

DRAFT DATED 7-27-2023

586-010-0030 Annual Meetings

The Board shall hold one regular meeting each year, ~~at the State Department of Education in Salem, beginning at 9 a.m. on the fourth Monday~~ in October.

586-030-0015 Notice of Appeal, Scheduling Hearings and Legal Representation for Panels

(1) When an appeal is filed a notice shall be sent by the Executive Secretary by certified mail and, if practicable, electronically to the parties or their legal representative. The notice shall include:

- (a) A statement of the authority under which the hearing is to be held;
- (b) A reference to the particular sections of the statutes and rules cited in the appeal;
- (c) A short and plain statement of the matters asserted or charged in the appeal;
- (d) A statement that the parties may be represented by counsel at the hearing; and
- (e) A statement that each party will be given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing as required under ORS 183.413(2) prior to the hearing.

(2) When an appeal is filed, ~~the~~ Executive Secretary shall take steps to select a panel and schedule the hearing in compliance with statutory time frames. They shall include:

- (a) Contacting legal counsel for the parties to obtain:
 - (A) The estimated length of the hearing; and
 - (B) The maximum number of dates they are available for a hearing within the statutory time frame.
- (b) All parties and representatives; have an affirmative duty to cooperate to the fullest extent possible in scheduling hearing dates, including promptly responding when contacted for dates, plus making witnesses and counsel available a maximum number of possible dates within the statutory timeframe.

(c) If either party or their representative is unavailable for a hearing within the statutory timeframe, either or both parties may advise that they are willing to waive objection to hearing dates beyond the statutory timeframe. The waiver can be for a fixed period of time or indefinitely.

(d) While dates from the parties and counsel are obtained the Executive Secretary shall contact members of the Board to sit on the panel. Selection shall be consistent with the statutory requirements for the panel membership. Panel members shall be selected consistent with the categories of Board membership listed in the statute and, where practicable, panel membership will be based on average daily membership comparable to the district from which the appeal arose.

(e) In light of the statutory timeframes and if the parties do not waive objection to extending the timelines, the Executive Secretary shall establish hearing date(s). If necessary to accommodate panel members, parties, witnesses or legal counsel, weekend hearing dates may be considered and offered. Notice will be sent by certified mail to the parties or their legal representatives. The dates so established shall not be changed except for good cause.

(3) The Board, individual hearing Panels and the board Executive Secretary shall be represented by legal counsel from the Department of Justice as assigned by the Attorney General. Representation shall be provided, upon request, for Board matters, responsibilities of the Executive Secretary by statute or under these rules, and at any stage of the proceedings on individual appeals. This includes attendance at meetings, oral arguments on Motions, hearing and panel deliberations along with conducting pre-hearing matters and preparation of Board orders.

(4) The Executive Secretary shall not deny or dismiss any appeal.