

A-Engrossed
Senate Bill 1521

Ordered by the House February 23
Including House Amendments dated February 23

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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.

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 **local**, 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 an emergency.

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

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

5 332.505. (1) As used in this section:

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

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

12 (2) A district school board may:

13 (a) Employ a superintendent of schools and necessary assistant superintendents for the district
14 and fix the terms and conditions of employment and the compensation. The district school board
15 shall not contract with a superintendent for more than a period of three years at a time. The con-
16 tract shall automatically expire at the end of its term. [*However, the district school board may*
17 *elect*] **Nothing in this paragraph prevents a district school board from:**

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

19 **(B) Including in the contract provisions that provide for the termination of employment**
20 **of the superintendent prior to the expiration of the contract. If the superintendent and the**
21 **district school board mutually agree to include a termination-without-cause provision in the**
22 **contract, the district school board may terminate the superintendent's employment, without**
23 **cause, at any time during the contract period only if the district school board provides the**
24 **superintendent with at least 12 months' notice of the termination. Nothing in this subpara-**
25 **graph authorizes the district school board to make a wrongful termination or a termination**

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 **for any reason described in subsection (3)(a) of this section.**

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.

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

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

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

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

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

17 **(A) "Local, state or federal law" means a local, state or federal directive having the force**
18 **of law, including an ordinance, a city or county resolution, a statute, a court decision, an**
19 **administrative rule or regulation, an order issued in compliance with ORS chapter 183, an**
20 **executive order or any other directive, declaration or statement that is issued in compliance**
21 **with the law as having the force of law and that is issued by a local government as defined**
22 **in ORS 174.116, the state government as defined in ORS 174.111 or the federal government.**

23 **(B) "Superintendent" includes an interim superintendent.**

24 [(3)] (4) The district school board shall maintain written personnel policies and make the policies
25 available for inspection by any school employee or member of the public.

26 [(4)] (5) The superintendent of the school district shall cause each employee to be specifically
27 informed of the existence and availability of the personnel policies.

28 **SECTION 2. This 2022 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
30 **on its passage.**

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