

House Bill 2112

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Superintendent of Public Instruction Susan Castillo for Department of Education)

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.

Declares emergency, effective July 1, 2009.

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*] **established**, consisting of 20 members
7 appointed by the Governor, subject to confirmation by the Senate as provided in ORS 171.562 and
8 171.565.

9 **(2)(a) The board shall consist of the following:**

10 **(A)** Five members [*shall be*] **who are** administrators in common or union high school
11 districts[.];

12 **(B)** Five members [*shall be*] **who are** contract teachers[.];

13 **(C)** Five members [*shall be*] **who are** members of a common or union high school district
14 [*boards*] **board** at the time of [*their*] appointment; and

15 **(D)** Five members [*shall not be*] **who are not** affiliated with any common or union high school
16 district.

17 **(b) In addition to the requirements of paragraph (a) of this subsection**, at least one mem-
18 ber from each category **identified in paragraph (a) of this subsection** shall be resident of a school
19 district with an average daily membership, as defined in ORS 327.006, of: [*less than 1,500 students;*
20 *one from each category shall be resident of a school district containing from 1,500 to 4,500 students;*
21 *and one from each category shall be resident of a school district containing over 4,500 students.*]

22 **(A) Less than 1,500 students;**

23 **(B) 1,500 to 4,500 students; and**

24 **(C) More than 4,500 students.**

25 [(2)] **(3)** Except as provided in subsection [(3)] **(4)** of this section, the term of office of each
26 member is four years, but a member serves at the pleasure of the Governor. Before the expiration
27 of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next
28 following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor
29 shall make an appointment to become immediately effective for the unexpired term.

30 [(3)] **(4)** A member whose term has expired may continue to serve for the following limited pur-

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 poses:

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

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

6 [(4)] (5) The continued service of a member as provided in subsection [(3)] (4) of this section
 7 [shall] **may** not prevent a successor from taking office at the time prescribed in subsection [(2)] (3)
 8 of this section.

9 [(5) *Members shall be entitled to compensation and expenses as provided in ORS 292.495 for each*
 10 *day or part thereof during which they perform duties under ORS 342.805, 342.815, 342.835, 342.850,*
 11 *342.875, 342.895 to 342.910 and this section, to be paid by the district school board from which the*
 12 *appeal is taken. However, any member of the board who would be entitled to receive a per diem except*
 13 *for being employed in full-time public service may receive the payment if service on the board is per-*
 14 *formed while the member is not under obligation to perform contractual teaching or administrative*
 15 *duties.]*

16 (6)(a) **Notwithstanding ORS 292.495 (1) and only for duties performed under this section**
 17 **and ORS 342.805, 342.815, 342.835, 342.850, 342.875 and 342.895 to 342.910, a member shall re-**
 18 **ceive the following upon request:**

19 (A) **Compensation, which shall be in an amount established by the board by rule and may**
 20 **not exceed \$250 per day.**

21 (B) **Expenses, as provided in ORS 292.495 (2).**

22 (b) **Compensation and expenses paid as provided in this subsection shall be paid by the**
 23 **district school board from which the appeal is taken.**

24 [(6)] (7) The **Fair Dismissal Appeals** Board shall select one of its members as chairperson and
 25 another as vice chairperson, for such terms and with duties and powers necessary for the perform-
 26 ance of the functions of such offices as the board determines.

27 [(7)] (8) A majority of the members of the board constitutes a quorum for the transaction of
 28 business.

29 [(8)] (9) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules
 30 necessary for the administration of this section and ORS 342.905 and 342.910.

31 **SECTION 2. The amendments to ORS 342.930 by section 1 of this 2009 Act first apply to**
 32 **duties performed by members of the Fair Dismissal Appeals Board on or after the effective**
 33 **date of this 2009 Act.**

34 **SECTION 3. This 2009 Act being necessary for the immediate preservation of the public**
 35 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
 36 **July 1, 2009.**

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