

Enrolled House Bill 2096

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Education)

CHAPTER

AN ACT

Relating to the Fair Dismissal Appeals Board; creating new provisions; amending ORS 342.930; and declaring an emergency.

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

SECTION 1. ORS 342.930 is amended to read:

342.930. (1) [A] **The** Fair Dismissal Appeals Board is created, consisting of [20] **24** members appointed by the Governor, subject to confirmation by the Senate as provided in ORS 171.562 and 171.565. *[Five members shall be administrators in common or union high school districts, five members shall be contract teachers, five members shall be members of common or union high school district boards at the time of their appointment and five members shall not be affiliated with any common or union high school district. At least one member from each category shall be resident of a school district with an average daily membership as defined in ORS 327.006, of less than 1,500 students; one from each category shall be resident of a school district containing from 1,500 to 4,500 students; and one from each category shall be resident of a school district containing over 4,500 students.]*

(2)(a) The membership of the board shall be as follows:

- (A) Six members must be administrators in common or union high school districts;**
- (B) Six members must be contract teachers;**
- (C) Six members must be members of common or union high school district boards at the time of their appointment; and**
- (D) Six members may not have any affiliation with any common or union high school district.**

(b) One member from each category described in paragraph (a)(A) and (B) of this subsection may be retired prior to appointment if the member had been previously employed as an administrator or a contract teacher in this state.

(c) At least one member from each category described in paragraph (a) of this subsection must be resident of a school district so that each type of school district described below is represented:

- (A) A school district with an average daily membership, as defined in ORS 327.006, of less than 1,500 students;**
- (B) A school district with an average daily membership, as defined in ORS 327.006, of 1,500 to 4,500 students; and**
- (C) A school district with an average daily membership, as defined in ORS 327.006, of greater than 4,500 students.**

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

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

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

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

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

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

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

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

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

SECTION 2. Notwithstanding the term of office specified in ORS 342.930, of the four members added to the Fair Dismissal Appeals Board by the amendments to ORS 342.930 by section 1 of this 2013 Act:

(1) Two shall serve for a term ending July 1, 2015.

(2) Two shall serve for a term ending July 1, 2017.

SECTION 3. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect July 1, 2013.

Passed by House February 25, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate March 20, 2013

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State