

FAIR DISMISSAL APPEALS BOARD ANNUAL MEETING

Monday, October 27, 2014

9:00 a.m.

Minutes

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

FDAB Members Present

Michael Cosgrove (by phone)
Ron Gallinat
Gary Humphries
Duane Johnson
Fred Marble
Mary McKay
Kathy Miller
Doug Nelson
Victoria Purvine
Dennis Ross
Bob Sconce
Karen Stratton, Chair

FDAB Members Absent

Doug Crow
Christy Perry

Others Present

Cindy Hunt, FDAB Executive Secretary
Stephanie Parks, ODE Staff

Lisa Umscheid, Senior Assistant Attorney General, DOJ
Yael Livny, Assistant Attorney General, DOJ

Call to Order

Chair Karen Stratton 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.

Karen mentioned that Stephanie Parks had received Douglas M. Crow's resignation from the Board. He had moved from Mosier to Portland, and felt he was no longer eligible and that his ability to participate in hearings was limited. Stephanie will forward his resignation to the Governor's office.

Approval of October 28, 2013 Minutes

Doug Nelson moved to approve the draft minutes of the October 28, 2013 FDAB Board Meeting. The motion was seconded by Gary Humphries. The motion passed unanimously.

Materials in Packets

Cindy Hunt, FDAB Executive Secretary, described the contents of the folders given to each member. 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

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lodging. Other items in the folders included FDAB Procedures, Membership Handbook for Boards and Commissions, and an Ethics Law Summary.

Actions taken since October 28, 2013 Meeting

There were three cases since the October 2013 meeting in which FDAB issued orders:

- FDA #13-08 Jon Bishop v Riddle School District
 - [Findings of Fact, Conclusions of Law and Order](#)
- FDA #13-10 Kris Kibbee v Bethel School District
 - [Findings of Fact, Conclusion of Law and Order](#)
 - [Stipulated Protective Order](#)
- FDA #13-11 Gerald Bartsch v Elkton School District
 - [Findings of Fact, Conclusions of Law and Order](#)

Lisa Umscheid and Yael Livny from the Department of Justice briefed the Board on the above hearings. They also went over the [2013-2014 Compilation of FDAB Cases](#) they had prepared. This documents interpreted causes for dismissal under ORS 342.865 and selected procedural matters. Discussed were insubordination, neglect of duty, inadequate performance, and any case which constitutes grounds for revocation of the teacher's teaching certificate.

Lisa reiterated that it is their role to advise the FDAB panel on legal standards, and to give panel members advice on what decisions might withstand an appeal process. DOJ attorneys are not involved in actual decision making. Lisa mentioned that they are continuing to hold multiple pre-hearing conferences with lawyers to encourage them to look at the merits of cases well in advance of hearings.

Nominating Committee for Vice-Chairperson¹

Chair Stratton appointed a nominating committee to choose vice-chair nominees for 2015. The nominating committee was Mary McKay, Dennis Ross, and Bob Sconce. Victoria Purvine was nominated.

A vote took place, and all present voted in favor. Victoria Purvine was voted in as Vice-Chair for 2015.

The meeting adjourned at 10:20 a.m.

Next Meeting

The next FDAB Annual Meeting is scheduled for October 26, 2015.
