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HB 2096: Fair Dismissal Appeals Board
Senate Education & Workforce Development Committee
Jan McComb
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Good afternoon Chair Hass and members of the Senate Education & Workforce Development Committee. For the record, I am Jan McComb, Legislative Director for the Oregon Education Department. I am here today to speak in favor of HB 2096. HB 2096 modifies the makeup of the Fair Dismissal Appeals Board (FDAB).

Background

The Fair Dismissal Appeals Board hears employment appeals from teachers and administrators whose employment has been terminated or whose contracts have not been renewed. The Oregon Department of Education and the Department of Justice staff the board. FDAB consists of 20 members appointed by the Governor and confirmed by the Senate. The members represent four categories of citizens: administrators, contract teachers, school district boards and non-affiliated/public.

If a school district dismisses the teacher or does not renew the contract of the teacher or administrator, the teacher or administrator may appeal the decision to FDAB. FDAB staff puts together a panel as soon as practicable to hear the appeal. FDAB is directed by statute to hold the hearing within 100 days of the receipt by the teacher or administrator¹ of the notice of dismissal or the statement of reasons in the case of contract non-extension. No later than 140 days after the filing of an appeal, FDAB must send the decision of the panel to the parties involved.

The full board meets once a year, but subcommittees of three members of the board meet year round in response to appeals made to the board. The panel of three consists of a school board representative, a teacher or administrator representative (depending on the category of the appellant), and one public/non-affiliated member. Ideally, the panel members come from a comparably sized district as the petitioner.

In both 2011 and 2012, FDAB received 12 appeals.

ISSUE

FDAB panels have been historically hard to fill for a variety of reasons:

- Multiple vacancies on the board
- Some districts are reluctant to allow teacher members to serve due to cost of substitute and time commitment
- Timing of appeals (teachers are reluctant to leave classroom at end of school year)
- Length of hearing (1-5 days)

This affects districts, teachers and administrators because it takes longer to hear an appeal than what was originally envisioned by the statute. Parties typically must waive statutory timeframes. Also panels that are drawn from fewer available members are not as likely to represent the size of the district in question.

Legislation

HB 2096 amends ORS 342.930 as follows:

- Expands board membership from 20 to 24 members
- Adds one member to each of the four categories (from 5 to 6)
- Allows one of the member the teacher and administrator categories to be retired, if the retired member was previously employed as a contract teacher or an administrator in a school district.

Enlarging board member and allowing retired school staff to serve would create a larger pool of applicants and it is presumed that retired educators would be more available to serve on panels.

Thank you for your time and I'd be happy to respond to any questions you might have.

Fiscal Impact

This legislation has a minimal impact.

Support

FDAB, OEA, COSA & OSBA support HB 2096.