Chapter 342

1969 REPLACEMENT PART

Teachers and Other School Personnel

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342.050 [Amended by 1955 c.518 §2; repealed by 1961 c.439 §13]

342.055 [Repealed by 1963 c.544 §52]

342.060 [Amended by 1957 c.638 §1; repealed by 1965 c.100 §456]

342.065 [Amended by 1955 c.101 §1; renumbered 342.602]

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342.080 [Repealed by 1961 c.439 §13]

342.085 [Amended by 1955 c.214 §1; repealed by 1965 c.100 §456]

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342.115 [Repealed by 1961 c.439 §13]

TEACHER CERTIFICATION

342.120 Definitions for ORS 342.120 to 342.190 and 342.505 to 342.655. As used in ORS 342.120 to 342.175, 342.180 to 342.190, 342.505 to 342.596 and 342.600 to 342.655, unless the context requires otherwise:

(1) "Administrator" includes all superintendents, assistant superintendents and principals in the public schools.

(2) "Instruction" includes direction of learning in class, in small groups, in individual situations, in the library and in guidance and counseling.

(3) "Intern teacher" means a regularly enrolled student of a standard teacher education institution who is noncertificated and who teaches under the supervision of the staff of the institution and of the employing school district in order to acquire practical experience in teaching and for which the student receives both academic credit from the institution and financial compensation from the school district.

(4) "Standard teacher education institution" is one which meets the standards of the state board for preparation of teachers for grades 1 through 12.

(5) "Standard teacher education program" is one offered by a standard teacher education institution and is so recognized by the state board.

(6) "State board" means the State Board of Education.

(7) "Teacher" includes all certificated employes in the public schools who have direct responsibility for instruction and who are compensated for their services from public funds.

(8) "Teacher aide" means a noncertificated person employed by a school district whose assignment consists of and is limited to assisting a certificated teacher.

(9) "Teaching certificate" means a certificate issued under ORS 342.125.

[1961 c.439 §1; 1965 c.100 §348; 1965 c.550 §1]

342.125 Types of certificates. (1) Teaching certificates shall be issued and renewed by the Superintendent of Public Instruction by the authority of the State of Oregon, subject to ORS 342.120 to 342.173 and the rules of the state board.

(2) Teaching certificates shall be of the following types:

(a) Basic teaching certificate.

(b) Standard teaching certificate.

(c) Administrative certificate.

(d) Restricted teaching certificate.

(e) Such other certificates as the state board, by rule, may establish under subsection (4) of ORS 342.135.

[1961 c.439 §2; 1965 c.100 §349; 1965 c.550 §2; part renumbered 342.127]

342.127 Fees. (1) The Superintendent of Public Instruction shall collect:

(a) A fee of $5 for evaluation of the initial application for each teaching certificate for which application is made. If the applicant is eligible for the teaching certificate for which he applies, the Superintendent of Public Instruction shall issue the certificate without additional charge.

(b) A fee of $5 for the renewal of each teaching certificate and $1 for each duplicate teaching certificate.

(2) All fees collected under subsection (1) of this section shall be paid into the General Fund of the State Treasury.

(3) On and after July 1, 1965, in addition to the fee required by subsection (1) of this section for the issuance or renewal of a teaching certificate, the Superintendent of Public Instruction shall collect a fee of $3 for each such issuance or renewal. However, the superintendent shall not collect more than $3 at one time from any teacher or administrator regardless of the number of certificates held by the teacher or administrator.

(4) Notwithstanding subsection (3) of this section, if, at the time of application for a teaching certificate or for renewal thereof, the district employing the applicant indicates that he is teaching less than full time, the fee required under subsection (3) of this section shall be $1.

[Subsections (1) and (2) formerly part of 342.125; subsection (3) enacted as 1965 c.535 §14; 1969 c.416 §1]

342.130 Existing certificates not invalidated. (1) Nothing in ORS 342.120 to 342.173 is intended to invalidate the life of any certificate or diploma in effect on June 30, 1965, nor to invalidate the rights granted prior to June 30, 1965, by the law and the rules of the board under which the certificate or diploma was issued.

(2) Nothing in chapter 550, Oregon Laws 1965, is intended to invalidate the life of any teaching certificate in effect on August 13, 1965, or to alter the rights and privileges granted prior to August 13, 1965, by the law under which the teaching certificate was issued.

[1961 c.439 §3; 1965 c.100 §350; subsection (2) enacted as 1965 c.550 §4]

342.135 Basic, standard and other teaching certificates. (1) A teaching certificate provided for in this section shall qualify its holder to accept any instructional assignment from kindergarten through grade 14 for which he has completed the professional requirements established by the rules of the state board.

(2) A basic teaching certificate shall be issued on application to an otherwise qualified person who has completed four years of a standard teacher education program, has the baccalaureate degree from a standard teacher education institution and meets such other requirements as the state board may consider necessary to maintain and improve quality of instruction in the public schools of the state.

(a) Holders of the basic teaching certificate who meet the requirements of the state board to teach in the regular classroom program of the elementary school, kindergarten through grade eight, may renew the basic certificate to qualify them to continue in such teaching by verification of successful teaching experience in keeping with state board rules and without requirement of additional educational preparation.

(b) Secondary teachers may teach in the junior or senior high school in those subject fields taught in the public schools in which they have a college major or in which they have met the requirements of the state board.

(3) (a) A standard teaching certificate shall be issued on application to an otherwise qualified person who has completed a five-year standard teacher education program, has taught on a basic teaching certificate for a minimum period of time to be determined by the state board, and is recommended for certification by the standard teacher education institution or the school district, whichever offered the program, after the fifth year of teacher preparation has been completed.

(b) The fifth year of preparation shall be a planned education program consisting of courses taken in a standard teacher education institution or in an in-service training program offered by a school district for which credit is given by a standard teacher education institution or some combination of both, in accordance with rules of the state board.

(4) The State Board of Education may establish such other types of teaching certificates as it considers necessary for operation of the public schools of the state and may prescribe the qualifications for such certificates. However, no certificate established under the authority of this subsection shall be required for a regular classroom teaching position in the public schools.

[1961 c.439 §4; 1965 c.100 §354; 1965 c.550 §3]

342.140 Administrative certificate. (1) An administrative certificate shall qualify its holder to serve in any administrative assignment for which he has completed the professional requirements established by the rules of the state board.

(2) An administrative certificate shall be issued on application to an otherwise

qualified person who meets such requirements as to professional preparation and experience as the state board may establish.

(3) An administrative certificate good for only one year may be issued on application to an otherwise qualified person who has not complied with the minimum requirements established by the state board for an administrative certificate. Such temporary certificates shall be issued to persons who hold a teaching certificate and meet such other requirements as may be established by the state board.
[1961 c.439 §5; 1965 c.100 §355]

342.143 Qualifications for issuance of teacher's certificate. (1) No teaching certificate shall be issued to any person until he has attained the age of 18 years and has furnished satisfactory evidence that he has proper educational training and that he is either an American citizen or has filed his declaration of intention to become an American citizen unless he is a foreign teacher on an exchange basis.

(2) The Superintendent of Public Instruction may also require an applicant for a teaching certificate to furnish satisfactory evidence of good moral character, mental and physical health, and such other evidence as he may deem necessary to establish the applicant's fitness to serve as a teacher.

(3) Without limiting the powers of the Superintendent of Public Instruction to refuse to issue a teaching certificate under subsection (2) of this section, no teaching certificate shall be issued to any person who after August 20, 1957, has been convicted of:

(a) A violation of any law of any state or any municipal ordinance involving any sexual offense defined or referred to in ORS 163.210, 163.220, 163.270, 167.005, 167.015, 167 020, 167.025, 167.030, 167.035, 167.040, 167.045, 167.105, 167.115, 167.120, 167.125, 167.130, 167.135, 167.145, 167.151, 167.170, 167.210, 167.230, 167.240; or

(b) A violation of any law of any state or of the United States or any municipal ordinance involving the illegal use, sale or possession of narcotics.
[1965 c.100 §352]

342.145 [1961 c.439 §6; 1965 c.100 §356; repealed by 1965 c.550 §6]

342.150 [1961 c.439 §7; 1963 c.173 §1; 1965 c.100 §357; repealed by 1965 c.550 §6]

342.155 Teacher aides and intern teachers. A school district may employ teacher aides and intern teachers subject to the rules of the state board.
[1961 c.439 §8; 1965 c.100 §358]

342.160 [1961 c.439 §9; repealed by 1965 c.100 §456 and 1965 c.550 §6]

342.165 Rules of state board. (1) The state board shall make rules necessary for the issuance, continuation, renewal, lapse or reinstatement of certificates issued under the provisions of ORS 342.120 to 342.165.

(2) In establishing such rules, the state board shall consider:

(a) Its responsibilities to represent the public interest in the development of educational policies;

(b) The capabilities of Oregon teacher education institutions to prepare teachers;

(c) The norms required for the teaching assignments;

(d) The improvement of teaching;

(e) The adequacy of the teacher supply;

(f) The value of experience or nonacademic learning;

(g) The responsibilities imposed upon school districts by geographic and demographic conditions;

(h) The recommendations of the Teacher Standards and Practices Commission; and

(i) Such other matters as tend to improve education.
[1961 c.439 §10; 1965 c.100 §359; 1965 c.535 §10]

342.170 [1961 c.439 §11; 1965 c.100 §360; repealed by 1965 c.535 §17]

342.173 Effect of employing noncertificated person as teacher. Any school district which employs as a teacher any noncertificated person shall forfeit in state funds due the district the amount of the salary paid to the noncertificated person for the year during which the noncertificated person is employed as a teacher.
[1965 c.100 §353]

342.175 Grounds for revocation or suspension of certificate; reinstatement. (1) Action to suspend or revoke any teaching certificate may be initiated by the Superintendent of Public Instruction, or may be initiated by him upon the basis of a written complaint made to him by or through any administrator directly responsible to any district school board, charging the teacher or administrator with immorality, intemperance, crime against the law of this state not

described in subsection (2) of this section, gross neglect of duty or any gross unfitness.

(2) The Superintendent of Public Instruction shall revoke any teaching certificate when the holder after August 20, 1957, has been convicted of:

(a) A violation of any law of this state or any municipal ordinance of this state involving any sexual offense defined or referred to in ORS 163.210, 163.220, 163.270, 167.005, 167.015, 167.020, 167.025, 167.030, 167.035, 167.040, 167.045, 167.105, 167.115, 167.120, 167.125, 167.130, 167.135, 167.145, 167.151, 167.170, 167.210, 167.230, 167.240; or

(b) A violation of any law of this state or of the United States or any municipal ordinance of this state involving the illegal use, sale or possession of narcotics.

(3) The Superintendent of Public Instruction may revoke any teaching certificate upon evidence that the holder knowingly made any false statement in the application for the certificate.

(4) The teaching certificate of any teacher failing to obtain American citizenship within seven years from the date of filing his declaration of intention shall be revoked and the teacher is ineligible for further certification until American citizenship is obtained.

(5) Any person whose teaching certificate has been suspended or revoked under subsection (1) or (3) of this section may apply to the Superintendent of Public Instruction for reinstatement of his certificate after one year from the date of the suspension or revocation. A teaching certificate revoked under subsection (2) of this section is not subject to reinstatement.

[Formerly 342.070; amended by 1965 c.100 §361]

342.177 Hearing and decision on charges. (1) Immediately upon the initiation of action under subsection (1) of ORS 342.175, the Superintendent of Public Instruction shall make a preliminary investigation of the facts on which the charge is based. If, in the opinion of the superintendent, the investigation indicates that there are probable grounds for suspension or revocation of the teaching certificate, he shall notify in writing the teacher or administrator against whom charges have been made, enclose a statement of the charges and set a date for a hearing.

(2) Prior to the hearing the Superintendent of Public Instruction may cause an investigation of the facts involved in the charge to be made by three members of the Teacher Standards and Practices Commission, established under ORS 342.350, to be designated by the commission. The investigation must be made if requested in writing by the teacher or administrator against whom the charge is made. The designated members of the commission shall be furnished appropriate professional and other special assistance reasonably required to conduct its investigation, shall be empowered to subpena and swear witnesses and shall report in writing its findings and recommendations to the Superintendent of Public Instruction and to the teacher or administrator against whom the charge is made.

(3) The hearing shall be private unless the teacher or administrator against whom the charge is made requests a public hearing. Minors shall not be permitted to attend any hearing except as witnesses duly subpenaed to testify with respect to the charges made. The teacher or administrator against whom the charge is made shall have the right to be represented by counsel and to present evidence and argument. The evidence must be confined to the charges.

(4) Within 10 days after the hearing, the Superintendent of Public Instruction shall render his decision, taking into consideration the findings and recommendations of the designated members of the commission authorized by subsection (2) of this section, if any, and the evidence presented at the hearing. If the decision of the superintendent is that the charge of immorality, intemperance, crime against the law of this state, gross neglect of duty or any gross unfitness has been proven, the superintendent shall suspend or revoke the teaching certificate of the teacher or administrator against whom the charge is made. The superintendent shall notify in writing the teacher or administrator of the decision.

[1965 c.100 §363; 1965 c.535 §11]

342.180 Appeal to state board. (1) Any person whose certificate has been suspended or revoked or who has been refused reinstatement, and feels aggrieved at the decision, may appeal from the decision to the state board. The appeal must be filed within 30 days after the date of notification of the decision of the Superintendent of Public Instruction.

(2) An appeal made under this section in a proceeding to suspend or revoke a teaching certificate shall operate as a stay of the suspension or revocation until the meeting of the state board next following the filing of the appeal, at which meeting the appeal shall be decided. The state board may affirm, reverse or modify the decision of the Superintendent of Public Instruction, and shall notify in writing the person initiating the complaint and the teacher or administrator against whom the charge is made of its decision.
[Formerly 342.075; amended by 1965 c.100 §364]

342.185 Appeal from state board to court. (1) Any person against whom the state board has decided on the issue of suspension, revocation or reinstatement of a teaching certificate under ORS 342.180 may appeal the decision of the state board to the circuit court for the county in which the person resides. The appeal must be filed 30 days after the date of notification of the decision of the state board.

(2) An appeal made under this section in a proceeding to suspend or revoke shall operate as a stay of the suspension or revocation until the determination of the appeal. The appeal shall be governed by the practice in suits in equity.

(3) The appeal may be carried from the circuit court to the Supreme Court.
[1961 c.677 §3; 1965 c.100 §365]

342.190 Administrative Procedure Act not applicable to proceedings for reinstatement, revocation or suspension. ORS 183.310 to 183.510 do not apply to proceedings under ORS 342.175, 342.177, 342.180 and 342.185.
[1961 c.677 §4; 1965 c.100 §366]

342.195 Teaching certificates based on experience in certain federal programs. Upon payment of the required fees, an otherwise qualified applicant for a basic teaching certificate for secondary education or a restricted teaching certificate for elementary education who is unable to meet requirements under subsection (2) of ORS 342.135 shall be granted the certificate upon showing by proof satisfactory to the state board that he has completed under an Armed Forces of the United States or Peace Corps program, or as a volunteer under section 603 of the Economic Opportunity Act of 1964 (Public Law 88-452), two years of satisfactory service which emphasized teaching in any of grades 1 through 14 in subjects regularly taught in public schools if he either:

(1) Has completed four years of a standard teacher education program and has the baccalaureate degree from a standard teacher education institution; or

(2) Has at least the baccalaureate degree from an accredited institution of higher education and has completed a teacher training program provided under the auspices of the federal program.
[1967 c.304 §2]

342.205 [Repealed by 1965 c.608 §21]

342.210 [Amended by 1955 c.281 §1; 1959 c.433 §1; repealed by 1965 c.608 §21]

342.215 [Repealed by 1957 c.591 §1]

342.216 [1957 c.590 §2; repealed by 1965 c.608 §21]

342.218 [1961 c.69 §§2, 3; repealed by 1965 c.608 §21]

342.220 [Amended by 1957 c.591 §2; repealed by 1965 c.608 §21]

342.225 [Amended by 1957 c.591 §3; repealed by 1965 c.608 §21]

342.230 [Amended by 1957 c.591 §4; repealed by 1965 c.608 §21]

342.235 [Amended by 1959 c.433 §2; repealed by 1965 c.608 §21]

342.240 [Repealed by 1965 c.608 §21]

342.245 [Repealed by 1965 c.608 §21]

342.250 [Amended by 1957 c.211 §1; repealed by 1965 c.608 §21]

342.252 [1955 c.281 §3; repealed by 1965 c.608 §21]

342.255 [Repealed by 1965 c.608 §21]

342.260 [Repealed by 1965 c.608 §21]

342.265 [Repealed by 1965 c.608 §21]

342.270 [Repealed by 1965 c.608 §21]

342.275 [Repealed by 1965 c.608 §21]

342.280 [Repealed by 1965 c.608 §21]

342.285 [Repealed by 1965 c.608 §21]

342.290 [Repealed by 1965 c.608 §21]

342.295 [Repealed by 1965 c.608 §21]

342.300 [Repealed by 1965 c.608 §21]

342.305 [Repealed by 1965 c.608 §21]

342.310 [Repealed by 1965 c.608 §21]

342.315 [Repealed by 1965 c.608 §21]

342.320 [Repealed by 1965 c.608 §21]

342.325 [Repealed by 1965 c.608 §21]

342.330 [Amended by 1953 c.638 §2; 1959 c.400 §4; repealed by 1965 c.608 §21]

TEACHER STANDARDS AND PRACTICES COMMISSION

342.340 Definitions for ORS 342.340 to 342.430. As used in subsection (3) of ORS 342.127, ORS 342.177 and 342.340 to 342.430, unless the context requires otherwise:

(1) "Administrator" means any person who holds an Oregon administrative certificate.

(2) "Board" means the State Board of Education.

(3) "Commission" means the Teacher Standards and Practices Commission.

(4) "Teacher" means any person who holds an Oregon teaching certificate.

[1965 c.535 §1]

342.350 Commission established; term; vacancy; removal. (1) There hereby is created a Teacher Standards and Practices Commission consisting of 16 members appointed by the State Board of Education.

(2) The term of office of a member is three years. Before the expiration of the term of a member, the board shall appoint his successor to assume his duties on January 1 next following. A member is eligible for reappointment but only for one additional term. In case of a vacancy for any cause, the board shall make an appointment to become immediately effective for the unexpired term.

(3) The board may remove any member for cause after a hearing.

[1965 c.535 §2]

342.360 Membership; qualifications. (1) The membership of the Teacher Standards and Practices Commission shall consist of:

(a) Fourteen members from a panel nominated by teachers and administrators as provided in ORS 342.370;

(b) One member from the faculty of an approved teacher education institution in Oregon who is selected from a panel nominated by the organization of private colleges; and

(c) One member from a panel of faculty members in state institutions of higher education nominated by the State Board of Higher Education.

(2) Members must have been actively engaged in teaching, supervising or administering in the public schools or in approved teacher education institutions in Oregon for the period of five years immediately preceding appointment. Members appointed under paragraph (a) of subsection (1) of this section must hold a valid Oregon teaching certificate other than a restricted teaching certificate.

(3) Twelve members appointed under paragraph (a) of subsection (1) of this section shall be designated as representatives in the categories described in this subsection:

(a) Four elementary teachers;

(b) Four junior or senior high school teachers;

(c) One elementary school principal;

(d) One junior or senior high school principal;

(e) One superintendent of city schools; and

(f) One county superintendent or a superintendent employed by an intermediate education district board.

[1965 c.535 §3]

342.370 Nomination of panel. Nomination of teachers and administrators appointed under paragraph (a) of subsection (1) of ORS 342.360 shall be by petition submitted to the board at least 90 days prior to January 1. Candidates must accept the nomination at least 60 days before January 1 by filing a written acceptance with the board. The petition must be signed by at least 25 percent or at least 50, whichever is the lesser, of the persons holding valid teaching certificates in the county in which the candidate is employed. A candidate shall be considered eligible for appointment for a period of three years following his nomination. However, a candidate may cause his name to be withdrawn from the panel by written notice to the board.

[1965 c.535 §5]

342.380 Organization. (1) The commission shall select one of its members as chairman, and another as vice chairman, for such terms and with such powers and duties necessary for the performance of the functions of such offices as the commission shall determine.

(2) A majority of the commission constitutes a quorum for the transaction of business.

[1965 c.535 §6]

342.390 Meetings; expenses. (1) The commission shall meet at least once every six months at a place, day and hour determined by the commission. The commission shall also meet at such other times and

places as are specified by the call of the chairman or of a majority of the members of the commission.

(2) A member of the commission shall receive no compensation for his services as a member; but, subject to any other applicable law regulating travel and other expenses for state officers, he shall receive his actual and necessary travel and other expenses incurred in the performance of his official duties.
[1965 c.535 §§7, 8]

342.400 Commission's function. (1) The commission shall conduct a continuous study of teacher standards and practices and make recommendations to the board. The areas which are subject to study and recommendation include but are not limited to:

(a) Standards for issuance, suspension and revocation of teaching certificates.

(b) Standards for competent and ethical performance of teaching and administrative duties.

(2) When requested to do so by the Superintendent of Public Instruction or by an applicant for a teaching certificate, the commission shall make recommendations to the superintendent concerning the waiver of certification requirements, and the issuance, suspension or revocation of teaching certificates.
[1965 c.535 §9]

342.410 Administrative services; reimbursements. (1) The commission shall utilize the physical facilities and administrative staff of the Department of Education for the discharge of all of the commission's duties as provided for in ORS 342.177 and 342.340 to 342.430. The commission shall pay to the department annually the cost of such administrative services which are required by ORS 342.177 and 342.340 to 342.430 and which are in excess of the usual expenditures of the department under ORS 342.165 and 342.175.

(2) Notwithstanding the provisions of subsection (1) of this section, the commission may at any time employ persons to provide such services as the commission shall require.
[1965 c.535 §12]

342.420 Member's salary; reimbursement to district. (1) Membership on the commission shall not affect a member's compensation from his employer or any other benefits to which he is entitled.

(2) A school district required to employ a substitute for a teacher or administrator who is absent from his employment while performing duties as a member of the Teacher Standards and Practices Commission shall be entitled to reimbursement for the district's actual expenses in employing the substitute. Reimbursement for the expense of employing such substitutes shall be made by the commission from the Teacher Standards and Practices Commission Account.
[1965 c.535 §13]

342.430 Teacher Standards and Practices Commission Account; appropriation. On or before the 10th day of each month, the Superintendent of Public Instruction shall pay into the State Treasury all moneys received by him under subsection (3) of ORS 342.127 during the preceding calendar month. The State Treasurer shall credit the moneys to the Teacher Standards and Practices Commission Account. The moneys in the Teacher Standards and Practices Commission Account are continuously appropriated to the commission for the purpose of paying the expenses of administering and enforcing subsection (3) of ORS 342.127, ORS 342.177 and 342.340 to 342.430.
[1965 c.535 §15; 1967 c.637 §8]

Note: The 1967 amendment to ORS 342.430 takes effect July 1, 1971

BOARD-TEACHER CONSULTATIONS ON EMPLOYMENT TERMS

342.450 Policy. The Legislative Assembly, recognizing that teaching is a profession, declares that in matters arising between district school boards and certificated school personnel, it is in the best interest of public education in this state to establish a procedure for the orderly, equitable and expeditious resolution of such matters.
[1965 c.390 §1; 1969 c.647 §1]

342.460 Consultation between board and teacher representatives; election procedures. (1) Certificated school personnel below the rank of superintendent in a school district, shall have the right to confer, consult and discuss in good faith with the district school board by which they are employed on matters of salaries and related economic policies affecting professional services. The board may be represented by a committee of its members or may designate a representative. The certificated personnel may be represented individually, by a committee of such personnel

elected by a majority of the certificated personnel below the rank of superintendent, or by an employe organization elected either by a majority of the certificated personnel below the rank of superintendent or by a majority of a category of certificated personnel as defined in subsection (4) of this section. In the event an employe organization is elected, the individuals representing the certificated employes in consultations with the district board must also be certificated employes of the district. However, nothing in this section is intended to affect the powers and duties of the district school board over matters of salaries and economic policies affecting professional services.

(2) Except as provided in this section, the district school board shall establish election procedures to ensure that certificated school personnel shall have the opportunity, not later than 30 days after the first day of the school year, to determine by one or more elections whether the certificated personnel shall be represented under ORS 342.450 to 342.470 individually, by a committee of such personnel, or by a particular employe organization.

(3) Organizations may be placed on the ballot either by certifying to the district board that an organization has a membership enrollment of at least 40 percent of the total number of certificated school employes below the rank of superintendent in the district, or by petition containing the signatures of 15 percent of the certificated employes of the district. At any election where organizations are placed on the ballot, the choice of representation by a committee of the employes shall be included.

(4) Administrators, which include those individuals the majority of whose employed time is devoted to service as a supervisor, principal, vice principal, or director in a school district, or teachers, which include all other certificated employes, may separate for the purposes of representation under ORS 342.450 to 342.470 by a majority vote of either category. Such an election may be called by submitting such a request containing the signatures of 10 percent of the certificated employes of the district.

(5) The committee or organization elected by the certificated employes of the district shall be the exclusive representative of the certificated employes or category of certificated employes for the purposes of ORS 342.450 to 342.470.

[1965 c.390 §2, 3; 1969 c.647 §2]

342.470 Procedure where persistent disagreement exists. (1) Whenever it appears to the district school board or the certificated school employes meeting with the board under ORS 342.460 that a persistent disagreement over a matter of salaries or economic policies affecting professional services exists between the board and the employes, the board or the employes may request the appointment of consultants. The consultants shall consist of one member appointed by the board, one member appointed by the employes and one member chosen by the other two members.

(2) The board and the employes shall each select their representative consultant within five days, and the third consultant shall be selected within 10 days after selection of the other consultants.

(3) Within 10 days of the time of the final appointment, the consultants shall submit in writing to the board and to the employes representatives their recommendation of a reasonable basis for the settlement of the disagreement.

[1965 c.390 §4; 1969 c.647 §3]

HIRING, DISMISSAL AND RESIGNATION OF TEACHERS

342.505 Hiring of teachers. (1) Subject to subsection (2) of this section, the district school board, at a general or special meeting called for that purpose, may hire teachers and shall record such action in the minutes. The board shall make contracts with teachers that specify the wages, number of days to be taught and time employment is to begin, as agreed upon by the parties. The board shall cause the signed contracts to be filed in the office of the district school board and shall provide each teacher with a copy of the contract. If, however, the contract is for a term longer than one year, the method by which the wages are to be arrived at during the term of the contract may be specified.

(2) No hiring or written contract of any teacher is valid unless the teacher, on or before the date employment is to begin, holds a valid teaching certificate.

[Amended by 1955 c.219 §1; 1961 c.383 §1; 1965 c.100 §367]

342.508 Contracts in districts not subject to Teacher Tenure Law but having average daily membership over 800 pupils. (1) In any school district which is not subject to

the provisions of ORS 342.805 to 342.955 but which has an average daily membership in excess of 800 pupils, a teacher or administrator who has been regularly employed by the school district for the last preceding three successive school years shall be issued by March 15 of the third year a three-year contract if the school board determines to rehire the teacher or administrator. If the school board determines to rehire the teacher or administrator at the termination of any three-year contract made pursuant to this section, the contract shall be renewed by March 15 of the year of termination for an additional three-year period.

(2) Each district school board of a district subject to this section shall give written notice, by March 15 of the year the contract with the teacher or administrator described in subsection (1) of this section terminates, to the teacher or administrator of the renewal or nonrenewal of his contract. If the contract is not renewed, the notice of such nonrenewal and the reasons therefor shall be given in the manner prescribed by ORS 342.513. If the school board fails to give notice by March 15, the contract shall be considered renewed for the following school year at a salary not less than the annual salary being received at the time of renewal. The teacher or administrator may bring an action of mandamus to compel the school board to issue such a one-year contract for the following year.

(3) When a school district subject to this section merges with one or more school districts or annexes one or more school districts or other territory and if the newly enlarged school district is not subject to the provisions of ORS 342.805 to 342.955, the contracts of teachers or administrators described in subsection (1) of this section prior to the merger or annexation shall continue to be subject to this section as if there had been no merger or annexation. All other teachers or administrators employed by the newly enlarged school district shall be entitled to count their prior continuous service not to exceed the preceding two years, as a teacher or administrator in the territory of the newly enlarged school district toward satisfying the three-year requirement under subsection (1) of this section.

(4) Nothing in this section shall prevent a district school board from contracting with a teacher or administrator described in subsection (1) of this section for a shorter period than three years if the teacher or administrator requests a contract for a shorter period.

[1957 c.446 §1; 1965 c.100 §368; 1965 c.608 §20]

342.510 [Amended by 1965 c.100 §380; renumbered 342.965]

342.513 Renewal or nonrenewal of contracts for following year. (1) Each district school board shall give written notice by March 15 of each year to all teachers and administrators in its employ who are not under tenure or who are not eligible for a three-year contract under ORS 342.508 the renewal or nonrenewal of the contract for the following school year. In case the district school board does not renew the contract, the material reason therefor shall, at the request of the teacher or administrator, be spread upon the records of the school district and the board shall furnish a statement of the reason for nonrenewal to the teacher or administrator. If any district school board fails to give such notice by March 15, the contract shall be considered renewed for the following school year at a salary not less than that being received at the time of renewal. The teacher or administrator may bring an action of mandamus to compel the district school board to issue such a contract for the following school year.

(2) This section is not effective unless teachers or administrators notify the board in writing on or before April 1 of acceptance or rejection of the position for the following school year.

[Formerly 342.635]

342.515 Employment of relatives as teachers. No contract shall be made with any teacher who is related within the third degree of consanguinity as determined under the civil law to any member of the district school board without the concurrence of all the board members, by a vote duly entered on the records of the board's proceedings.

[Amended by 1965 c.100 §381]

342.520 [Amended by 1959 c.361 §1; 1965 c.100 §382; renumbered 342.970]

342.525 [Amended by 1965 c.100 §383; renumbered 342.613]

342.530 Dismissal of teachers. (1) During the period of the contract under ORS 342.508 or 342.513, the district school board shall dismiss teachers only for:

(a) Inefficiency;

(b) Immorality;

(c) Insubordination;

(d) Neglect of duty;

(e) Physical or mental incapacity;

(f) Conviction of a felony or of a crime involving moral turpitude;

(g) Inadequate performance;

(h) Failure to comply with such reasonable requirements as the board may prescribe to show normal improvement and evidence of professional training and growth; or

(i) Any cause which constitutes grounds for the revocation of such permanent teacher's teaching certificate.

(2) Before the district school board enters an order dismissing a teacher, it shall give the teacher written notice of the charges against him and an opportunity to be heard in his own defense in person or by attorney. However, for a breach of contract of teaching, the teacher or the district shall have their ordinary legal remedies.

(3) In case the board passes an order to dismiss a teacher, the material reason therefor shall be stated in the record of the district school board.

[Amended by 1965 c.100 §370; 1967 c.324 §1; 1969 c.84 §1]

342.535 [Amended by 1965 c.100 §371; repealed by 1969 c.84 §2]

342.540 [Amended by 1965 c.100 §372; repealed by 1969 c.84 §2]

342.545 Termination of teacher's contract; release. (1) Sickness or other unavoidable circumstances which prevent the teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under ORS 342.595 shall be sufficient reason for the school board to terminate the teacher's employment without penalty or to place the teacher on leave without pay for the remainder of the regular school year. This subsection applies to teachers whose employment is based either upon contract or tenure, or both.

(2) A district school board may release a teacher from a contract by mutual agreement. No board is required to consider any resignation not in writing.

[Formerly 342.640; amended by 1969 c.106 §1]

342.550 [Repealed by 1965 c.100 §456]

342.553 Resignation in violation of contract. (1) Any teacher who has entered into a contract to teach in any public school and who resigns his position as teacher within 90 days before the time when the term contracted to be taught begins or at any time during the period for which he has contracted to teach shall have his teaching certificate suspended for the remainder of the school year by the Superintendent of Public Instruction upon notice of the resignation from the district school board to the superintendent. The superintendent shall notify the teacher of the suspension of the teaching certificate held by the teacher.

(2) Any teacher whose teaching certificate has been suspended under subsection (1) of this section may appeal to the state board within 20 days after the date of the notice of suspension. The notice of appeal must be in writing and sent to the state board not later than one day following the 20-day period. The state board shall fix the earliest possible date for a hearing on the suspension and shall notify the teacher and the district school board concerned. The decision of the state board is final.

(3) If an appeal is made to the state board, suspension of the teaching certificate shall be stayed until the state board reaches a decision.

[Formerly 342.645]

342.555 [Repealed by 1965 c.100 §456]

342.560 [Amended by 1955 c.618 §1; 1965 c.100 §384; renumbered 342.975]

342.565 [Repealed by 1965 c.100 §456]

342.570 [Repealed by 1965 c.100 §456]

342.575 [Amended by 1955 c.618 §2; 1965 c.100 §385; renumbered 342.980]

342.580 [Repealed by 1965 c.100 §456]

342.585 [Repealed by 1965 c.100 §456]

342.590 [Repealed by 1963 c.544 §52]

TERMS AND CONDITIONS OF EMPLOYMENT OF SCHOOL PERSONNEL

342.595 Sick leave for teachers; other leave. (1) As used in this section:

(a) "Sick leave" means absence from duty because of a teacher's illness or injury.

(b) "Teacher" includes any person for whom a teaching certificate is required as a basis for employment in a public school.

(2) Each school district shall allow each teacher at least 10 days' sick leave at full pay during each school year.

(3) At the option of the district school board, sick leave at full pay in excess of five consecutive school days shall be allowed only upon certificate of the teacher's attending physician or practitioner that illness or injury prevents the teacher from teaching.

(4) Sick leave not taken shall accumulate. Unless the district school board authorizes a greater number, no teacher is entitled to more than 100 days of accumulated sick leave at full pay. A district school board is required to permit a teacher to take not to exceed 10 days of sick leave at full pay accumulated in another Oregon district. However, no school district shall grant such leave to a teacher who was not employed as a teacher during the preceding school year.

(5) Nothing in this section is intended to prevent a school district from authorizing leave without pay for any reason.

[Amended by 1953 c.392 §2; 1961 c.357 §1; 1963 c.211 §1; 1965 c.100 §375]

342.596 Sick leave for other school employes; other leave. (1) As used in this section:

(a) "School employe" includes all regular employes of a public school district except employes covered by ORS 342.595.

(b) "Sick leave" means absence from duty because of a school employe's illness or injury.

(2) Each school district shall allow each school employe at least 10 days' sick leave at full pay for each year.

(3) At the option of the district school board, sick leave in excess of five consecutive work days shall be allowed only upon certificate of the school employe's attending physician or practitioner that the illness or injury prevents the school employe from working.

(4) Sick leave not taken shall accumulate. Unless the district school board authorizes a greater number, no school employe is entitled to more than 100 days of accumulated sick leave at full pay. A district school board is not required to permit a school employe to take sick leave accumulated in another district.

(5) This section does not apply to employes who are covered by ORS 242.310 to 242.640.

(6) Nothing in this section is intended to prevent a school district from authorizing leave without pay for any reason.

[1957 c.457 §1; 1963 c.122 §1; 1965 c.100 §376; 1965 c.183 §1]

342.598 Insurance, medical and hospital service contracts covering school employes. (1) Any district school board may enter into contracts of insurance or medical and hospital service contracts covering their employes for remedial care and hospital benefits. Failure to procure a program of hospital-medical insurance shall not be construed as negligence or lack of diligence on the part of the district school board or members thereof.

(2) As used in this section "remedial care" includes services rendered by a person licensed to practice one or more of the healing arts within the scope of his license or any other remedial care recognized under the laws of the state.

(3) The school district may agree to pay none, part or all of the premiums on policies of insurance or service contracts entered into pursuant to this section.

(4) No premium or other periodic charge on any insurance, medical or hospital service contract shall be paid unless the insurer or hospital association issuing such policy or contract is by law authorized to transact business as an insurance company or hospital association in this state.

(5) The board may negotiate more than one contract with one or more insurance companies or hospital associations if necessary to obtain optimum coverage at minimum cost.

[1965 c.254 §1]

342.600 [Amended by 1955 c.101 §2; 1961 c.439 §12; 1963 c.544 §50a; 1965 c.100 §378; 1965 c.216 §1; repealed by 1967 c.67 §13 (342.601 enacted in lieu of 342.600)]

342.601 Registration of teaching certificates and contracts. (1) As used in this section "administrative office for the county" means the administrative office of the county school district, of the intermediate education district, or of the administrative school district which includes the entire county.

(2) In a common or union high school district with less than 1,000 children, according to the latest school census:

(a) All teachers and administrators shall register their teaching certificates and contracts in the administrative office for the county in which the administrative office of the employing district is located. Registration shall be made not later than October 15 each year or, if the contract is not executed until after the opening date of school, the teaching certificate and contract shall be registered within six weeks of the date of the contract.

(b) Any teacher or administrator who fails to comply with paragraph (a) of this

subsection shall forfeit to the employing district the full amount of his salary for the time he is employed after the required date of registration and before he registers his teaching certificate and contract.

(3) In a school district with 1,000 or more children, according to the latest school census the district school board shall submit to the administrative office of the county a report on all personnel employed by the district. The report shall contain the names of teachers, administrators and other personnel, the grade or subject taught, if any, salary paid and the type of teaching certificate held, if any, and shall be filed not later than October 15 of each year.

(4) No district shall receive any payment from the county school fund until the registration required by subsection (2) of this section has been completed or, if applicable, the report required by subsection (3) of this section has been filed.

(5) The salary forfeited by a teacher or administrator under paragraph (b) of subsection (2) of this section shall be withheld by the administrative office of the county from the apportionment next due the employing school district after the teacher's or administrator's failure has been determined.
[1967 c.67 §14 (enacted in lieu of 342.600)]

342.602 Registration of health certificate. No person shall be employed by any school or school district in any capacity that involves contact with school children or the handling or preparation of food for school children until a certificate of health showing that he is free from communicable tuberculosis has been registered for the school year for which he is employed. The certificate of health shall be a certificate issued by a duly licensed physician and countersigned by the county health officer in the county in which the person is to function as a school employe. Except as provided in ORS 342.601, the certificate of health shall be registered by its holder in the office of the school board which has jurisdiction over the county in which the certificate holder is to function as a school employe.
[Formerly 342.065; amended by 1965 c.100 §379]

342.605 [Repealed by 1965 c.100 §456]

342.610 Minimum salary for teachers. (1) No district school board shall pay a certificated teacher having less than a bachelor's degree preparation a salary of less than $3,400 for a school year of nine and one-half school months, or less than a proportionate amount of $3,400 for any period of service less than a school year of nine and one-half school months.

(2) No district school board shall pay a certificated teacher having a bachelor's degree a salary of less than $3,700 for a school year of nine and one-half school months, or less than a proportionate amount of $3,700 for any period of service less than a school year of nine and one-half school months.

(3) No district school board shall pay a certificated teacher having a master's degree a salary of less than $4,000 for a school year of nine and one-half school months, or less than a proportionate amount of $4,000 for any period of service less than a school year of nine and one-half school months.

(4) The provisions of subsections (1) to (3) of this section do not apply to substitute teachers employed on a day to day basis, except that no such substitute teacher having a bachelor's degree or less shall be paid less than $22 per day and no substitute teacher having a master's degree shall be paid less than $24 per day.
[Amended by 1955 c.130 §1; 1957 c.262 §1; 1965 c.100 §377; 1967 c.625 §1]

342.613 Contracts with teachers for return of part of salary prohibited. No district shall enter into a contract with any teacher whereby the teacher shall return to the district any part of his salary. If any board and teacher enter into such contract, the contract is void and the teacher's teaching certificate shall be revoked.
[Formerly 342.525; amended by 1967 c.67 §12]

342.615 Oath of allegiance of public school teachers. Any person entering into a contract to teach in the public schools of the state shall, as a part of the contract, subscribe to the following oath or affirmation:

"I solemnly swear, or affirm, that I will support the Constitution of the State of Oregon and the laws enacted thereunder, and that I will teach, by precept and example, respect for the flags of the United States and of the State of Oregon; reverence for law and order and undivided allegiance to the Government of our country, the United States of America."

The oath or affirmation, duly signed, shall be filed in the office of the district school board issuing the contract and a copy shall

be given to the person subscribing to the oath of affirmation.

[Amended by 1965 c.100 §386]

342.620 Oath of allegiance of other teachers. With the exception of exchange professors or teachers whose term of service is temporary and who do not become permanent residents of the United States, every teacher employed in a private or parochial school or in any academy, college, university or other institution of learning shall, before entering upon the discharge of his duties, take the same oath or affirmation of allegiance as that prescribed for public school teachers in ORS 342.615. The oath or affirmation shall be taken and subscribed to before some officer authorized by the state to administer oaths. A copy of the oath or affirmation shall be filed with the officer or board in charge of such school or other institution of learning.

342.625 Duty of school authorities concerning oath of allegiance. No person in charge of any public, private or parochial school, or any academy, college, university or other institution of learning shall allow or permit any teacher to enter upon the discharge of his duties, or to give instruction therein unless such teacher has taken and subscribed to the oath or affirmation of allegiance required by ORS 342.615 or 342.620.

342.630 [Repealed by 1965 c.100 §456]

342.635 [Amended by 1957 c.443 §1; 1965 c.100 §369; renumbered 342.513]

342.640 [Amended by 1965 c.100 §373; 1965 c.163 §1; renumbered 342.545]

342.645 [Amended by 1953 c.36 §2; 1959 c.441 §1; 1965 c.100 §374; renumbered 342.553]

342.650 Wearing of religious dress prohibited. No teacher in any public school shall wear any religious dress while engaged in the performance of his duties as a teacher.

[Amended by 1965 c.100 §387]

342.655 Action against teacher violating ORS 342.650. Any teacher violating the provisions of ORS 342.650 shall be suspended from employment by the district school board. The board shall report its action to the Superintendent of Public Instruction who shall revoke the teacher's teaching certificate.

[Amended by 1965 c.100 §388]

342.660 [Repealed by 1965 c.100 §456]

342.663 Hearing on demotion or dismissal of certain district employes. (1) As used in this section "school employe" includes all employes of a public school district except those for whom a teaching certificate is required as a basis for employment in a public school district.

(2) A school employe who has been demoted or dismissed shall be entitled to a hearing before the school board if a written request is filed with the board within 15 days of the dismissal or demotion.

(3) School district employes subject to the civil service provisions of ORS chapter 242 are exempt from the provisions of this section.

[1969 c.266 §§1, 2, 3]

342.665 [Amended by 1961 c.204 §1; repealed by 1965 c.100 §456]

342.670 [Repealed by 1965 c.100 §456]

342.675 [Repealed by 1965 c.100 §456]

342.680 [Repealed by 1965 c.100 §456]

342.685 [Repealed by 1965 c.100 §456]

TEACHER TENURE LAW

342.805 Short title. ORS 342.805 to 342.955 shall be known as the Teacher Tenure Law.

[1965 c.608 §1]

342.815 Definitions for ORS 342.805 to 342.955. As used in ORS 342.805 to 342.955 unless the context requires otherwise:

(1) "Administrator" includes any teacher the majority of whose employed time is devoted to service as a supervisor, principal, vice principal or director of a department or the equivalent in a tenure district but shall not include the superintendent, deputy superintendent or assistant superintendent of any tenure district or any substitute or temporary teacher employed by a tenure district.

(2) "Board" means the board of directors of a tenure school district.

(3) "Committee" means the Professional Review Committee created under ORS 342.885.

(4) "District superintendent" means the superintendent of schools of a tenure district or, in his absence, the person designated to fulfill his functions.

(5) "Permanent teacher" means any teacher who has been regularly employed by a tenure district for a period of not less than three successive years, whether or not the district was a tenure district during all

of such period and who has been reelected by such tenure district after the completion of such three-year period for the next succeeding school year.

(6) "Probationary teacher" means any teacher employed by a tenure district who is not a permanent teacher.

(7) "Substitute teacher" means any teacher who is employed to take the place of a probationary or permanent teacher who is temporarily absent.

(8) "Teacher" means any person who holds a teacher's certificate as provided in ORS 342.125 or who is otherwise authorized to teach in the public schools of this state and who is employed on other than a part-time basis in a tenure district of this state as an instructor or administrator.

(9) "Temporary teacher" means a teacher employed to fill a position designated as temporary or experimental or to fill a vacancy which occurs after the opening of school because of unanticipated enrollment or because of the death, disability, retirement, resignation, or dismissal of a permanent or probationary teacher.

(10) "Tenure district" means any district in which ORS 342.805 to 342.955 have become effective as provided by ORS 342.825.
[1965 c.608 §2]

342.825 When Teacher Tenure Law effective. ORS 342.805 to 342.955 shall become effective in the districts described at the times specified as follows:

(1) ORS 342.805 to 342.955 shall become effective in those districts in which the provisions of ORS 342.205 to 342.320 (1963 Replacement Part) are in effect on August 13, 1965.

(2) ORS 342.805 to 342.955 shall become effective in any school district at the commencement of the next succeeding school year following a year in which the average daily membership, as defined in ORS 327.006, exceeds 4,500 students in the district.

(3) ORS 342.805 to 342.955 shall become effective with respect to teachers in any school district at the beginning of the school year following the date on which the district is merged into or consolidated with a district which is a tenure district.
[1965 c.608 §3]

342.835 Probationary teacher. (1) The board of any tenure district may discharge or remove any probationary teacher in its employ at any time during a probationary period for any cause deemed sufficient by the board.

(2) The board may, for any cause it may deem sufficient, refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract. However, the teacher shall be entitled to notice of the intended board action at least 10 weeks before the expiration of his contract or before the end of the school year, whichever occurs first.
[1965 c.608 §4]

342.845 Permanent teacher. (1) A permanent teacher shall not be subjected to the requirement of annual appointment nor shall he be dismissed or employed on a part-time basis without his consent except as provided in ORS 342.805 to 342.955.

(2) No permanent teacher who has served as an administrator in a particular position for a period of three successive years in a tenure district shall be transferred to a lower paying position as an administrator or to a nonadministrative position without his consent except for the reasons for which a permanent teacher may be dismissed as provided in ORS 342.805 to 342.955 and in accordance with the procedures set forth in ORS 342.805 to 342.955 pursuant to which a permanent teacher may be dismissed.
[1965 c.608 §§5, 6]

342.855 Record of complaints, commendations and suggestions. There shall be maintained in the office of the district superintendent a file of any complaints against, commendations of or written suggestions for corrections and improvement made to each teacher by the administration. The complaints, commendations and suggestions shall be placed in such teacher's personnel file only after reasonable notice to such teacher and shall be signed by the person making the complaint, commendation or suggestion. Any denial or explanation relating to such complaint, commendation or suggestion which such teacher desires to make shall be placed in the file. The personnel file shall be open for inspection by such teacher but shall be open to other persons only in accordance with such rules and regulations as the board shall adopt.
[1965 c.608 §8]

342.865 Grounds for dismissal of permanent teacher. (1) No permanent teacher shall be dismissed except for:

(a) Inefficiency;

(b) Immorality;

(c) Insubordination;

(d) Neglect of duty;

(e) Physical or mental incapacity;

(f) Conviction of a felony or of a crime involving moral turpitude;

(g) Inadequate performance;

(h) Failure to comply with such reasonable requirements as the board may prescribe to show normal improvement and evidence of professional training and growth; or

(i) Any cause which constitutes grounds for the revocation of such permanent teacher's teaching certificate.

(2) In determining whether the professional performance of a permanent teacher is adequate, consideration shall be given to regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which shall have been adopted by the board.

(3) Suspension or dismissal on the grounds contained in paragraph (e) of subsection (1) of this section shall not disqualify the teacher involved for any of the benefits provided in ORS 237.171 to 237.195, 239.233 to 239.239 or 342.595.
[1965 c.608 §§9, 19]

342.875 Suspension; reinstatement. Whenever a district board has reason to believe that cause exists for the dismissal of a permanent teacher on any ground specified in paragraphs (b) to (f) of subsection (1) of ORS 342.865, and when it is of the opinion that immediate suspension of the teacher is necessary for the best interest of education in the district, the board may by resolution suspend a permanent teacher from his position without notice and without hearing. However, within five days after such suspension becomes effective, procedures shall be commenced for the dismissal of the teacher pursuant to the provisions of ORS 342.805 to 342.955. In the event that it is ultimately determined in accordance with procedures pursuant to ORS 342.805 to 342.955 that grounds do not exist for the dismissal of the teacher, the teacher shall be reinstated immediately to his position and shall be paid for the period of suspension.
[1965 c.608 §7]

342.885 Professional Review Committee; qualifications; term; vacancy; training. (1) There hereby is created a Professional Review Committee which shall consist of 33 citizens of recognized scholarship and professional standing, who have been actively and continuously engaged in teaching or in supervision of schools in this state for the five years preceding the appointment, to be appointed by the Superintendent of Public Instruction with the advice and consent of the State Board of Education. Each member of the committee shall be appointed for a term of three years. The Superintendent of Public Instruction, with the advice and consent of the State Board of Education, shall fill any vacancy which may occur in the committee. The person appointed to fill a vacancy shall serve for the unexpired portion of the term of the member of the committee whom he is appointed to replace.

(2) The Superintendent of Public Instruction shall provide for the committee such training as he considers necessary or desirable for the purpose of enabling the members of the committee to perform the functions required of them under the provisions of ORS 342.805 to 342.955.
[1965 c.608 §10]

342.895 Procedure for dismissal of permanent teacher. (1) A board may dismiss a permanent teacher only upon the recommendation of the district superintendent and only pursuant to the provisions of ORS 342.805 to 342.955.

(2) At least 20 days before recommending to a board the dismissal of the permanent teacher, the district superintendent shall give written notice to the permanent teacher by certified mail of his intention to make such recommendation and shall set forth as part of his recommendation the grounds upon which he believes such dismissal is justified. The notice shall include a statement to the effect that if the teacher within 15 days after the date of receipt of the notice requests a review, he shall be entitled to have the proposed recommendations of the district superintendent reviewed by a panel of the committee. A copy of ORS 342.805 to 342.955 shall also be sent to the permanent teacher.

(3) Within the 15-day period after receipt of the notice, a permanent teacher may file with the district superintendent a request in writing for review of the district superintendent's proposed recommendation by a panel of the committee. If no request is made within that period, the district superintendent may file his recommendation with

the board. The board, if it sees fit, may by resolution dismiss such teacher. If a request for review is made, the district superintendent shall not file his recommendation for dismissal with the board until a report of a panel of the committee is filed with the district superintendent as provided in ORS 342.905.

(4) If a request for review is made, the district superintendent, within five days of filing such request for review, shall notify the Superintendent of Public Instruction who, within 10 days from the time of receipt of such notice, shall designate a panel of five members of the committee who shall not be employed in the district in which the request for review is made, to review the proposed recommendations of the district superintendent for the purpose of determining whether in its opinion the grounds for the recommendation are true and substantiated.

(5) In all proceedings brought under the provisions of ORS 342.805 to 342.955, the school district by which the permanent teacher is employed shall pay all reasonable expenses incurred by the panel in the course of its investigation, including but not limited to the salaries of substitute teachers provided to replace panel members. However, the school district shall not be required to pay salaries of such substitute teachers for more than an aggregate total of 25 days.
[1965 c.608 §11]

342.905 Investigation by panel of Professional Review Committee; report; action of superintendent; review by board. (1) The permanent teacher and superintendent will each have the right to designate not more than three of the 33 members of the Professional Review Committee as not acceptable to the teacher or superintendent respectively. No person so designated shall be appointed to the panel.

(2) As soon as possible after the time of its designation, the panel shall elect a chairman and shall conduct such investigation as it may consider necessary for the purpose of determining whether the grounds for the recommendation are true and substantiated. The panel shall be furnished appropriate professional and other special assistance reasonably required to conduct its investigation and shall be empowered to subpena and swear witnesses and to require them to give testimony and to produce books and papers relevant to its investigation.

(3) The permanent teacher involved shall have the right to meet with the panel accompanied by counsel or other person of his choice and to present any evidence and arguments which he considers pertinent to the considerations of the panel.

(4) When the panel has completed its investigation, it shall prepare a written report and send it to the district superintendent. The report shall contain an outline of the scope of its investigation and its finding as to whether or not the grounds for the recommendation of the district superintendent are true and substantiated. The panel shall complete its investigation and prepare the report within 30 days from the time of its designation, except in cases in which the panel finds that justice requires that a greater time be spent in connection with the investigation and the preparation of such report, and reports that finding to the district superintendent and the teacher.

(5) Within 30 days after the district superintendent receives the report of the panel, he shall submit his written recommendation for dismissal to the board or shall drop the charges against the teacher. His recommendation shall state the grounds for the recommendation and shall be accompanied by a copy of the report of the panel of the committee.

(6) Within 20 days after the receipt of the recommendation of the district superintendent and before any formal action is taken, the board shall notify the permanent teacher by certified mail and furnish to him a copy of the recommendation and of the report of the panel of the committee. If the permanent teacher is unwilling to abide by the district superintendent's recommendation, within 15 days from the date of receipt of the notice he shall notify the board which shall set a time and place for a hearing. The permanent teacher shall be given at least 10 days' notice of the time and place of the hearing. If the teacher does not notify the board of his unwillingness to abide by the recommendation, the board, if it sees fit, may by resolution dismiss the teacher.
[1965 c.608 §12]

342.915 Hearing procedure. The following provisions shall be applicable to any hearing conducted pursuant to ORS 342.925 or 342.935:

(1) The hearing shall be private unless the permanent teacher requests a public hearing.

(2) The hearing shall be conducted in accordance with such reasonable rules and regulations as the district board may adopt consistent with ORS 342.805 to 342.955, or if no rules have been adopted, in accordance with such reasonable rules and regulations of the State Board of Education to govern such hearings.

(3) At the hearing the permanent teacher shall have the right to be present and to be heard, to be represented by counsel and to present through witnesses any competent testimony relevant to the issue of whether grounds for dismissal exist or whether the procedures set forth in ORS 342.805 to 342.955 have been followed.
[1965 c.608 §13]

342.925 Evidence at hearing; board action. (1) If the panel found that the grounds for the recommendation of the district superintendent are true and substantiated, at the hearing the board shall consider the recommendation of the district superintendent, the report of the panel, including any minority report, and any evidence which the permanent teacher may wish to present with respect to the question of whether the grounds for the recommendation are true and substantiated. The hearing may be conducted in an informal manner.

(2) If, after considering the recommendation of the district superintendent, the report of the panel and the evidence adduced at the hearing, the board concludes that the grounds for the recommendation are true and substantiated, the district board, if it sees fit, may by resolution order such dismissal.
[1965 c.608 §14]

342.935 Witnesses; record; counsel; subpenas; findings; order. (1) If the panel does not find that the grounds for the recommendation of the district superintendent are true and substantiated, at the hearing the board shall determine whether the grounds for the recommendation of the district superintendent are true and substantiated upon the basis of competent evidence adduced at the hearing by witnesses who shall testify under oath or affirmation to be administered by any board member or the clerk of the board.

(2) The procedure at the hearing shall be such as to permit and secure a full, fair and orderly hearing and to permit all relevant competent evidence to be received therein. The report of the panel of the committee shall be deemed to be competent evidence. A full record shall be kept of all evidence taken or offered at such hearing. Both counsel for the district and the permanent teacher or his counsel shall have the right to cross-examine witnesses.

(3) At the request of either the district superintendent or the permanent teacher, the board shall subpena any witness residing within the state to appear at the hearing and testify. Subpenas for witnesses to testify at the hearing in support of the recommendation of the district superintendent or on behalf of the permanent teacher shall, as requested, be issued in blank by the board over the signature of its chairman or clerk. The witnesses shall be entitled to receive the same mileage and per diem as witnesses called in civil cases in the state, but the board shall not be accountable for the witness fees of more than 10 witnesses subpenaed on behalf of the permanent teacher. Witnesses subpenaed shall be compelled to appear and submit to examination and shall be subject to the same penalties for perjury or contempt as are provided in ORS 33.020 and 162.120.

(4) At the conclusion of the hearing provided in this section, the board shall render its decision on the evidence submitted at such hearing and not otherwise.

(5) The findings and the order of the board following the hearing shall be in writing and a copy shall be served upon the permanent teacher. A record of the proceedings shall be made available without charge for the use of the permanent teacher in the event he wishes to appeal to the circuit court.
[1965 c.608 §15]

342.945 Appeal; writ of review. (1) Any permanent teacher who has been dismissed by action of the board after a hearing pursuant to ORS 342.935 shall have the right to appeal from the decision of the board to the circuit court for the county in which the permanent teacher is employed. The appeal shall be filed within a period of 30 days after notification of the decision of the board. The procedure shall be as nearly as possible the same as an appeal from a circuit court to the Supreme Court in equity suits but no undertaking on appeal shall be required. The cost of preparing the transcript on appeal shall be borne by the board.

(2) Nothing in ORS 342.805 to 342.955 precludes a permanent teacher from obtaining a writ of review as provided in ORS 34.010 to 34.100 after a hearing pursuant to either ORS 342.925 or 342.935 for the purpose of reviewing the findings and order, if any, authorized by ORS 342.925 or 342.935. [1965 c.608 §16]

342.955 Compulsory retirement; service from year to year; substitute teacher. (1) Notwithstanding the provisions of ORS 342.805 to 342.935, a teacher may be retired on July 1 next following the date on which he reaches the age of 65. However, upon written recommendation of the district superintendent that continued service by the teacher who has reached 65 years of age is in the public interest and upon approval of the board, a teacher may be continued in service for successive periods of one year each after reaching the compulsory retirement age.

(2) Nothing in this section shall be construed to prevent a board from employing a retired teacher for not more than 600 hours in any calendar year as a substitute teacher. [1965 c.608 §17]

GENERAL PROVISIONS

342.965 Interchange of teachers. A district school board may provide for the interchange of teachers with school districts of other states or countries. Teachers exchanged shall teach one year, the year's service outside the state being credited to them as service in the district in which they are regularly employed when the interchange is made. The salary of the Oregon teacher shall be paid by the Oregon school district and the salaries of the teachers from outside of Oregon shall be paid by the school districts in their respective states or countries. [Formerly 342.510]

342.970 Discrimination on account of sex or blindness forbidden. In the employment of teachers, district school boards shall not discriminate:

(1) Between male and female teachers. For the same service district school boards shall pay female teachers the same compensation paid to male teachers, taking into consideration the years of successful teaching experience in the districts where the teachers are employed.

(2) Against blind teachers having all other qualifications required of a teacher. [Formerly 342.520]

342.975 "Training school" defined. As used in ORS 342.980, "training school" means a school in which the pupils are taught either wholly or in part by students of a standard teacher education institution as defined in ORS 342.120. [Formerly 342.560]

342.980 Student teacher; authority to teach; contract requirements and effect. Any student of a standard teacher education institution approved by the state board under ORS 342.120, who is assigned to teach in a training school has full authority to teach during the time the student is so assigned, and such assignment has the same effect as if the student were the holder of a valid teaching certificate. [Formerly 342.575; amended by 1967 c.67 §15]

342.990 [Repealed by 1965 c.100 §456]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon, on December 1, 1969.

Robert W. Lundy
Legislative Counsel