

CHAPTER 36

AN ACT

SB 1521

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

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

SECTION 1. ORS 332.505 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) 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. *[However, the district school board may elect]* **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 authorizes the district school board to make a wrongful termination or a termination for any reason described in subsection (3)(a) of this section.**

(b) Employ personnel, including teachers and administrators, necessary to carry out the duties and

powers of the board and fix the duties, terms and conditions of employment and the compensation.

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

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

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

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

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

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

(b) As used in this subsection:

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

(B) "Superintendent" includes an interim superintendent.

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

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

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

Approved by the Governor March 17, 2022

Filed in the office of Secretary of State March 30, 2022

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