

Good morning, Senator Dembrow,

I would be happy to discuss the questions below. I also have prepared this email, which you can enter as part of the record.

1. *Based on the information legislative counsel shared at the Thursday 2/17 House Education Committee, is it correct that SB 1521 will not override current Superintendent contracts and the provisions of the bill related to “without cause” language in contracts will only apply to contracts entered into or negotiated after the effective date of the bill?*

Correct. My interpretation, which I have confirmed with two other attorneys in Legislative Counsel, is that the new provisions in ORS 332.505 (2)(a)(B), relating to termination-without-cause provisions and requirements for 12 months’ notice of the termination, apply only to contracts entered into or renewed on or after the effective date of the bill.

2. *The intent of Section 1, Subsection 3 of the bill with the -7 amendment is to prohibit a school board from:*

1. *Ordering a superintendent to ignore or violate any federal, state or local requirement that has the force of law;*

Correct.

2. *Taking any adverse employment action against a superintendent (such as termination) for following any federal, state, or local requirement that has the force of law, and;*

Correct.

3. *Creating a prohibition on superintendent contracts that violate or are in conflict with these two requirements.*

Correct.

*If this description of the bill language is correct, is it also accurate to say Section 1, Subsection 3 with the -7 amendment does not change any current legal obligation for a school district to meet any requirement from the federal, state or local government(s) that has the force of law?*

That is correct. Any current obligation to comply with state, federal or local law would not change. The provisions of SB 1521 address how the district school board and the superintendent interact with those obligations and the bill provides that a school district cannot require a superintendent to not comply with the law. School districts already juggle compliance with federal and state laws and with local laws that can vary by county or city within the school district’s boundaries. How the school district responds to any conflicts in law should not change under SB 1521. What will change under SB 1521 is that the district school board cannot

take an action against the superintendent that compiles the superintendent to disobey the law.

3. *What happens if a local government (such as a city or county) enacts an ordinance that is in violation of a state or federal law or directive? Does the -7 amendment create ambiguity over which law/rule the school district needs to follow?*

The -7 amendments apply to laws that are issued in compliance with the law. If an ordinance is in violation of state or federal law, that ordinance would not have been issued in compliance with the law. As a result, the district school board would not be in violation of SB 1521 if the board requires the superintendent to not comply with a conflicting ordinance because that ordinance is not in compliance with the law. Conflicts between an ordinance and state or federal law already are possible landmines that school districts currently must navigate -- SB 1521 just addresses how a district school board gives direction to a superintendent in those situations.

I hope this helps. I would be happy to be assist the committee during its meeting tomorrow.

Sincerely,

Hannah Lai