

Memorandum

PREPARED FOR: Senate Committee on Rules and
Executive Appointments

DATE: May 20, 2024

BY: Leslie Porter, Legislative 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

New Appointees

Debbie Brockett of McMinnville
Connie Kong of Portland
Krista Nieraeth of Port Orford
Gary Roberts of Coos Bay
Heidi Sipe of Umatilla
Dayle Spitzer of Hillsboro

Reappointees

Mitchell McVay of Milwaukie
Camron Pope of Roseburg
James Westrick of Ashland
Josh Wetzel of Prospect

Terms

All appointees: July 1, 2024 – June 30, 2028

Appointment/Confirmation Authority

[ORS 342.930 \(2023\)](#)

Statement of Economic Interest²

Not required.

Statutory Requirements³

The board consists of 24 members that must include:

- six administrators in common or union high school districts, one of whom may be retired prior to appointment (**BROCKETT, NIERAETH, ROBERTS, SICA, SIPE, SPITZER**);

¹ [Or. Const. art. III sect. 4, ORS 171.562 and 171.565 \(2023\)](#).

² [ORS 244.050 \(2023\)](#).

³ [ORS 342.930 \(2023\)](#); [ORS 182.100 \(2023\)](#) for affirmative action policy; [ORS 236.115 \(2023\)](#) for diversity criteria.

- six contract teachers, one of whom may be retired prior to appointment (LATHAM, **POPE**, VACANT, VACANT, VACANT, VACANT);
- six common or union high school district board members (HARTSOCK, **MCVAY**, **WESTRICK**, **WETZEL**, VACANT, VACANT); and
- six members with no affiliation with any common or union high school district (GALLINAT, JOHNSON, **KONG**, MCKEON, MOYER, VACANT).

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 (JOHNSON, **NIERATH**, **SIPE**, **WETZEL**, VACANT);
- a school district with an average daily membership of 1,500 to 4,500 students (**POPE**, **ROBERTS**, SICA, **WESTRICK**); and
- a school district with an average daily membership of greater than 4,500 students (**BROCKETT**, **SPRITZER**, **MCVAY**, MOYER).

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 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
- 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 selects one of its members as chair and another as vice chair. A majority of the members of the board constitutes a quorum for the transaction of business.

Duties⁴

The board hears appeals of teacher and administrator dismissals, nonextensions of contracts, and provides a uniform statewide system of pre- and post-determination due process. When an appeal is filed, the Superintendent of Public Instruction must appoint a panel of three board members to conduct a hearing. The panel is selected from members representing the average daily membership that most nearly coincides with that of the involved district. The panel must consist of:

- one member representing district school board members;
- one member not affiliated with common or union high school districts;
- if the appellant is a teacher, one member representing teachers; and/or

⁴ [ORS 342.445 to 342.910 \(2023\)](#).



- if the appellant is an administrator, one member 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.

The board must:

- 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.



Fair Dismissal Appeals Board

Agency: **Education, Oregon Department of**

Authorization: **ORS 342.930**

Min Members: **24** Max Members: **24**

Term Length: **4** Term Limit: **2**

Senate Confirmation Required?: **Yes**

Policy Area: **Education**

Board Admin: **Emily Nazarov**

Address:

Public Service Bldg

Salem, OR 97310

503-947-5651

NazarovE@ode.oregon.gov

Current Appointments

Ms Pellicci, Celeste Administrator (ADM 1500-4500) Position Number: 1	Term(s): 11/17/2017 - 6/30/2021
Nierath, Krista Administrator (ADM under 1500) Position Number: 1	Term(s): 7/1/2024 - 6/30/2028
Sica, Brian Administrator (ADM 1500-4500) Position Number: 2	Term(s): 10/5/2023 - 6/30/2027
Mr Hiu, James K Administrator (ADM 11800) Position Number: 3	Term(s): 3/1/2021 - 6/30/2024
Brockett, Debbie Administrator (ADM over 4,500) Position Number: 3	Term(s): 7/1/2024 - 6/30/2028
Ms Richardson, Cynthia A Administrator (ADM 1500-4500) Position Number: 4	Term(s): 7/1/2020 - 6/30/2024 12/19/2016 - 6/30/2020
Roberts, Gary Administrator (ADM 1,500-4,500) Position Number: 4	Term(s): 7/1/2024 - 6/30/2028
Spritzer, Dayle Administrator (ADM over 4,500) Position Number: 5	Term(s): 7/1/2024 - 6/30/2028

Mrs Sipe, Heidi A Administrator (ADM under 1,500) Position Number: 6	Term(s):	7/1/2024 - 6/30/2028
Mr Sconce, Robert W Jr Teacher (ADM over 4500) Position Number: 7	Term(s):	7/1/2020 - 6/30/2024 12/13/2016 - 12/12/2020 12/13/2012 - 12/12/2016
Latham, Laura Teacher Position Number: 8	Term(s):	7/1/2024 - 6/30/2028 7/1/2023 - 6/30/2024
Mr Pope, Camron E Teacher (ADM 1500-4500) Position Number: 10	Term(s):	7/1/2024 - 6/30/2028 3/1/2021 - 6/30/2024
Mr Hartsock, John N School Board (ADM over 4500) Position Number: 13	Term(s):	7/1/2020 - 6/30/2024 12/19/2016 - 6/30/2020
Mr Johnson, Duane N Not Affiliated (ADM under 1500) Position Number: 19	Term(s):	12/13/2016 - 6/30/2020 12/13/2012 - 12/12/2016 7/1/2000 - 6/30/2004 7/1/1996 - 6/30/2000 7/1/1992 - 6/30/1996
Purvine, Victoria R Not Affiliated (ADM under 1500) Position Number: 22	Term(s):	7/1/2020 - 6/30/2024 12/13/2016 - 12/12/2020 12/13/2012 - 12/12/2016
Al-Abradbbuh, Sami School Board (ADM 6775 students) Position Number: 14	Term(s):	3/1/2021 - 6/30/2024
Mr Westrick, James "Jim" G School Board (ADM 1500-4500) Position Number: 15	Term(s):	7/1/2024 - 6/30/2028 3/1/2021 - 6/30/2024
Dr Placido, Edith "Elaine" E DPA School Board (ADM less than 1500) Position Number: 16	Term(s):	7/1/2024 - 6/30/2028 3/1/2021 - 6/30/2024
Mr McVay, Mitchel "Tory" T School Board (ADM over 4500) Position Number: 17	Term(s):	7/1/2024 - 6/30/2028 3/1/2021 - 6/30/2024

Mr Wetzel, Joshua "Josh" W	Term(s):	7/1/2024 - 6/30/2028
School Board (ADM less than 1500)		3/1/2021 - 6/30/2024
Position Number: 18		
Ms Moyer, Marsha	Term(s):	11/17/2017 - 6/30/2021
Not Affiliated (ADM over 4500)		
Position Number: 20		
Mr Gallinat, Ron A	Term(s):	7/1/2020 - 6/30/2024
Not Affiliated		7/1/2016 - 6/30/2020
Position Number: 21		9/18/2013 - 6/30/2016
McKeon, Sascha	Term(s):	7/1/2023 - 6/30/2027
Not Affiliated		
Position Number: 23		
Kong, Connie	Term(s):	7/1/2024 - 6/30/2028
Non-affiliated		
Position Number: 24		

Vacant Positions

Pos	Former Member	Appointed By	Term Begin	Term End
9	Ms Stratton, Karen E	Governor	7/1/2016	6/30/2020
9	Ms Stratton, Karen E	Governor	9/18/2013	6/30/2016
9	Ms Ramey, Carolyn L	Governor	7/1/2009	6/30/2013
9	Ms Ramey, Carolyn L	Governor	7/1/2005	6/30/2009
9	Ms Ramey, Carolyn L	Governor	2/1/2002	6/30/2005
9	Mr Fisher, Mike	Governor	7/1/1997	6/30/2001
Pos	Former Member	Appointed By	Term Begin	Term End
11	Mr Nelson, Douglas M	Governor	9/18/2013	6/30/2016
11	Mr Krumbein, David H	Governor	7/1/2009	6/30/2013
11	Mr Krumbein, David H	Governor	11/1/2005	6/30/2009
11	Mr Fox, Michael F	Governor	7/1/2001	6/30/2005
11	Mr Fox, Michael F	Governor	7/1/1997	6/30/2001
11	Mr Fox, Michael F	Governor	4/12/1996	6/30/1997

Pos	Former Member	Appointed By	Term Begin	Term End
12	Mrs Blahm, Penny Y	Governor	10/1/2007	6/30/2011
12	Mrs Sprenger, Sherrie L	Governor	11/1/2005	6/30/2009
12	Mr Smith, Craig A	Governor	7/1/2000	6/30/2004
12	Mr Smith, Craig A	Governor	7/1/1996	6/30/2000