

House Bill 2679

Sponsored by Representative OWENS, Senator FINDLEY, Representative DIEHL; Representatives CATE, HIEB, LEVY B, MORGAN, SCHARF (at the request of Oregon School Boards Association) (Pre-session filed.)

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**.

Allows district school board to enter into agreement with superintendent for payment in lieu of 12 months' notice required when superintendent's employment is terminated without cause.

Prohibits district school boards from taking certain actions involving superintendents of education service districts in relation to compliance with local, state or federal law.

Declares emergency, effective July 1, 2023.

A BILL FOR AN ACT

Relating to school superintendent employment; amending ORS 332.505; and declaring an emergency.

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

SECTION 1. ORS 332.505, as amended by section 1, chapter 36, Oregon Laws 2022, is amended to read:

332.505. *[(1) As used in this section:]*

[(a) "Instructional assistant" has the meaning given that term in ORS 342.120.]

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

[(2)] (1) A district school board may:

(a) Employ a superintendent of schools and necessary assistant superintendents for the district and fix the terms and conditions of employment and the compensation. The district school board shall not contract with a superintendent for more than a period of three years at a time. The contract shall automatically expire at the end of its term. Nothing in this paragraph prevents a district school board from:

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

(B) Including in the contract provisions that provide for the termination of employment of the superintendent prior to the expiration of the contract. If the superintendent and the district school board mutually agree to include a termination-without-cause provision in the contract, the district school board may terminate the superintendent's employment, without cause, at any time during the contract period only if the district school board provides the superintendent with at least 12 months' notice of the termination. Nothing in this subparagraph:

(i) Authorizes the district school board to make a wrongful termination or a termination for any reason described in subsection *[(3)(a)]* **(2)(a)** of this section.; **or**

(ii) Prohibits the district school board from entering into an agreement with the superintendent for payment in lieu of the 12 months' notice. An agreement entered into as de-

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 **scribed in this sub-subparagraph is not a violation of ORS 342.549 (3).**

2 (b) Employ personnel, including teachers and administrators, necessary to carry out the duties
3 and powers of the board and fix the duties, terms and conditions of employment and the compen-
4 sation.

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

7 (d) Employ instructional assistants and intern teachers subject to the rules of the State Board
8 of Education. **As used in this paragraph:**

9 **(A) "Instructional assistant" has the meaning given that term in ORS 342.120.**

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

15 [(3)(a)] **(2)(a)** A district school board may not:

16 (A) Direct a superintendent to take any action that conflicts with a local, state or federal law
17 that applies to school districts or education service districts;

18 (B) Take an adverse employment action against a superintendent for complying with a local,
19 state or federal law that applies to school districts or education service districts; or

20 (C) Employ a superintendent pursuant to a contract that purports to waive, or conflicts with,
21 any provision or requirement of subparagraph (A) or (B) of this paragraph.

22 (b) As used in this subsection:

23 (A) "Local, state or federal law" means a local, state or federal directive having the force of
24 law, including an ordinance, a city or county resolution, a statute, a court decision, an administra-
25 tive rule or regulation, an order issued in compliance with ORS chapter 183, an executive order or
26 any other directive, declaration or statement that is issued in compliance with the law as having
27 the force of law and that is issued by a local government as defined in ORS 174.116, the state gov-
28 ernment as defined in ORS 174.111 or the federal government.

29 (B) "Superintendent" includes an interim superintendent **and a superintendent of an educa-**
30 **tion service district.**

31 [(4)] **(3)** The district school board shall maintain written personnel policies and make the policies
32 available for inspection by any school employee or member of the public.

33 [(5)] **(4)** The superintendent of the school district shall cause each employee to be specifically
34 informed of the existence and availability of the personnel policies.

35 **SECTION 2. This 2023 Act being necessary for the immediate preservation of the public**
36 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
37 **July 1, 2023.**

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