

South Coast Education Service District

Code: **BBAA**
Adopted: 6/11/96
Readopted: 11/14/06
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Orig. Code(s): BBAA

Individual Board Member's Authority and Responsibilities

Members of the Board shall have authority only when acting as a Board legally in session. Members have no authority over ESD affairs as individuals. They have complete authority, within school law and ESD policy, over ESD affairs when they serve as a legal body. The Board shall not be bound in any way by any statement or action on the part of an individual member except when such statement or action is in pursuance of specific instructions of the Board.

A Board member has the right to express personal opinions. When expressing such opinions in public, the Board member must clearly identify the opinions as their own.

Members of the Board will adhere to the following procedures in carrying out the responsibilities of Board membership:

Request for Information

Any individual member of the Board who desires a written report or a survey prepared by the staff will make such a request to the superintendent. A copy of such material will be sent to each member of the Board. Requests for reports or information which require additional expense to the district must be submitted to the Board for consideration.

Requests for Legal Opinions

Any member of the Board may request a legal opinion. Such request, however, should be made to the superintendent. If the legal opinion sought involves the superintendent's employment or performance, the request should be made by the chair of the Board.

Action on Complaints or Requests Made to Board Members

When Board members receive complaints or requests from staff, students or members of the public, such information is to be conveyed to the superintendent for action.

Board Member's Relationship to Administration

Individual Board members will become informed about the educational program of the ESD, may visit schools or other facilities to gain information required to become so informed and may request information from the superintendent, but will not intervene in the administration of the ESD.

Contracts Made By Individual Board Members

Contracts made by individual Board members without authority of the Board are not valid.

Board members who may have a pecuniary interest in a contract or service or supplies for the district shall declare a conflict of interest.

A potential conflict of interest may arise when a Board member takes official action that could financially impact the Board member, the member's relatives or a business with which the Board member or a relative is associated.

With a potential conflict of interest, an official may participate in the action, once the announcement has been made.

An actual conflict of interest may arise when a Board member takes official action that would financially impact the Board member, a relative or an associated business.

In the case of an actual conflict of interest, the person must: a) declare the actual conflict and announce its nature; and b) refrain from taking any official action on the issue.

The distinction is important because in the first case, the Board member is required to announce the potential conflict of interest, but may take action on the issue, in the second case, the Board member must both announce the actual conflict of interest and refrain from taking official action.

At each session or meeting at which the issue is addressed, the Board member must make the same public declaration. However, the Board member is required to make that announcement only once at each meeting, even if the issue involves a series of votes.

If the Board member's vote is necessary to achieve a quorum, the Board member may vote but may not discuss or debate the issue.

Duties of the Individual Board Members

The duties and obligations of an individual Board member may be enumerated as follows:

1. Have a general knowledge of state school laws, regulations of the State Department of Education, district policies, rules and regulations; and other information necessary to make informed decisions;
2. Have a general knowledge of educational aims and objectives of the ESD;
3. Work harmoniously with other Board members without trying either to dominate the Board or neglect a members share of the work;
4. Vote and act in the Board meetings impartially for the good of the ESD, its programs and students;
5. Represent the Board and the ESD to the public in such a way as to promote both interest and support;

6. Attend all regular and special Board meetings.

Board Member Compensation and Expense Reimbursement

No Board member will receive any compensation for services other than reimbursement for approved expenses actually incurred on school business. Such expenses may include the cost of attendance at meetings, conferences or visitations, when such attendance has been approved by the Board.

Reimbursement includes, but is not limited to, transportation, meals, lodging and miscellaneous expenses.

Board Member Liability Insurance

The Board will purchase liability insurance and errors and omissions insurance to protect its members individually and collectively for claims made against them as a result of their official Board actions in the course of their official duties.

END OF POLICY

Legal Reference(s):

[ORS 332.045](#)
[ORS 332.055](#)

[ORS 332.057](#)
[ORS 332.075](#)

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

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