

# Chapter 342

## 1975 REPLACEMENT PART

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**342.100**[Repealed by 1965 c.100 s 456 and 1965 c.550 s 6]

**342.105**[Repealed by 1961 c 439 s 13]

**342.110**[Amended by 1961 c 707 s.1; repealed by 1961 c.439 s 13]

**342.115**[Repealed by 1961 c.439 s.13]

## TEACHER CERTIFICATION

**342.120 Definitions for ORS 342.120 to 342.200 and 342.505 to 342.663.** As used in ORS 342.120 to 342.200 and 342.505 to 342.663, unless the context requires otherwise:

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

(2) "Approved teacher education institution" is one which meets the standards of the Teacher Standards and Practices Commission for preparation of teachers for grades preprimary through 12.

(3) "Approved teacher education program" is one offered by an approved teacher education institution and is so recognized by the Teacher Standards and

Practices Commission, after considering recommendations of the state board.

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

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

(6) "Intern teacher" means a regularly enrolled student of an approved teacher education institution 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 or intermediate education district.

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

(8) "Teacher" includes all certificated employes in the public schools or employed by an intermediate education district who have direct responsibility for instruction, coordination of educational programs or supervision or evaluation of teachers and who are compensated for their services from public funds.

(9) "Teacher aide" means a noncertificated person employed by a school district or intermediate education district whose assignment consists of and is limited to assisting a certificated teacher in accordance with rules established by the State Board of Education.

(10) "Teaching certificate" means a certificate issued under ORS 342.125. [1961 c 439 s 1; 1965 c.100 s 348, 1965 c 550 s 1, 1973 c 270 s 2, 1975 c 278 s.1]

**342.125 Types of certificates.** (1) Teaching certificates shall be issued and renewed by the Teacher Standards and Practices Commission by the authority of the State of Oregon, subject to ORS 342.120 to 342.173 and the rules of the commission.

(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 Teacher Standards and Practices Commission, by rule, may establish under subsection (4) of ORS 342.135.

[1961 c.439 s 2; 1965 c.100 s.349, 1965 c.550 s.2; part renumbered 342.127; 1973 c.270 s.3]

**342.127 Fees.** (1) The Teacher Standards and Practices Commission shall establish and the commission shall collect:

(a) A fee not to exceed \$25 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 commission shall issue the certificate without additional charge.

(b) A fee not to exceed \$25 for the renewal of each teaching certificate and a fee not to exceed \$5 for each duplicate teaching certificate.

(2) Fee rates established under subsection (1) of this section shall cover, but not exceed, the full cost of certification activity incurred by the commission during any biennium.

(3) In addition to the fee required by subsection (1) of this section for the issuance or renewal of a teaching certificate, the Teacher Standards and Practices Commission shall collect a fee of \$3 for each such issuance or renewal. However, the commission 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.

[Subsections (1) and (2) formerly part of 342.125, subsection (3) enacted as 1965 c.535 s.14, 1969 c.416 s.1, 1971 c.41 s.1; 1973 c.270 s.4]

**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 s.3; 1965 c.100 s.350; subsection (2) enacted as 1965 c.550 s.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 preprimary through grade 12 for which he has completed the professional requirements established by the rules of the Teacher Standards and Practices Commission.

(2) A basic teaching certificate shall be issued on application to an otherwise qualified person who has completed an approved teacher education program and meets such

other requirements as the Teacher Standards and Practices Commission 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 Teacher Standards and Practices Commission to teach in the regular classroom program of the public schools, kindergarten through grade nine, may renew the basic certificate to qualify them to continue in such teaching by verification of successful teaching experience in keeping with Teacher Standards and Practices Commission rules and without requirement of additional educational preparation.

(b) Secondary teachers may teach in the public schools, grades 5 through 12, in those subject fields in which they have met the requirements of the Teacher Standards and Practices Commission.

(3) (a) A standard teaching certificate shall be issued on application to an otherwise qualified person who has completed an approved teacher education program, has taught on a basic teaching certificate for a minimum period of time to be determined by the Teacher Standards and Practices Commission, and is recommended for certification by the approved teacher education institution or the school district, whichever offered the program.

(b) Preparation shall be a planned education program consisting of courses taken in an approved teacher education institution or in an in-service training program offered by a school district for which credit is given by an approved teacher education institution or some combination of both, in accordance with rules of the Teacher Standards and Practices Commission.

(4) The Teacher Standards and Practices Commission 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 s.4; 1965 c.100 s.354; 1965 c.550 s.3; 1973 c.270 s.5]

**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 Teacher Standards and Practices Commission.

(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 Teacher Standards and Practices Commission may establish.

[1961 c 439 s.5, 1965 c 100 s 355, 1973 c.270 s 6]

**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.

(2) The Teacher Standards and Practices Commission may also require an applicant for a teaching certificate to furnish evidence satisfactory to the commission of good moral character, mental and physical health, and such other evidence as it may deem necessary to establish the applicant's fitness to serve as a teacher.

(3) Without limiting the powers of the Teacher Standards and Practices Commission under subsection (2) of this section:

(a) No teaching certificate shall be issued to any person who after August 20, 1957, has been convicted of a crime listed in ORS 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.415, 163.425, 163.435, 163.445, 163.455, 163.465, 163.515, 163.525, 163.575, 167.007, 167.012, 167.017, 167.065, 167.070, 167.075 or 167.080.

(b) The Teacher Standards and Practices Commission may refuse to issue a certificate to any person who has been convicted of a crime involving the illegal use, sale or possession of narcotic or dangerous drugs.

[1965 c 100 s 352; 1971 c 743 s 357, 1973 c.270 s 7]

**342.145**[1961 c.439 s.6; 1965 c 100 s.356, repealed by 1965 c.550 s.6]

**342.147 Approval of teacher education institutions and programs.** (1) After considering recommendations of the state board, the Teacher Standards and Practices Commission shall establish by rule standards for approval of teacher education institutions and teacher education programs.

(2) Whenever any teacher education institution or program is denied approved status or has such status withdrawn such denial or withdrawal must be treated as a contested case within the meaning of ORS chapter 183.

[1973 c 270 s 19]

**342.150**[1961 c.439 s.7; 1963 c 173 s 1, 1965 c 100 s 357, repealed by 1965 c 550 s 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 s 8; 1965 c.100 s.358]

**342.160**[1961 c 439 s.9, repealed by 1965 c 100 s.456 and 1965 c 550 s.6]

**342.165 Commission rules.** (1) Pursuant to ORS chapter 183, the Teacher Standards and Practices Commission shall make rules necessary for the issuance, denial, continuation, renewal, lapse or reinstatement of certificates issued under the provisions of ORS 342.120 to 342.200.

(2) In establishing rules under subsection (1) of this section and under ORS 342.147, the Teacher Standards and Practices Commission 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 state board and Superintendent of Public Instruction; and

(i) Such other matters as tend to improve education.

(3) Whenever any applicant is denied certification such denial must be treated as a contested case within the meaning of ORS chapter 183.

[1961 c.439 s.10; 1965 c.100 s 359, 1965 c 535 s 10, 1973 c 270 s.8]

**342.167 State board review of rule or standard of commission.** (1) Within 60 days after receiving notice from the Teacher Standards and Practices Commission of adoption of a rule or standard, the state board on its motion or upon request shall review the rule or standard adopted under ORS 342.147 or under 342.165 to determine if the rule or standard serves the public interest.

(2) The review held under subsection (1) of this section shall be heard in the manner provided in ORS chapter 183.

(3) Where the State Board of Education finds pursuant to its review as held under subsection (2) of this section that the rule or

standard reviewed is not in the public interest, the state board shall request the commission to set aside or amend the rule or standard.

[1973 c.270 s.20]

**Note:** 342.167 was not added to or made a part of 342.120 to 342.190 by legislative action

**342.170**[1961 c 439 s 11, 1965 c 100 s 360, repealed by 1965 c 535 s.17]

**342.173 Effect of employing noncertificated teacher by certain school districts.** Any school district or intermediate education district which employes as a teacher or administrator any person not properly certificated and assigned in accordance with the terms specified by the person's certificate shall forfeit in state basic school support funds due the district the amount of the salary paid to the person for the time during which the person is employed. The forfeiture shall be effective unless such assignments are made with justification satisfactory to the Teacher Standards and Practices Commission.

[1965 c 100 s 353, 1975 c.278 s 2]

**342.174 Employment of noncertificated teacher by certain state institutions prohibited.** No state correctional institutions, juvenile training schools and camps as defined in ORS 420.005 and institutions for mentally deficient as listed in ORS 427.010 shall employ persons regularly as teachers who are not certificated.

[1975 c.278 s.7]

**Note:** 342.174 was not added to and made a part of ORS chapter 342 or any series therein by legislative action

**342.175 Grounds for revocation or suspension of certificate; reinstatement.**

(1) Action to suspend or revoke any teaching certificate or to discipline a teacher or administrator may be initiated by the Teacher Standards and Practices Commission, created under ORS 342.350, or may be initiated by the commission upon the basis of a written complaint made to it by or through any administrator directly responsible to the district school board by which the teacher or administrator is employed, charging the teacher or administrator with:

- (a) Conviction of a crime not listed in subsection (2) of this section;
- (b) Gross neglect of duty;
- (c) Any gross unfitness; or
- (d) Having been convicted of violating any law of this or any state or of the United

States involving the illegal use, sale or possession of narcotic or dangerous drugs.

(2) The Teacher Standards and Practices Commission shall revoke any teaching certificate when the holder after August 20, 1957, has been convicted of a violation of ORS 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.415, 163.425, 163.435, 163.445, 163.455, 163.465, 163.515, 163.525, 163.575, 167.007, 167.012, 167.017, 167.065, 167.070, 167.075 or 167.080.

(3) The Teacher Standards and Practices Commission may revoke any teaching certificate upon evidence that the holder knowingly made any false statement in the application for the certificate.

(4) Any person whose teaching certificate has been suspended or revoked under subsection (1) or (3) of this section may apply to the commission 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 subject to reinstatement upon petition to the commission filed after expiration of the sentence or parole or probationary period imposed upon conviction, whichever is the shorter. The commission may require an applicant for reinstatement to furnish evidence satisfactory to the commission of good moral character, mental and physical health, and such other evidence as the commission may deem necessary to establish the applicant's fitness.

(5) Violation of standards adopted by the state board relating to competent and ethical performance of professional duties shall be admissible as evidence of gross neglect of duty or gross unfitness.

(6) A copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of a conviction described in this section.

[Formerly 342.070; 1965 c.100 s.361, 1971 c.743 s.358; 1973 c.228 s 1]

**342.177 Hearing and decision on charges.**

(1) Immediately upon the initiation of action under subsection (1) of ORS 342.175, the Teacher Standards and Practices Commission shall cause to be made a preliminary investigation of the facts on which the charge is based. If, in the opinion of the commission, the investigation indicates that there are probable grounds for suspension or revocation of the teaching certificate or of discipline of the teacher or administrator, it shall notify in writing the teacher or administrator against whom

charges have been made, inclose a statement of the charges and set a date for a hearing.

(2) Prior to the hearing, the Teacher Standards and Practices Commission may cause an investigation of the facts involved in the charge to be made by examiners 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 examiners shall be furnished appropriate professional and other special assistance reasonably required to conduct their investigation, shall be empowered to subpoena and swear witnesses and shall report in writing their findings and recommendations to the Teacher Standards and Practices Commission and to the teacher or administrator against whom the charge is made.

(3) The hearing may be before the commission or may be before three or more members thereof, designated by the commission. A member or a hearing officer, either of whom is appointed by the commission, shall preside at hearings. The hearing shall be private unless the teacher or administrator against whom the charge is made requests a public hearing. Students attending school in the district which employs the teacher or administrator shall not be permitted to attend any hearing except as witnesses duly subpoenaed 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 Teacher Standards and Practices Commission shall render its decision, taking into consideration the findings and recommendations of the examiners authorized by subsection (2) of this section, if any, and the evidence presented at the hearing. If the decision of the commission is that the charge described in subsection (1) of ORS 342.175 has been proven, the commission may take any or all of the following disciplinary action against the person charged:

(a) Issue a public reprimand.

(b) Place the administrator or teacher on probation for a period not to exceed one year.

(c) Suspend the teaching certificate of the teacher or administrator for a period not to exceed one year.

(d) Revoke the teaching certificate of the teacher or administrator.

(5) If the decision of the commission is that the charge is not proven, the commission shall order the charges dismissed.

(6) The commission shall notify in writing the teacher or administrator, the school district by which the teacher or administrator is employed and the Superintendent of Public Instruction of the decision.  
[1965 c 100 s 363; 1965 c.535 s 11, 1973 c 228 s 2]

**342.180 Appeal.** (1) Any person whose certificate has been suspended or revoked or who has been disciplined, or who has been refused issuance or reinstatement of a certificate, and is aggrieved at the decision of the commission, may appeal in the manner provided in ORS 183.480.

(2) If the Superintendent of Public Instruction or the district school board employing the teacher or administrator is aggrieved at the decision of the commission, either or both may appeal from the decision in the manner provided in ORS 183.480.

(3) Unless the decision of the commission is accompanied by a finding that immediate suspension or revocation of the teaching certificate is necessary to protect the safety and well-being of students, an appeal made under this section in a proceeding to suspend or revoke shall operate as a stay of the suspension or revocation, if any, until the determination of the appeal.

[Formerly 342 075, 1965 c 100 s 364, 1973 c 228 s 3]

**342.185**[1961 c 677 s 3, 1965 c 100 s 365, repealed by 1973 c 228 s 10]

**342.190 Administrative Procedure Act not applicable to proceedings for reinstatement, revocation or suspension.** Except as otherwise specifically provided, ORS 183.310 to 183.500 do not apply to proceedings under ORS 342.175, 342.177 and 342.180.

[1961 c 677 s.4, 1965 c.100 s.366, 1973 c 228 s 4]

**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 Teacher Standards and Practices Commission 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 preprimary through 12 in subjects regularly taught in public schools if he either:

(1) Has completed an approved teacher education program; 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 s.2; 1973 c.270 s.9]

**342.200 Administrative certificates based on professional skills and experience.** In order to allow the school districts of the state to take full advantage of various professional skills and disciplines not directly developed through teaching experience or professional education for which teaching experience is a prerequisite, it is the public policy of the State of Oregon that the Teacher Standards and Practices Commission, in establishing professional requirements and experience under ORS 342.140, shall consider professional skills, education and experience not directly related to, nor contingent upon, teaching experience or training as a classroom teacher.

[1971 c.570 s 1, 1973 c 270 s.10]

**342.203 Circulation of list of teachers and administrators subjected to discipline.** (1) Annually not later than March 1, the Teacher Standards and Practices Commission shall cause to be circulated among all of the common and union high school districts in this state a list of all teachers and administrators whose teaching certificates have been suspended or revoked or who have been reprimanded or placed on probation during the preceding 12 months.

(2) If the decision of the commission is appealed, the teacher's or administrator's name shall not be placed on the list authorized by subsection (1) of this section unless and until such decision has been sustained by the Court of Appeals or until the appeal has been dropped.

[1973 c.228 s.5]

**342.205**[Repealed by 1965 c.608 s.21]

**342.210**[Amended by 1955 c 281 s 1, 1959 c 433 s 1, repealed by 1965 c.608 s.21]

**342.215**[Repealed by 1957 c 591 s.1]

**342.216**[1957 c 590 s.2, repealed by 1965 c.608 s.21]

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

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

**342.225**[Amended by 1957 c 591 s.3, repealed by 1965 c.608 s 21]

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

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

**342.240**[Repealed by 1965 c 608 s.21]

**342.245**[Repealed by 1965 c 608 s 21]

**342.250**[Amended by 1957 c 211 s 1, repealed by 1965 c 608 s.21]

**342.252**[1955 c 281 s 3, repealed by 1965 c.608 s 21]

**342.255**[Repealed by 1965 c 608 s.21]

**342.260**[Repealed by 1965 c.608 s 21]

**342.265**[Repealed by 1965 c 608 s.21]

**342.270**[Repealed by 1965 c.608 s.21]

**342.275**[Repealed by 1965 c.608 s.21]

**342.280**[Repealed by 1965 c.608 s.21]

**342.285**[Repealed by 1965 c.608 s 21]

**342.290**[Repealed by 1965 c 608 s.21]

**342.295**[Repealed by 1965 c 608 s.21]

**342.300**[Repealed by 1965 c.608 s.21]

**342.305**[Repealed by 1965 c.608 s.21]

**342.310**[Repealed by 1965 c.608 s.21]

**342.315**[Repealed by 1965 c.608 s.21]

**342.320**[Repealed by 1965 c.608 s.21]

**342.325**[Repealed by 1965 c.608 s 21]

**342.330**[Amended by 1953 c.638 s.2, 1959 c.400 s 4, repealed by 1965 c.608 s.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 and is currently employed in a capacity which requires the holding of such 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 and who is currently employed in a position which requires the holding of such certificate, but does not require holding an administrative certificate.

[1965 c.535 s.1; 1975 c 278 s.3]

**342.350 Commission established; term; vacancy; effect of change in circumstances; removal.** (1) There hereby is created a Teacher Standards and Practices Commission consisting of 17 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) Any member who through change of employment standing or other circumstances no longer meets the criteria for the position to which he was appointed shall no longer be eligible to serve in that position, and his position on the commission shall become vacant 60 days following the member's change in circumstances.

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

[1965 c 535 s 2, 1973 c 270 s 11, 1975 c 278 s 4]

**342.360 Membership; qualifications.**

(1) The membership of the Teacher Standards and Practices Commission shall consist of:

(a) Twelve 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;

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

(d) One member from a panel of district school board members nominated by an association of school boards; and

(e) Two members of the general public from a list submitted by the Governor.

(2) Except for those members appointed under paragraphs (d) and (e) of subsection (1) of this section, 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. In addition, members appointed under paragraph (a) of subsection (1) of this section must hold valid Oregon teaching certificates other than restricted teaching certificates.

(3) The 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 administrator,

(d) One junior or senior high school administrator;

(e) One superintendent of city schools; and

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

[1965 c 535 s 3, 1973 c 270 s 12, 1975 c 278 s 5]

**342.370 Nomination of panel.**

Nomination of teachers and administrators appointed under paragraph (a) of subsection (1) of ORS 342.360 shall be submitted to the board at least 90 days prior to January 1 by petition as specified in this statute or by letter from any state organization demonstrating membership from a majority of those individuals included in each category. 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 s 5, 1975 c 278 s 6]

**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 s.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 ss.7, 8]

**342.400 Commission's function.** The commission shall perform duties required under ORS 342.120 to 342.200.

[1965 c 535 s 9; 1973 c 270 s 13]

**342.410 Executive secretary; employees.** The commission shall appoint a qualified person as executive secretary and may, subject to the State Merit System Law, employ persons to provide such service as the commission shall require.

[1965 c 535 s 12, 1973 c 270 s 14]

**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 s 13]

**342.430 Teacher Standards and Practices Commission Account; appropriation.** On or before the 10th day of each month, the Teacher Standards and Practices Commission shall pay into the State Treasury all moneys received under 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 its administrative expenses.

[1965 c.535 s 15, 1967 c.637 s 8, 1973 c 270 s.15]

**342.440**[1971 c 755 s 2; repealed by 1973 c.536 s 39]

**342.450**[1965 c 390 s 1, 1969 c 647 s 1, repealed by 1973 c.536 s 39]

**342.460**[1965 c.390 ss 2, 3, 1969 c 647 s 2, 1971 c 755 s 3, repealed by 1973 c.536 s 39]

**342.470**[1965 c.390 s 4, 1969 c 647 s 3; 1971 c 755 s.4, repealed by 1973 c 536 s 39]

**342.480**[1971 c 755 s 5, repealed by 1973 c 536 s 39]

## EMPLOYMENT 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 s 1, 1961 c 383 s 1, 1965 c 100 s 367]

**342.508**[1957 c 446 s 1, 1965 c 100 s 368, 1965 c 608 s 20, repealed by 1973 c.298 s 9]

**342.510**[Amended by 1965 c 100 s 380, renumbered 342 965]

**342.513 Renewal or nonrenewal of contracts for following year.** (1) Each district school board shall give written notice of the renewal or nonrenewal of the contract for the following school year by March 15 of each year to all teachers and administrators in its employ who are not permanent teachers. 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, 1975 c 770 s 47]

**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 s 381]

**342.520**[Amended by 1959 c 361 s 1, 1965 c 100 s 382, renumbered 342 970]

**342.525**[Amended by 1965 c 100 s.383, renumbered 342 613]

**342.530**[Amended by 1965 c 100 s.370, 1967 c.324 s 1, 1969 c 84 s 1, repealed by 1973 c 298 s 9]

**342.535**[Amended by 1965 c.100 s 371, repealed by 1969 c 84 s.2]

**342.540**[Amended by 1965 c.100 s 372; repealed by 1969 c 84 s 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 s 1]

**342.550**[Repealed by 1965 c 100 s.456]

**342.553 Resignation in violation of contract.** (1) Any elementary or secondary teacher who has entered into a contract to teach in any public school and who resigns his position without first providing 60 days' written notice to the district superintendent or the notice required in the applicable collective bargaining agreement may have his teaching certificate suspended for the remainder of the school year by the Teacher Standards and Practices Commission upon notice of the resignation from the district school board to the commission. The commis-

sion 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 Teacher Standards and Practices Commission within 20 days after the date of the notice of the suspension. The notice of appeal must be in writing and sent to the Teacher Standards and Practices Commission not later than one day following the 20-day period. The Teacher Standards and Practices Commission 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 Teacher Standards and Practices Commission is final.

(3) If an appeal is made to the Teacher Standards and Practices Commission, suspension of the teaching certificate shall be stayed until the Teacher Standards and Practices Commission reaches a decision.

[Formerly 342.645, 1975 c 258 s.1]

**342.555**[Repealed by 1965 c 100 s 456]

**342.560**[Amended by 1955 c 618 s.1; 1965 c 100 s 384, renumbered 342 975]

**342.565**[Repealed by 1965 c 100 s 456]

**342.570**[Repealed by 1965 c 100 s 456]

**342.575**[Amended by 1955 c 618 s 2, 1965 c 100 s 385, renumbered 342.980]

**342.580**[Repealed by 1965 c 100 s 456]

**342.585**[Repealed by 1965 c.100 s.456]

**342.590**[Repealed by 1963 c.544 s 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. A district school board is required to permit a teacher to take sick leave at full

pay accumulated in other Oregon districts. The amount of leave transferable shall not exceed 10 days per year. However, the transfer of sick leave from another Oregon district shall not be effective until the teacher has completed 30 working days in the new district.

[Amended by 1953 c 392 s 2, 1961 c 357 s 1, 1963 c 211 s.1, 1965 c 100 s.375, 1975 c.431 s 1]

**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 s.1, 1963 c.122 s 1; 1965 c 100 s.376; 1965 c 183 s.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 s 1]

**342.600**[Amended by 1955 c 101 s 2; 1961 c.439 s 12, 1963 c 544 s 50a, 1965 c 100 s.378; 1965 c 216 s.1, repealed by 1967 c 67 s.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 fewer than 1,000 children in average daily membership:

(a) All teachers and administrators shall register their teaching certificates and administrative 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 or administrative 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 in average daily membership 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 s 14 (enacted in lieu of 342 600), 1975 c 278 s 8, 1975 c 770 s 48a]

342.602[Formerly 342 065, 1965 c 100 s.379, repealed by 1973 c 458 s.3]

**342.604 Standard form for reporting salaries and other benefits.** In reporting the compensation of school district employes, the State Board of Education shall prepare a standard form for the purpose of reporting the salary plus other benefits including their dollar value.

[1971 c.519 s.2]

342.605[Repealed by 1965 c 100 s.456]

**342.608 Working hours for certificated personnel; duty-free lunch period required; exception.** (1) School boards shall fix the working hours for full-time and part-time certificated staff members. They shall direct that full-time staff members be provided a time for a 30-minute continuous duty-free lunch period during the regularly scheduled lunch hours.

(2) Any school principal who fails to schedule a continuous 30-minute duty-free lunch period in accordance with this section shall be guilty of neglect of duty under ORS 342.865.

(3) No teacher shall by oral orders or written agreement fail to receive a 30-minute lunch period.

(4) School boards shall not be required to employ special personnel to supervise students during lunch periods.

(5) This section does not apply in school buildings where fewer than three teachers are employed.

[1971 c 201 s 1]

**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 shall be paid less than \$24 per day during the 1972-73 school year and \$27 per day each school year thereafter.

[Amended by 1955 c.130 s.1, 1957 c 262 c 1, 1965 c 100 s.377, 1967 c 625 s 1, 1971 c 536 s 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, 1967 c 67 s 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 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 or affirmation.

[Amended by 1965 c.100 s 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 s 456]

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

342.640[Amended by 1965 c.100 s.373; 1965 c 163 s 1, renumbered 342 545]

342.645[Amended by 1953 c.36 s.2, 1959 c 441 s.1, 1965 c 100 s 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 s 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 s.388]

342.660[Repealed by 1965 c 100 s 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 ss 1, 2, 3]

342.665[Amended by 1961 c 204 s 1, repealed by 1965 c 100 s 456]

342.670[Repealed by 1965 c 100 s 456]

342.675[Repealed by 1965 c.100 s 456]

342.680[Repealed by 1965 c.100 s.456]

342.685[Repealed by 1965 c 100 s 456]

342.710[1971 c 582 s 1; repealed by 1973 c.536 s 39]

342.720[1971 c 582 ss.2, 7, repealed by 1973 c.536 s 39]

342.730[1971 c 582 s.3; repealed by 1973 c.536 s.39]

342.740[1971 c.582 s.4, repealed by 1973 c.536 s.39]

342.750[1971 c 582 s.5, repealed by 1973 c 536 s.39]

342.760[1971 c.582 s.6; repealed by 1973 c 536 s.39]

342.770[1971 c.582 s.8; repealed by 1973 c.536 s.39]

342.780[1971 c.582 s.9; repealed by 1973 c.536 s.39]

## FAIR DISMISSAL LAW

**342.805 Short title.** ORS 342.200 and 342.805 to 342.955 shall be known as the Fair Dismissal Law.

[1965 c 608 s 1, 1971 c 570 s 2]

**342.815 Definitions for ORS 342.805 to 342.955.** As used in ORS 342.200 and 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 fair dismissal district but shall not include the superintendent, deputy superintendent or assistant superintendent of any such district or any substitute or temporary teacher employed by such a district.

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

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

(4) "District superintendent" means the superintendent of schools of a fair dismissal 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 fair dismissal district for a period of not less than three successive years, whether or not the district was such a district during all of such period and who has been reelected by such district after the completion of such three-year period for the next succeeding school year.

(6) "Probationary teacher" means any teacher employed by a fair dismissal 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 fair dismissal 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.

[1965 c.608 s.2, 1971 c.570 s.12]

**342.825 Fair Dismissal Law's application to teachers not previously subject thereto.** 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 all school districts in Oregon including intermediate education districts, but excluding community college districts, on July 1, 1973.

(2) All teachers and administrators employed in a district not previously affected by ORS 342.805 to 342.955, but who have two or more years continuous service in the district shall be required to serve a one-year probationary period prior to being classified as permanent teachers.

(3) Teachers and administrators presently employed that hold a multiple-year contract shall be classified as permanent

employees upon renewal of employment immediately following the expiration of their contract.

[1965 c.608 s 3; 1973 c.298 s.1]

**342.835 Probationary teacher.** (1) The district board of any fair dismissal district may discharge or remove any probationary teacher in the employ of the district at any time during a probationary period for any cause deemed in good faith sufficient by the board. The probationary teacher shall be given a written copy of the reasons for his dismissal, and upon request shall be provided a hearing thereon by the board, at which time he shall have the opportunity to be heard in his own defense either in person or by a representative of his choice.

(2) The district board may, for any cause it may deem in good faith sufficient, refuse to renew the contract of any probationary teacher. However, the teacher shall be entitled to notice of the intended action by March 15, and upon request shall be provided a hearing before the district board. Upon request from the probationary teacher the board shall provide the probationary teacher a written copy of the reasons for the nonrenewal, which shall provide the basis for the hearing.

(3) If an appeal is taken from any hearing, the appeal shall be limited to:

(a) The procedures at the hearing;

(b) Whether the written copy of reasons for dismissal required by this section was supplied; and

(c) In the case of nonrenewal whether notice of nonrenewal was timely given.

[1965 c 608 s 4, 1971 c.570 s.4, 1975 c.727 s.1]

**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 342.200 and 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 342.200 and 342.805 to 342.955 and in accordance with the procedures set forth in ORS 342.200 and

342.805 to 342.955 pursuant to which a permanent teacher may be dismissed.  
[1965 c 608 ss 5, 6]

**342.850 Teacher evaluation; form; personnel file content.** (1) The district superintendent of every school district, including superintendents of intermediate education districts, shall cause to have made at least annually an evaluation of performance for each teacher employed by the district in order to allow the teacher and the district to measure the teacher's development and growth in the teaching profession. A form shall be prescribed by the State Board of Education and completed pursuant to rules adopted by the district school board. Except in those districts having an average daily membership as defined in ORS 327.006 of less than 200 students, the person or persons making the evaluations must hold teaching certificates. The evaluation shall be signed by the school official who supervises the teacher and by the teacher. A copy of the evaluation shall be delivered to the teacher.

(2) The annual evaluation reports shall be maintained in the personnel files of the district.

(3) The annual evaluation report shall be placed in the teacher's personnel file only after reasonable notice to the teacher.

(4) A teacher may make a written statement relating to any evaluation, reprimand, charge, action or any matter placed in the teacher's personnel file and such teacher's statement shall be placed in the personnel file.

(5) The personnel file shall be open for inspection by such teacher but shall be open only to such other persons as are officially designated by the board or by the teacher, in accordance with such rules and regulations as the board shall adopt.

[1971 c.570 s.5, 1973 c.298 s 3; 1973 c.458 s.1]

**342.855**[1965 c 608 s 8; repealed by 1971 c.570 s.15]

**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;

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

(j) Reduction in permanent teacher staff resulting from the district's inability to levy a tax sufficient to provide funds to continue its educational program at its anticipated level or resulting from the district's elimination of classes due to decreased student enrollment or reduction of courses due to administrative decision. School districts shall make every effort to transfer teachers of courses scheduled for discontinuation to other positions for which they are qualified. Merit and seniority shall be considered in determination of a teacher for such transfer.

(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 ss 9, 19, 1973 c.298 s.4]

**342.875 Suspension; reinstatement.**

Whenever a district superintendent 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 he is of the opinion that immediate suspension of the teacher is necessary for the best interest of education in the district, he may suspend a permanent teacher from his position without prior notice to the teacher. The teacher's salary shall continue during the first five days of the suspension period. However, within five days after such suspension becomes effective, either procedure shall be commenced for the dismissal of the teacher pursuant to the provisions of ORS 342.200 and 342.805 to 342.955 or the teacher must be reinstated.

[1965 c 608 s 7; 1971 c.570 s 6]

**342.885**[1965 c.608 s.10; repealed by 1973 c 298 s.9]

**342.895 Procedure for dismissal of permanent teacher.** (1) Authority to dismiss a permanent teacher is vested in the district school board subject to the provisions

of the fair dismissal procedures of ORS 342.200 and 342.805 to 342.955 and only after recommendation of the dismissal is given to the district school board by the superintendent.

(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 a recommendation to dismiss the teacher. The notice shall set forth the statutory grounds upon which the superintendent believes such dismissal is justified, and shall contain a plain and concise statement of the facts relied on to support the statutory grounds for dismissal. If the statutory grounds specified are those specified in paragraph (a), (c), (d), (g) or (h) of subsection (1) of ORS 342.865, then evidence shall be limited to those allegations supported by statements in the personnel file of the teacher on the date of the notice to recommend dismissal, maintained as required in ORS 342.850. Notice shall also be sent to the district school board and to the Fair Dismissal Appeals Board. A copy of ORS 342.200 and 342.805 to 342.955 shall also be sent to the permanent teacher.

(3) The action of the district superintendent takes effect on the 20th day after notice is given the permanent teacher as required in subsection (2) of this section, if approved by the district school board. Notice of the board's action shall be given to the permanent teacher by certified mail.

[1965 c.608 s.11; 1971 c 570 s.7, 1973 c 298 s 5]

**342.905 Appeal procedure.** (1) If the district school board dismisses the teacher, the teacher may appeal that decision to the Fair Dismissal Appeals Board established under ORS 342.930 by filing with the Superintendent of Public Instruction within five days after receipt of notice of the district school board's decision, notice of appeal with a brief statement giving the reasons for the appeal.

(2) The Attorney General shall assign one of his assistants, at no cost to either involved party, to advise the Fair Dismissal Appeals Board, to be present at the formal hearing held by the board, and to perform those tasks at the request of the board that would normally require legal training.

(3) As soon as possible after the time an appeal is filed the Superintendent of Public Instruction shall appoint a panel of three members from the Fair Dismissal Appeals Board for the purpose of conducting a

hearing. The panel shall be selected from those members of the board serving in positions where the average daily membership as determined in ORS 342.930 most nearly coincides with that of the involved district. One member shall be a board member; one member shall not be affiliated with any common or union high school district; and one member shall be a teacher or administrator. If the appeal is from a permanent teacher in a teaching position, the board shall include the teacher member. If the permanent teacher is in an administrative position, the administrative member shall sit in place of the teacher member. No panel shall contain a member who is resident of the district that is bringing the dismissal. As soon as possible after the selection of the panel, a time shall be established for the hearing. The board shall be furnished by the Department of Education at the department's expense appropriate professional and other special assistance reasonably required to conduct a hearing and shall be empowered on behalf of the permanent teacher, the district superintendent and the district school board to subpoena and swear witnesses and to require them to give testimony and to produce books and papers relevant to its hearing.

(4) The Fair Dismissal Appeals Board panel shall conduct a formal hearing.

(5) When the Fair Dismissal Appeals Board panel has completed its hearing, it shall prepare a written report and send it to the permanent teacher, the district superintendent, the district school board and the Superintendent of Public Instruction. The report shall contain its finding as to whether or not the facts relied on to support the recommendations of the district superintendent are true and substantiated and if true and substantiated, whether or not they are adequate to justify the statutory grounds cited as reasons for the dismissal. The panel shall prepare the report within 30 days from the time of receipt of notice of the appeal. However, when the panel finds that because of unusual circumstances justice requires that a greater time be spent, it shall so notify the permanent teacher, the district superintendent, the district school board and the Superintendent of Public Instruction. The extension shall not be beyond 30 days from the date of the notice of extension.

(6) (a) Subject to paragraphs (b) and (c) of this subsection, if the Fair Dismissal Appeals Board panel finds that the facts relied on to support the recommendation of the district superintendent are untrue or

unsubstantiated, or if true and substantiated, are not adequate to justify the statutory grounds cited as reason for the dismissal, and so notifies the permanent teacher, the district superintendent, the district school board and the Superintendent of Public Instruction, the teacher shall be reinstated and the teacher shall receive his salary for the period between the effective date of the dismissal and the date of the order reinstating him.

(b) If the teacher was suspended prior to the effective date of dismissal, he shall also receive his salary for the uncompensated period of the suspension.

(c) So long as the right of the district board under subsection (8) of this section and under ORS 183.480 and 183.500 to judicial review of the action of the Fair Dismissal Appeals Board remains unexpired, the district school board may withhold the reinstated teacher from performance of teaching duties, unless otherwise ordered by the court having jurisdiction of the appeal.

(7) If the Fair Dismissal Appeals Board panel finds the facts relied on to support the recommendation of the district superintendent true and substantiated, and that those facts justify the statutory grounds cited as reason for the dismissal and so notifies the permanent teacher, the district superintendent, the district school board and the Superintendent of Public Instruction in writing, the dismissal becomes final on the date of the notice.

(8) An appeal from action of the Fair Dismissal Appeals Board shall be taken in the manner provided in ORS 183.480.

[1965 c 608 s.12, 1971 c 570 s 8, 1973 c 298 s 6, 1973 c 612 s 14]

**342.915 Hearing procedure.** The following provisions shall be applicable to any hearing conducted pursuant to ORS 342.905:

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

(2) The hearing shall be conducted in accordance with rules and regulations adopted by the Fair Dismissal Appeals Board pursuant to ORS chapter 183.

(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 facts as found by the Fair Dismissal Appeals Board and as relied on to support the recommendation of the district superintendent are true and substantiated and whether those

facts justify the statutory grounds cited as reason for the dismissal and whether the procedures required by law have been followed.

[1965 c 608 s 13, 1971 c 570 s 9]

**342.925**[1965 c.608 s 14; repealed by 1971 c.570 s.15]

**342.930 Fair Dismissal Appeals Board; appointment; confirmation; qualifications; term; compensation and expenses; officers; quorum.** (1) A Fair Dismissal Appeals Board is created, consisting of 20 members appointed by the Governor, subject to confirmation by the Senate as provided in ORS 171.560 and 171.570. Five members shall be administrators in common or union high school districts, five members shall be permanent teachers, five members shall be members of common or union high school district boards at the time of their appointment and five members shall not be affiliated with any common or union high school district. At least one member from each category shall be resident of a school district with an average daily membership as defined in ORS 327.006, of less than 1,500 students; one from each category shall be resident of a school district containing from 1,500 to 4,500 students; and one from each category shall be resident of a school district containing over 4,500 students.

(2) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) Members shall be entitled to \$20 for each day or part thereof during which they perform duties under ORS 342.200, 342.805, 342.815, 342.835, 342.850, 342.875, 342.895 to 342.915 and this section and necessary travel expenses as authorized by state law, such compensation and expenses to be paid by the district school board from which the appeal is taken.

(4) The board shall select one of its members as chairman and another as vice chairman, for such terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

(5) A majority of the members of the

board constitutes a quorum for the transaction of business.

[1971 c 570 s 10, 1973 c 298 s 7]

**342.935**[1965 c.608 s 15; repealed by 1971 c 570 s 15, see 342 960]

**342.945**[1965 c.608 s.16, repealed by 1971 c.570 s 15]

## MISCELLANEOUS

### **342.955 Compulsory retirement; service from year to year; substitute teacher.**

(1) Notwithstanding the provisions of ORS 342.805 to 342.845 and 342.865 to 342.915, 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 s 17, 1973 c 298 s 8]

**342.960**[1971 c 743 s.359; see 342 935, repealed by 1973 c.298 s.9]

**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 an approved teacher education institution as defined in ORS 342.120.

[Formerly 342 560, 1973 c 270 s 16]

### **342.980 Student teacher; authority to teach; contract requirements and effect.**

Any student of a teacher education institution approved by the Teacher Standards and Practices Commission, 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, 1967 c 67 s 15, 1973 c 270 s 17]

**342.990**[Repealed by 1965 c 100 s 456]

## CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G Clifford, 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,  
October 1, 1975

Thomas G Clifford  
Legislative Counsel

