

Memorandum

PREPARED FOR: Senate Committee on Rules
DATE: September 15, 2023
BY: Leslie Porter, Analyst
RE: Legislative Review of Executive Appointments



FAIR DISMISSAL APPEALS BOARD

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

New Appointee

Brian Sica of Hillsboro

Term

October 5, 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 that must include: ⁴

- six administrators in common or union high school districts, one of whom may be retired prior to appointment (HIU, PELLICCI, RICHARDSON, **SICA**, VACANT, VACANT);
- six contract teachers, one of whom may be retired prior to appointment (LATHAM, POPE, SCONCE, VACANT, VACANT, VACANT);
- six common or union high school district board members (AL-ABRADBBUH, HARTSOCK, MCVAY, PLACIDO, WESTRICK, WETZEL); and
- six members with no affiliation with any common or union high school district (GALLINAT, JOHNSON, 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 (JOHNSON, PLACIDO, PURVINE, WETZEL);

¹ [Or. Const. art. III sect. 4](#), [ORS 171.562 \(2021\)](#) and [171.565 \(2021\) \(2019\)](#).

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 \(2021\)](#).

- a school district with an average daily membership of 1,500 to 4,500 students (PELLICCI, POPE, RICHARDSON, **SICA**, WESTRICK); and
- a school district with an average daily membership of greater than 4,500 students (AL-ABRADBBUH, HARTSOCK, HIU, SCONCE, 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.

Duties⁵

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
- 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;

⁵ [ORS 342.445 \(2021\) to ORS 342.910 \(2021\)](#).



- 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

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

Sica, Brian

Administrator; ADM 1500-4500

Position Number: **2**

Term(s): **10/5/2023 - 6/30/2027**

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**
7/1/2023 - 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 |