

DRAFT

SUMMARY

Authorizes district school board to terminate superintendent without cause only if certain conditions are met.

Prohibits district school board from taking specified actions against superintendent when superintendent is acting in compliance with state or federal law.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to school district oversight; amending ORS 332.505; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 332.505 is amended to read:

6 332.505. (1) As used in this section:

7 (a) “Instructional assistant” has the meaning given that term in ORS
8 342.120.

9 (b) “Intern teacher” means a regularly enrolled candidate of an approved
10 educator preparation provider, as defined in ORS 342.120, who teaches under
11 the supervision of the staff of the provider and of the employing district in
12 order to acquire practical experience in teaching and for which the candidate
13 receives both academic credit from the provider and financial compensation
14 from the school district or education service district.

15 (2) A district school board may:

16 (a) Employ a superintendent of schools and necessary assistant super-
17 intendants for the district and fix the terms and conditions of employment
18 and the compensation. The district school board shall not contract with a

1 superintendent for more than a period of three years at a time. The contract
2 shall automatically expire at the end of its term. [*However, the district school*
3 *board may elect*] **Nothing in this paragraph prevents a district school**
4 **board from:**

5 (A) **Electing** to issue a subsequent contract for an additional three years
6 at any time.

7 (B) **Including in the contract provisions that provide for the termi-**
8 **nation of employment of the superintendent prior to the expiration of**
9 **the contract. If the superintendent and the district school board mu-**
10 **tually agree to include a termination-without-cause provision in the**
11 **contract, the district school board may terminate the superintendent's**
12 **employment, without cause, at any time during the contract period**
13 **only if the district school board provides the superintendent with at**
14 **least 12 months' notice of the termination. Nothing in this subpara-**
15 **graph authorizes the district school board to make a wrongful termi-**
16 **nation or a termination for any reason described in subsection (3)(a)**
17 **of this section.**

18 (b) Employ personnel, including teachers and administrators, necessary
19 to carry out the duties and powers of the board and fix the duties, terms and
20 conditions of employment and the compensation.

21 (c) Compensate district employees in any form which may include, but
22 shall not be limited to, insurance, tuition reimbursement and salaries.

23 (d) Employ instructional assistants and intern teachers subject to the
24 rules of the State Board of Education.

25 **(3)(a) A district school board may not:**

26 **(A) Direct a superintendent to take any action that conflicts with**
27 **a state or federal law that applies to school districts or education**
28 **service districts;**

29 **(B) Take an adverse employment action against a superintendent**
30 **for complying with a state or federal law that applies to school dis-**
31 **tricts or education service districts; or**

1 **(C) Employ a superintendent pursuant to a contract that purports**
2 **to waive, or conflicts with, any provision or requirement of subpara-**
3 **graph (A) or (B) of this paragraph.**

4 **(b) As used in this subsection:**

5 **(A) “State or federal law” includes any executive order, order of the**
6 **Superintendent of Public Instruction, declaration, directive or other**
7 **state or federal authorization, policy, statement, guidance, rule or**
8 **regulation.**

9 **(B) “Superintendent” includes an interim superintendent.**

10 [(3)] **(4)** The district school board shall maintain written personnel poli-
11 cies and make the policies available for inspection by any school employee
12 or member of the public.

13 [(4)] **(5)** The superintendent of the school district shall cause each em-
14 ployee to be specifically informed of the existence and availability of the
15 personnel policies.

16 **SECTION 2.** **This 2022 Act being necessary for the immediate pres-**
17 **ervation of the public peace, health and safety, an emergency is de-**
18 **clared to exist, and this 2022 Act takes effect on its passage.**

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