

# FAIR DISMISSAL APPEALS BOARD ANNUAL MEETING

Monday, October 28, 2013

9:00 a.m.-11:00 a.m.

Minutes

Oregon Department of Education  
255 Capitol Street NE  
Salem, Oregon  
Rooms 251-A & B

## **FDAB Members Present**

Michael Cosgrove  
Doug Crow  
Ron Gallinat (by phone)  
Gary Humphries  
Duane Johnson  
Fred Marble  
Mary McKay  
Doug Nelson  
Christy Perry  
Victoria Purvine  
Dennis Ross  
Bob Sconce  
Karen Stratton

## **FDAB Members Absent**

Kathy Miller

## **Others Present**

Cindy Hunt, FDAB Executive Secretary  
Stephanie Parks, ODE Staff

Lisa Umscheid, Senior Assistant Attorney General, DOJ  
Tom Lenox, Assistant Attorney General, DOJ

## **Call to Order**

Chair Mary McKay called the meeting to order at 9:00 a.m.

Introductions were made of all those present at the meeting, both in the meeting room and on the phone.

## **Approval of October 2012 Minutes**

*Fred Marble moved to approve the draft minutes of the October 22, 2012 FDAB Board Meeting. The motion was passed unanimously*

## **Materials in Packets**

Cindy Hunt, FDAB Executive Secretary, described the contents of the packets. She stated that it was important to look at the membership list to make sure that all personal information was accurate. She also explained the expense claim form, and said that FDAB members who live more than 70 miles away from Salem may claim reimbursement for lodging. Other items in the packets included FDAB Procedures and FDAB OARs.

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## Actions taken since October 24, 2011 Meeting

Cindy Hunt discussed the list of cases, which include FDAB cases from 2008 through October 2013. She said there were nine cases filed in 2013. Orders were issued in two of the cases, and Cindy explained the reasons for that. Lisa Umscheid mentioned that a vast majority of cases will resolve short of full evidentiary hearings. The DOJ attorneys try, in prehearing conferences with lawyers, to encourage them to talk to each other about possible resolutions as early as possible. They have at least two and sometimes more phone conferences with attorneys after the case is filed and before the hearing where they discuss facts of the case and the prospects for settlement. If there is an opportunity for the partners to resolve the cases through settlement, they try to get that to happen well in advance of the scheduled hearing.

Cindy said the legal authority for hearings is found in [FDAB OARs](#). FDAB has 100 days under which a decision needs to be issued. FDAB has implemented a number of measures to get cases resolved in a timely manner. Very formal letters are sent out, advising that there will be a hearing and offering hearing dates. Cases are resolving faster, which serves both districts and teachers better.

There were two cases in 2012 in which FDAB issued orders.

- FDA #12-12 Suzanne Lynch v Klamath County School District
  - [Findings of Fact, Conclusions of Law and Order](#)
- FDA #13-01 Debi Meier v Salem-Keiser School District
  - [Order on District's Petition for Reconsideration](#)
  - [Findings of Fact, Conclusions of Law and Order](#)

## Legislative Update Discussion

Cindy discussed HB2096, which created new provisions for FDAB members, adding an additional member to each of the four member categories (Non-Affiliated, School Board Member, Teacher, or Administrator). This allows for more flexibility when scheduling hearings. Cindy also said the bill allows that one member from each category can now be a retiree.

LC634 also passed, which provides funds for FDAB to pay for substitute costs for teachers and administrators who serve on the Board.

Discussion took place regarding proposed FDAB procedural rules to be updated (a housekeeping measure). **Michael Cosgrove moved that these updates be adopted; the motion was seconded by Doug Nelson. The vote was unanimous in favor.**

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## Nominating Committee for Vice-Chairperson<sup>1</sup>

A subcommittee comprised of Doug Crow, Michael Cosgrove and Christy Perry nominated Karen Stratten from the pool of FDAB members who are Teachers to be the Vice Chair for 2013-2014. The vote was unanimous in favor.

## Adjournment

The meeting adjourned at 10:25 a.m.

## Next Meeting

The next FDAB Annual Meeting is scheduled for October 27, 2014.

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<sup>1</sup>**OAR 586-010-0015 Officers**

*The officers of the Board shall be chairperson and vice-chairperson. (1) The vice-chairperson succeeds to the chairperson. (2) The vice-chairperson position shall rotate each year in the order of teacher, board member, non-affiliated member and administrator. (3) Each year, the vice-chairperson shall be nominated by a chairperson-appointed three member nominating committee made up of board members from the members not eligible to serve that year. (4) The vice-chairperson shall be elected at the annual October meeting by a simple majority of the members present and voting. The term of the office shall be from the annual October meeting to the next October annual meeting. (5) New officers shall be installed at the close of the annual meeting at which they were elected.*  
Stat. Auth: ORS 342.805-342.934