

Senate Bill 218

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Fair Dismissal Appeals Board to determine amount of compensation that member of board may receive for performance of official duties. Changes source of payment from school districts to Department of Education.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to Fair Dismissal Appeals Board; creating new provisions; amending ORS 342.930; and de-
3 claring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 342.930 is amended to read:

6 342.930. (1) A Fair Dismissal Appeals Board is created, consisting of 20 members appointed by
7 the Governor, subject to confirmation by the Senate as provided in ORS 171.562 and 171.565. Five
8 members shall be administrators in common or union high school districts, five members shall be
9 contract teachers, five members shall be members of common or union high school district boards
10 at the time of their appointment and five members shall not be affiliated with any common or union
11 high school district. At least one member from each category shall be resident of a school district
12 with an average daily membership as defined in ORS 327.006, of less than 1,500 students; one from
13 each category shall be resident of a school district containing from 1,500 to 4,500 students; and one
14 from each category shall be resident of a school district containing over 4,500 students.

15 (2) Except as provided in subsection (3) of this section, the term of office of each member is four
16 years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a
17 member, the Governor shall appoint a successor whose term begins on July 1 next following. A
18 member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make
19 an appointment to become immediately effective for the unexpired term.

20 (3) A member whose term has expired may continue to serve for the following limited purposes:

21 (a) To conduct a hearing and prepare a written decision if the member was appointed to a panel
22 in accordance with ORS 342.905 (2) before the expiration of the member's term; or

23 (b) To reconsider a decision if the member served on the panel originally hearing an appeal and
24 a motion for reconsideration is filed prior to an appeal to the Court of Appeals.

25 (4) The continued service of a member as provided in subsection (3) of this section shall not
26 prevent a successor from taking office at the time prescribed in subsection (2) of this section.

27 (5) *[Members shall be entitled to compensation and expenses as provided in ORS 292.495]*
28 **Notwithstanding ORS 292.495 (1), if requested by the member, a member may receive com-**
29 **pen-sation** for each day or part thereof during which *[they perform]* **the member performs** duties

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 under **this section and** ORS 342.805, 342.815, 342.835, 342.850, 342.875, 342.895 to 342.910 [*and this*
 2 *section, to be paid by the district school board from which the appeal is taken. However, any member*
 3 *of the board who would be entitled to receive a per diem except for being employed in full-time public*
 4 *service may receive the payment if service on the board is performed while the member is not under*
 5 *obligation to perform contractual teaching or administrative duties.*] **and may receive expenses as**
 6 **provided in ORS 292.495 (2), to be paid by the Department of Education. The amount of the**
 7 **compensation shall be established by the board by rule, but may not be more than \$250 for**
 8 **each day or part thereof during which the member performs duties.**

9 (6) The board shall select one of its members as chairperson and another as vice chairperson,
 10 for such terms and with duties and powers necessary for the performance of the functions of such
 11 offices as the board determines.

12 (7) A majority of the members of the board constitutes a quorum for the transaction of business.

13 (8) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules
 14 necessary for the administration of this section and ORS 342.905 and 342.910.

15 **SECTION 2. The amendments to ORS 342.930 by section 1 of this 2007 Act apply to duties**
 16 **performed by members of the Fair Dismissal Appeals Board on or after the effective date**
 17 **of this 2007 Act.**

18 **SECTION 3. This 2007 Act being necessary for the immediate preservation of the public**
 19 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
 20 **July 1, 2007.**

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