



MEMORANDUM

Prepared for: Oregon State Senate
Date: September 14, 2020
By: Tyler Larson, Analyst
Re: Legislative Review of Executive Appointments

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

FAIR DISMISSAL APPEALS BOARD

The Governor has appointed the following individuals to the Fair Dismissal Appeals Board subject to Senate confirmation.¹

Appointees

Terry Bennett of Klamath Falls; Reappointment
John Hartsock of Gresham; Reappointment

Term

Bennett: July 1, 2020 – June 30, 2024
Hartsock: July 1, 2020 – June 30, 2024

Appointment/Confirmation Authority

[ORS 342.930 \(2019\)](#)

Statement of Economic Interest²

Not required.

Statutory Requirements³

The board consists of 24 members appointed by the Governor and subject to confirmation by the Senate.⁴ Membership must include:

- six administrators in common or union high school districts, one of whom may be retired prior to appointment (BENNETT; McKAY; PELLICCI; PERRY; RICHARDSON);
- six contract teachers, one of whom may be retired prior to appointment (HUMPHRIES; SCONE; STRATTON);
- six members of common or union high school district boards at the time of their appointment (CASSIDY; COSGROVE; GALLINAT; HARTSOCK); and
- six members may not have any affiliation with any common or union high school district (JOHNSON; KHAN; MOYER; PURVINE).

¹ [Or. Const. art. III sect. 4](#), [ORS 171.562](#) and [171.565 \(2019\)](#).

² [ORS 244.050 \(2019\)](#).

³ [ORS 182.100 \(2019\)](#) for affirmative action policy and [ORS 236.115 \(2019\)](#) for diversity criteria.

⁴ [ORS 342.930 \(2019\)](#).

At least one member from each category must be a resident of a school district so that each type of school district described below is represented:

- a school district with an average daily membership of less than 1,500 students;
- a school district with an average daily membership of 1,500 to 4,500 students; and
- a school district with an average daily membership of greater than 4,500 students.

Members serve four-year terms at the pleasure of the Governor and are eligible for reappointment. A member whose term has expired may continue to serve for the following limited purposes:

- to conduct a hearing and prepare a written decision if the member was appointed to a panel before the expiration of the member's term; or
- to reconsider a decision if the member served on the panel originally hearing an appeal and a motion for reconsideration is filed prior to an appeal to the Court of Appeals.

The board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the board determines. A majority of the members of the board constitutes a quorum for the transaction of business.

Duties and Authority

The board hears appeals of teacher and administrator dismissals and nonextensions of contracts and provides a uniform statewide system of pre- and post-determination due process for teachers and administrators.⁵ When a teacher or administrator files a timely appeal, the Superintendent of Public Instruction must appoint a panel of three members from the board for the purpose of conducting a hearing.⁶ Insofar as practicable, the panel must be selected from members representing the average daily membership that most nearly coincides with that of the involved district. The panel must consist of three members:

- one member from the category representing district school board members;
- one member from the category not affiliated with common or union high school districts;
- if the appellant is a teacher, one member from the category representing teachers;
- if the appellant is an administrator, one member from the category representing administrators.

The panel may not contain a member who is a resident of the district that is bringing the dismissal or nonextension. The Department of Education must provide appropriate professional and other special assistance reasonably required to conduct a hearing, and the Attorney General must assign an assistant to advise the board. The board may adopt rules necessary for the administration of its statutory duties.⁷

⁵ Oregon Department of Education, *Fair Dismissal Appeals Board*, <https://www.oregon.gov/ode/educator-resources/Pages/FairDismissalAppealsBoard.aspx> (last visited June 30, 2020).

⁶ ORS 342.905 (2019).

⁷ ORS 342.930 (2019).

The board must:⁸

- receive and adjudicate appeals from administrators and teachers for dismissal, nonextension of a contract, or reduction in pay during the term of a contract;
- conduct a contested case hearing staffed by board members as appointed by the Superintendent of Public Instruction within 100 days of the receipt by the appellant of the notice of dismissal or statement of reasons for nonextension; and
- not later than 140 days after the filing of an appeal and after completion of the contested case hearing, prepare and send a written decision to the appellant, district superintendent, district school board, and the Superintendent of Public Instruction.

⁸ [ORS 342.845 to 342.910 \(2019\)](#).

Executive Appointments Board Roster

Fair Dismissal Appeals Board

Agency: Oregon Department of Education
Authorization: ORS 342.930
Members: Min: **24** Max: **24**
Term Length: 4 years Limit: 2
Senate confirmation required? Yes

Policy Area: Education

Board Contact:
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Current Appointments:

Member Name and Address (Alphabetical)

Terry Bennett ADM over 4500 Term(s): 07-01-2020 - 06-30-2024 09-23-2019 - 06-30-2020	Position Number: 5
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Kevin D Cassidy School Board Member; 1500-4500 Term(s): 12-19-2016 - 06-30-2020	Position Number: 15
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Michael Cosgrove School Board Member; ADM under 1500 Term(s): 12-13-2012 - 12-12-2016	Position Number: 1
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Ron A Gallinat School Board Member; ADM over 4500 Term(s): 07-01-2016 - 06-30-2020 09-18-2013 - 06-30-2016	Position Number: 21
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John N Hartsock School Board Member; over 4500 Term(s): 07-01-2020 - 06-30-2024 12-19-2016 - 06-30-2020	Position Number: 13
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Gary L Humphries Teacher; ADM 1500-4500 Term(s): 07-01-2016 - 06-30-2020 09-18-2013 - 06-30-2016	Position Number: 10
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Duane N Johnson Unaffiliated; ADM under 1500 Term(s): 12-13-2016 - 06-30-2020 12-13-2012 - 12-12-2016 07-01-2000 - 06-30-2004 07-01-1996 - 06-30-2000 07-01-1992 - 06-30-1996	Position Number: 19
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Executive Appointments Board Roster

Fair Dismissal Appeals Board

Member Name and Address (Alphabetical)

Policy Area: Education

Nasreen Khan Non-Affiliated Term(s): 07-01-2016 - 06-30-2020	Position Number: 22
Kent J Klewitz Administrator; ADM under 1500 Term(s): 07-01-2019 - 06-30-2023 12-19-2016 - 06-30-2019	Position Number: 23
Mary R McKay, Chair Administrator; ADM over 4500 Term(s): 07-01-2014 - 06-30-2018 10-01-2010 - 06-30-2014	Position Number: 3
Marsha Moyer Non-Affiliated over 4500 ADM Term(s): 11-17-2017 - 06-30-2021	Position Number: 18
Celeste Pellicci Administrator, 1500-4500 ADM Term(s): 11-17-2017 - 06-30-2021	Position Number: 8
Christy Perry Administrator; ADM 1500-4500 Term(s): 07-01-2019 - 06-30-2023 07-01-2014 - 06-30-2018 12-20-2010 - 06-30-2014	Position Number: 2
Victoria R Purvine Non-Affiliated, ADM under 1500 Term(s): 12-13-2016 - 12-12-2020 12-13-2012 - 12-12-2016	Position Number: 14
Cynthia A Richardson Administrator; ADM 1500-4500 Term(s): 12-19-2016 - 06-30-2020	Position Number: 4
Robert W Sconce, Jr Teacher; ADM over 4500 Term(s): 12-13-2016 - 12-12-2020 12-13-2012 - 12-12-2016	Position Number: 7
Karen E Stratton Teacher; ADM over 4500 Term(s): 07-01-2016 - 06-30-2020 09-18-2013 - 06-30-2016	Position Number: 9

Executive Appointments Board Roster

Fair Dismissal Appeals Board

Member Name and Address (Alphabetical)

Policy Area: Education

Vacant Appointments:

Pos	Member	Appointed By	Term Begin	Term End
6	Therese M Gerlits	Governor	12/19/2016	06/30/2020
6	Jeff S Coleman	Governor	07/01/2010	06/30/2014
	Teacher; ADM over 4500			
6	Jeff S Coleman	Governor	12/01/2006	06/30/2010
	Teacher, over 4500 ADM			
6	Linda J Streetman	Governor	11/08/2002	06/30/2006
	Teacher (high school) under 1500 ADM			
6	Larry A Wolf	Governor	07/01/1998	06/30/2002
	Teacher (elementary), 1500-4500 ADM			
6	Larry A Wolf	Governor	07/01/1994	06/30/1998
	Elementary Teacher 1500-4500 ADM			
6	Larry A Wolf	Governor	08/02/1990	06/30/1994
Pos	Member	Appointed By	Term Begin	Term End
11	Douglas M Nelson	Governor	09/18/2013	06/30/2016
	School Board Member: ADM over 4500			
11	David H Krumbein	Governor	07/01/2009	06/30/2013
	School Board Member, 1500 - 4500 ADM			
11	David H Krumbein	Governor	11/01/2005	06/30/2009
	School Board Member - 1500 - 4500 ADM			
11	Michael F Fox	Governor	07/01/2001	06/30/2005
	School Board Member - over 4500 ADM			
11	Michael F Fox	Governor	07/01/1997	06/30/2001
	School Board Member - over 4500 ADM			
11	Michael F Fox	Governor	04/12/1996	06/30/1997
	School Board Member - over 4500 ADM			
11	David S Almquist	Governor	11/08/1993	06/30/1997
	School Board Member - Over 4500 ADM			
Pos	Member	Appointed By	Term Begin	Term End
12	Penny Y Blahm	Governor	10/01/2007	06/30/2011
	School Board Member, under 1500 ADM			
12	Sherrie L Sprenger	Governor	11/01/2005	06/30/2009
	School Board Member - 1500 - 4500 ADM			
12	Craig A Smith	Governor	07/01/2000	06/30/2004
	School Board Member - over 4500 ADM			
12	Craig A Smith	Governor	07/01/1996	06/30/2000
	School Board Member - over 4500 ADM			
12	Gordon E Boorse	Governor	07/01/1992	06/30/1996
	School Board Member, over 4500 ADM			
12	Gordon E Boorse	Governor	07/01/1988	06/30/1992
Pos	Member	Appointed By	Term Begin	Term End
16	Dennis D Ross	Governor	07/01/2013	06/30/2017
	Non-Affiliated; ADM under 1500			
16	Dennis D Ross	Governor	10/01/2010	06/30/2013
	Non-Affiliated, under 1500 ADM			
16	Frank E Brawner	Governor	07/01/2003	06/30/2007
	Non-Affiliated, under 1500 ADM			
16	Frank E Brawner	Governor	10/08/1999	06/30/2003
	Non-Affiliated, under 1500 ADM			
16	Kathleen B Himmelsbach	Governor	07/01/1995	06/30/1999
	CHAIR; Non-Affiliated, 1500-4500 ADM			
16	Kathleen B Himmelsbach	Governor	07/01/1991	06/30/1995

Executive Appointments Board Roster

Fair Dismissal Appeals Board

Member Name and Address (Alphabetical)

Policy Area: Education

Pos	Member	Appointed By	Term Begin	Term End
16	Kathleen B Himmelsbach	Governor	08/08/1988	06/30/1991
Pos	Member	Appointed By	Term Begin	Term End
17	Doug M Crow	Governor	07/01/2013	06/30/2017
17	Doug M Crow Non-Affiliated; ADM 1500-4500	Governor	03/01/2010	06/30/2013
17	Alfonso Lopez-Vasquez Non-Affiliated, 1500-4500 ADM	Governor	07/01/2005	06/30/2009
17	Alfonso Lopez-Vasquez Non-Affiliated, 1500-4500 ADM	Governor	07/01/2001	06/30/2005
17	Alfonso Lopez-Vasquez Non-Affiliated, 1500-4500 ADM	Governor	01/30/1998	06/30/2001
17	Alfred D McDaniel Non-Affiliated, 1500-4500 ADM	Governor	11/08/1993	06/30/1997
Pos	Member	Appointed By	Term Begin	Term End
20	Peggy R Penland Non-Affiliated; ADM over 4500	Governor	07/01/2009	06/30/2013
20	Peggy R Penland Non-Affiliated, Over 4500 ADM	Governor	10/01/2007	06/30/2009
20	John Lujan Non-Affiliated, Over 4500 ADM	Governor	12/01/2006	06/30/2009
20	Alice T Meyer Non-Affiliated, Over 4500 ADM	Governor	07/01/2002	06/30/2006
20	Alice T Meyer Non-Affiliated, Over 4500 ADM	Governor	07/01/1998	06/30/2002
20	Alice T Meyer Non-Affiliated over 4500 ADM	Governor	07/01/1994	06/30/1998
20	Alice T Meyer	Governor	01/15/1993	06/30/1994