

# 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)

## 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**.

Increases number of members of Fair Dismissal Appeals Board. Allows certain members of board to be retired at time of appointment.

Declares emergency, effective July 1, 2013.

## A BILL FOR AN ACT

1  
2 Relating to the Fair Dismissal Appeals Board; creating new provisions; amending ORS 342.930; and  
3 declaring 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] **The** Fair Dismissal Appeals Board is created, consisting of [20] **24** members ap-  
7 pointed by the Governor, subject to confirmation by the Senate as provided in ORS 171.562 and  
8 171.565. [*Five members shall be administrators in common or union high school districts, five members*  
9 *shall be contract teachers, five members shall be members of common or union high school district*  
10 *boards at the time of their appointment and five members shall not be affiliated with any common or*  
11 *union 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)(a) The membership of the board shall be as follows:**

16 **(A) Six members must be administrators in common or union high school districts;**

17 **(B) Six members must be contract teachers;**

18 **(C) Six members must be members of common or union high school district boards at**  
19 **the time of their appointment; and**

20 **(D) Six members may not have any affiliation with any common or union high school**  
21 **district.**

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

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

28 **(A) A school district with an average daily membership, as defined in ORS 327.006, of less**  
29 **than 1,500 students;**

30 **(B) A school district with an average daily membership, as defined in ORS 327.006, of**

**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 **1,500 to 4,500 students; and**

2 **(C) A school district with an average daily membership, as defined in ORS 327.006, of**  
3 **greater than 4,500 students.**

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

9 [(3)] (4) A member whose term has expired may continue to serve for the following limited pur-  
10 poses:

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

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

15 [(4)] (5) The continued service of a member as provided in subsection [(3)] (4) of this section  
16 shall not prevent a successor from taking office at the time prescribed in subsection [(2)] (3) of this  
17 section.

18 [(5)] (6) Members shall be entitled to compensation and expenses as provided in ORS 292.495 for  
19 each day or part thereof during which they perform duties under ORS 342.805, 342.815, 342.835,  
20 342.850, 342.875, 342.895 to 342.910 and this section, to be paid by the district school board from  
21 which the appeal is taken. However, any member of the board who would be entitled to receive a  
22 per diem except for being employed in full-time public service may receive the payment if service  
23 on the board is performed while the member is not under obligation to perform contractual teaching  
24 or administrative duties.

25 [(6)] (7) The board shall select one of its members as chairperson and another as vice chair-  
26 person, for such terms and with duties and powers necessary for the performance of the functions  
27 of such offices as the board determines.

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

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

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

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

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

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

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