre-approved by the Early Learning Division and any changes to either document are contractually required to be pre-approved by the Early Learning Division before any changes can take place.

All Early Learning Hubs and their Governance Councils should review the Oregon Ethics Law; A Guide for Public Officials. As per the guide; Public officials must know that they are held personally responsible for complying with the provisions in Oregon Government Ethics law. Pages 3-5 of the Guide clearly outline who is a public official and what their responsibilities are. Both this document as well as the Guidance Memo created by the Early Learning Division in 2015 should be referenced as supporting documentation to this memo.

OREGON DEPARTMENT OF EDUCATION

Kate Brown, Governor

