

Memorandum

PREPARED FOR: Oregon State Senate
DATE: May 9, 2023
BY: Leslie Porter, Analyst
RE: Legislative Review of Executive Appointments



FAIR DISMISSAL APPEALS BOARD

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

New Appointees

Laura Latham of Medford
Sascha McKeon of Pendleton

Reappointee

Laura Latham of Medford

Terms

Latham: May 22, 2023 – June 30, 2024
Latham: July 1, 2024 – June 30, 2028
McKeon: July 1, 2023 – June 30, 2027

Appointment/Confirmation Authority

[ORS 342.930 \(2021\)](#)

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 (HIU, PELLICCI, PERRY, RICHARDSON, VACANT, VACANT);
- six contract teachers, one of whom may be retired prior to appointment (LATHAM, POPE, SCONCE, VACANT, VACANT, VACANT);

¹ [Or. Const. art. III sect. 4](#), [ORS 171.562 \(2021\)](#) and [171.565 \(2021\)](#).

² [ORS 244.050 \(2021\)](#).

³ [ORS 182.100 \(2021\)](#) for affirmative action policy and [ORS 236.115 \(2021\)](#) for diversity criteria.

⁴ [ORS 342.930 \(2021\)](#).

- six members of common or union high school district boards at the time of their appointment (AL-ABRADBBUH, HARTSOCK, MCVAY, PLACIDO, WESTRICK, WETZEL); and
- six members may not have any affiliation with any common or union high school district (JOHNSON, GALLINAT, **MCKEON**, MOYER, PURVINE, 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 (WETZEL);
- a school district with an average daily membership of 1,500 to 4,500 students (PERRY); and
- a school district with an average daily membership of greater than 4,500 students (HIU).

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

⁵ Oregon Department of Education, *Fair Dismissal Appeals Board*, <https://www.oregon.gov/ode/educator-resources/Pages/FairDismissalAppealsBoard.aspx> (last visited April 29, 2023).

⁶ [ORS 342.905 \(2021\)](#).



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

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.

⁷ [ORS 342.930 \(2021\)](#).

⁸ [ORS 342.845 to 342.910 \(2021\)](#).



Fair Dismissal Appeals Board

Agency: **Oregon Department of Education**

Authorization: **ORS 342.930**

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

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

Senate Confirmation Required?: **Yes**

Policy Area: **Unknown**

Board Admin: **Emily Nazarov**

Address:

Public Service Bldg

Salem, OR 97310

503-947-5651

NazarovE@ode.oregon.gov

Current Appointments

Mr Wetzel, Joshua "Josh" W

School Board; (less than 1500 students)

Position Number: **1**

Term(s): **3/1/2021 - 6/30/2024**

Mrs Perry, Christina "Christy" M

Administrator; ADM 1500-4500

Position Number: **2**

Term(s): **7/1/2019 - 6/30/2023**

7/1/2014 - 6/30/2018

12/20/2010 - 6/30/2014

Mr Hiu, James K

Administrator; (11800 students)

Position Number: **3**

Term(s): **3/1/2021 - 6/30/2024**

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

Latham, Laura

Teacher

Position Number: **5**

Term(s): **7/1/2024 - 6/30/2028**

5/22/2023 - 6/30/2024

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

Ms Pellicci, Celeste

Administrator, 1500-4500 ADM

Position Number: **8**

Term(s): **11/17/2017 - 6/30/2021**

Al-Abradbbuh, Sami

School Board; (6775 students)

Position Number: **9**

Term(s): **3/1/2021 - 6/30/2024**

Mr Pope, Camron E Teacher; (1576 students) Position Number: 10	Term(s):	3/1/2021 - 6/30/2024
Mr McVay, Mitchel "Tory" T School Board; (17260 students) Position Number: 11	Term(s):	3/1/2021 - 6/30/2024
Dr Placido, Edith "Elaine" E DPA School Board; (less than 1500 students) Position Number: 12	Term(s):	3/1/2021 - 6/30/2024
Mr Hartsock, John N School Board Member; over 4500 Position Number: 13	Term(s):	7/1/2020 - 6/30/2024 12/19/2016 - 6/30/2020
Mr Johnson, Duane N Unaffiliated; 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 Non-Affiliated, ADM under 1500 Position Number: 14	Term(s):	7/1/2020 - 6/30/2024 12/13/2016 - 12/12/2020 12/13/2012 - 12/12/2016
Mr Westrick, James "Jim" G School Board; (3000 students) Position Number: 15	Term(s):	3/1/2021 - 6/30/2024
McKeon, Sascha Not Affiliated Position Number: 17	Term(s):	7/1/2023 - 6/30/2027
Ms Moyer, Marsha Non-Affiliated over 4500 ADM Position Number: 18	Term(s):	11/17/2017 - 6/30/2021
Mr Gallinat, Ron A Non-Affiliated Position Number: 21	Term(s):	7/1/2020 - 6/30/2024 7/1/2016 - 6/30/2020 9/18/2013 - 6/30/2016

Vacant Positions

Pos	Former Member	Appointed By	Term Begin	Term End
6	Ms Gerlits, Therese M	Governor	12/19/2016	6/30/2020
6	Mr Coleman, Jeff S	Governor	7/1/2010	6/30/2014
6	Mr Coleman, Jeff S	Governor	12/1/2006	6/30/2010
6	Ms Streetman, Linda J	Governor	11/8/2002	6/30/2006
Pos	Former Member	Appointed By	Term Begin	Term End
16	Mr. Ross, Dennis D	Governor	7/1/2013	6/30/2017
16	Mr. Ross, Dennis D	Governor	10/1/2010	6/30/2013
16	Mr Brawner, Frank E	Governor	7/1/2003	6/30/2007
16	Mr Brawner, Frank E	Governor	10/8/1999	6/30/2003
16	Ms Himmelsbach, Kathleen B	Governor	7/1/1995	6/30/1999
16	Ms Himmelsbach, Kathleen B	Governor	7/1/1991	6/30/1995
16	Ms Himmelsbach, Kathleen B	Governor	8/8/1988	6/30/1991
Pos	Former Member	Appointed By	Term Begin	Term End
20	Ms Penland, Peggy R	Governor	7/1/2009	6/30/2013
20	Mr Lujan, John	Governor	12/1/2006	6/30/2009
20	Ms Penland, Peggy R	Governor	10/1/2007	6/30/2009
20	Ms Meyer, Alice T	Governor	7/1/2002	6/30/2006
20	Ms Meyer, Alice T	Governor	7/1/1998	6/30/2002
20	Ms Meyer, Alice T	Governor	7/1/1994	6/30/1998
20	Ms Meyer, Alice T	Governor	1/15/1993	6/30/1994
Pos	Former Member	Appointed By	Term Begin	Term End
22	Ms Khan, Nasreen	Governor	7/1/2016	6/30/2020
Pos	Former Member	Appointed By	Term Begin	Term End
23	Mr Klewitz, Kent J	Governor	7/1/2019	6/30/2023
23	Mr Klewitz, Kent J	Governor	12/19/2016	6/30/2019
Pos	Former Member	Appointed By	Term Begin	Term End