



Crook County School District

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Delivery via email and first class mail

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Oregon Government Ethics Commission
3218 Pringle Road SE, Suite 220
Salem, Oregon 97302-1680
mail@ogec.oregon.gov

Re: Formal Grievance under Oregon Public Meetings Law (ORS 192.705 / HB 2805)

Dear Mr. Alderman,

The Crook County School District Board of Directors ("Board") is in receipt of the grievance you submitted on January 3, 2025 alleging violations of Oregon's public meetings law during the executive session held on December 9, 2024. This serves as the Board's required response under ORS 192.705.

As to your first allegation, the Board admits that its failure to provide advance written notice to the subject of the complaint that was discussed in executive session at the December 9th violated ORS 192.610 to 192.705. The violation reflects the Board's good faith but erroneous interpretation of how OAR 199-040-0300 applies to the first part of Step 4 of District policy KL-AR. That part of Step 4 provides: "[A]t its next regularly scheduled meeting, the Board shall review the record of the complaint from prior steps to determine whether it warrants further consideration, and if so, how it will proceed." Since this directive is focused on process rather than on substantive consideration of the merits of a complaint, the Board did not believe the advance notice requirement of OAR 199-040-0300 was triggered, or would be triggered unless the Board decided that a complaint warranted further consideration. After consulting with legal counsel, however, we believe that your interpretation – that this OAR does not make exceptions to the notice requirement based on our policy language – is the correct interpretation.

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In addition, members of the Board engaged in commentary which could be considered a discussion of the underlying merits of the complaint, exceeding the scope of the purpose of the executive session.

As to your second allegation, after consulting with the Oregon Government Ethics Commission, the Board acknowledges that it failed to declare in public session which provisions of ORS 192.660(2) authorized the reconvening of the executive session later in the Board meeting. Further, the Board acknowledges that parts of the discussion that occurred in the reconvened executive session exceeded the scope of discussion allowed under ORS 192.660(2)(b). And, as already acknowledged above, the employees who were the subject of the complaint being discussed in executive session were not provided advance written notice. Again, this was a good faith but erroneous interpretation of how OAR 199-040-0300 applies to all parts of Step 4 of District policy KL-AR.

The Board has already taken substantial steps to cure the violation, including that at the end of the meeting on December 9th, the Board decided to “re-do” its meeting to consider the complaints against the subject employees at a later date – which it did in open session on December 16, 2024 after the subject employees were provided advance written notice and consented to the discussion occurring in open session. This “re-do” served to rescind any decision made at the meeting on December 9, 2024 and effectively informed the public that the original meeting on December 9, 2024 was not in compliance with the law.

In addition, the Board is committed to modifying its practices to ensure that future violations of ORS 192.610 to 192.705 do not occur. Finally, Board leadership is working with District administration to schedule customized training in public meetings from the Oregon Government Ethics Commission, who is copied on this communication.

We appreciate your efforts to ensure our Board complies with Oregon’s public meetings law, and hope that this concludes the matter.

Sincerely,



Jennifer Knight, Board Chair
Crook County School District