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To: House Committee on Judiciary  
From: Richard Donovan, Legislative Services Specialist  
Re: House Bill 2129  
Date: January 23, 2023

Chair Kropf, Vice-Chairs Andersen and Wallan, members of the committee:

On behalf of the OSBA membership, including 197 school districts and 19 Education Service Districts, thank you for the opportunity to submit testimony on House Bill 2129.

Across Oregon, school board members shoulder the responsibility of oversight of the local public education system. To become a sitting school board member, a person must be appointed or elected. There is no salary. The position requires many nights, weekends, and difficult conversations. And school board members are required to deliberate and make decisions in situations that have profound impact to individuals: employment decisions, decisions that require knowledge of student-specific or employee-specific information, etc.

Now, perhaps more than ever before, local school board members face political pressure. They also face a willingness by some members of communities to openly flaunt the law. School boards have legally entered into executive sessions to discuss discrete matters, only to have those discussion illegally recorded, and subsequently distributed on social media.

While the stated goal of the proponents of HB 2129 is to conform with judicial opinion, it is important that school boards not be left without tools to address illegal dissemination of privileged meetings. Boards need tools to combat the illegal recording of executive sessions, wherein sensitive employment or student-specific information may be discussed. The provisions of HB 2129 that would give exemption for “the public interest” could allow unchecked dissemination of executive session conversations.

As this committee considers HB 2129, please do not leave school boards without necessary tools to maintain public trust and the trust of school district employees.