



Code: **BGA**  
Adopted: 1/04/07  
Readopted: 3/09/11  
Orig. Code(s): BGA

## **Electronic Mail (Email) Communication**

Recognizing that E-mail communication between or among board members falls within state Inspection of Public Records and Public Meetings laws, the following policies shall be in effect for the district.

1. ORS 192.440(3): “If the public record is maintained in a machine readable or electronic form, the custodian shall provide copies of the public record in the form requested, if available. If the public record is not available in the form requested, it shall be made available in the form in which it is maintained.”
2. Electronic communication by board members will be archived as required by OAR Chapter 166, Division 400.
3. The district will provide hard copies of specifically identified and requested E-mail messages that are requested by the public, if requested in that form, even though the district would not ordinarily print copies.
4. All such requests shall be made and received at the district office. The district shall not be expected to deliver, mail or electronically transfer documents. A reasonable fee may be charged for copying, as appropriate.
5. The public meetings law does not prohibit communications among board members. However, the board may not take official action, nor may a quorum of the board deliberate toward a decision by E-mail, unless the district complies with the public meetings law by giving the required advance public notice (except for executive sessions) providing the opportunity for the public to attend the meeting.

For purposes of this policy, a meeting shall be considered the electronic equivalent of a face-to-face meeting where four board members constitute a quorum. Discussions among less than a quorum of the board do not constitute a meeting. Only communications that involve a decision or group deliberation toward a decision are impacted by the public meetings law. However, care must be taken where all board members are on the same communication network to avoid misunderstandings as to whether or not there is a meeting.

6. Letters, FAX and E-mail from one board member to another, or to all board members, will not constitute a meeting, even if all members receive a copy of the communication. While communication of information and opinion is permitted, the board should not treat E-mail as an opportunity to engage in the kind of collective deliberation one would expect at a public meeting.

7. The E-mail system should be maintained and used primarily for official business. Further, users should be aware that E-mail messages may not be as confidential as other written messages.

E-mail to, by, and among board members, in their capacity as board members, shall not be used for the purpose of discussing district business. E-mail among board members shall be limited to: (1) disseminating information, and (2) messages not involving deliberation, debate, or decision-making. E-mail may contain:

- a. Agenda item suggestions;
- b. Reminders regarding meeting times, dates, and places;
- c. Board meeting agendas or information concerning agenda items;
- d. One-way information from board members or superintendent to each board member (e.g., an article on student achievement or to share a report on district progress on goals);
- e. Individual responses to questions posed by community members, subject to other limitations in Board policy.

E-mails sent to other board members may have the following notice:

Important: Please do not reply or forward this e-mail if this communication constitutes a decision or deliberation toward a decision between and among a quorum of a governing body which could be considered a public meeting. E-mails on district business are governed by public records law.

8. It is permissible for board members to use E-mail to solicit support from fellow board members on matters that are a part of the board's responsibility (to have charge of the affairs of the district). E-mail should not be used to promote candidates for office or for advocating a position with regard to a pending measure election during the campaign period, or for overtly political reasons.
9. The superintendent shall develop administrative procedures necessary for the appropriate implementation of this policy, including any needed steps to ensure equal access to information as per the Americans with Disabilities Act (ADA).

END OF POLICY

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**Legal Reference(s):**

[ORS 192.410](#) to- 505

[ORS 192.610](#) to- 690

Americans with Disabilities Act (ADA)