Types of Board Hearings

1. Teacher/Administrator Termination/Non-Renewal Hearing
2. Classified Employee Termination Hearing
3. Student Expulsion Hearing
4. Complaint Appeal Hearing

Executive/Closed Session v. Open Session

1. Employee matters including terminations, non-renewals and complaints involving employees are held in EXECUTIVE/CLOSED SESSION unless employee requests open session. 192.660(2)(b).
   a. Vote takes place in open session excluding all confidential information, i.e. “The board votes to uphold the Superintendent’s recommendation regarding the personnel matter just discussed in executive session.”
2. Student expulsions are held in EXECUTIVE/CLOSED SESSION unless the student or the student’s parent requests open session. Vote takes place in executive/closed session. ORS 332.061. Media may be excluded. ORS 192.660(4).
3. Matters involving confidential student information held in EXECUTIVE/CLOSED SESSION. ORS 192.660(2)(f).

Hearing Procedure

1. The process for conducting hearings is not defined in statute. Boards should check District policies, student and employee handbooks, employment contracts, and/or the collective bargaining agreement as applicable.
2. Assuming your District does not already have an established process, a general process may look like this:
   a. Provide a written letter to the person requesting the hearing, outlining the hearing process. In the letter include:
      i. A deadline for submitting written materials to you.
      ii. Whether the person can have witnesses and if so the deadline for submitting the witness list to you.
      iii. A deadline for advising you that they plan to have representation present at the hearing.
         1. Recommended that board not deny request for representation whether that be a lawyer, union representative, or some other advocate selected by the person requesting the hearing.
   3. Prior to the hearing, review all applicable documents.
   4. If it is a controversial matter, consider having law enforcement present at the hearing.
   5. At the hearing, the board chair should read the process outlined in the letter and then follow that process unless unforeseen circumstances require you to alter the process.
6. Let each side speak and consider the information provided by each side.

7. After a vote has been made, designate one board member to be responsible for drafting and providing the board’s decision in writing to the person who requested the hearing.

Special Considerations

1. **Teacher/Administrator Termination/Non-Renewal Hearing**
   a. Board has sole responsibility for terminating/non-renewing teachers and administrators. ORS 332.072.
   b. Teachers and administrators must be offered a hearing with the board **BEFORE** the board votes to terminate or non-renew a teacher or administrator.
   c. Teachers and administrators should be offered an opportunity at the hearing to tell the board why they should not be terminated or non-renewed.
      i. **DUE PROCESS**: the board cannot come to a decision regarding termination or non-renewal until after they have given the teacher/administrator an opportunity to be heard.
   d. If you are a PACE member, call PACE preloss prior to making termination/non-renewal decisions in order for the District’s $25,000 deductible to be waived.

2. **Classified Employee Termination Hearing**
   a. If demoted or dismissed, classified employees are entitled to a hearing in front of the Board within 15 days of their demotion or dismissal. ORS 342.544.

3. **Complaint Appeal Hearing**

Contact OSBA/PACE Legal Services
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