

Rainier School District #13 Regular School Board Meeting
August 9, 2021 at 6:30 p.m.

I. Preliminary Matters

- A. Call meeting to order
- B. Approve agenda for August 9, 2021 meeting

II. Reports, Information, and Discussion Items

- A. Superintendent report: Dr. Joseph Hattrick
- B. OAR 333-019-1015 Mask Mandate
- C. Results from Ethics Committee
- D. Business Manager-Financial update: Ms. Scotti Erickson

III. Public Comment

- A. Tonight's meeting is designed to keep presentations and deliberations efficient and effective. The board will not comment, but will listen only. They may choose to call your name for public testimony at the end of the meeting if your topic is a non-agenda item. The board may choose not to address your request if your topic is outside the scope of the board's governance. We ask that you remember Oregon law prohibits us from discussing specific employees or their job performance. If you wish to speak, please complete the Public Comment Form and submit to the board secretary prior to the start of the meeting.

IV. Consent Agenda

- A. Approve July 26, 2021 regular minutes
- B. Approve the hire of:
 - 1. Robyn Cochran-Moore (Jr High ELA Teacher)
- C. Approve the resignation of:
 - 1. Jeanie Cook (Occupational Therapist)
 - 2. Tanya Hearn (Cook III)

V. Items for Board Action

- A. Superintendent Professional Development Plan
- B. District Sports Fees
- C. District Letter
- D. Policy JECB: Admission of Non Resident Students

VI. Future Agenda Items

VI. Future Agenda Items

- A. Staff Handbook
- B. Student Handbook
- D. ASB Accounts and Transfer
- E. Revised Resolution # 1

VII. Board Comments

VIII. Next Meetings: Regular Board Meeting September 13, 2021

August 6, 2021

Rainier School District Staff, Families, Students, and Community,

On July 22, 2021 the Oregon Department of Education (ODE) released an updated Ready Schools, Safe Learners (RSSL) Resiliency Framework for the 2021-22 school year. The RSSL provided districts with local control over mask requirements while stating that masks were “strongly advised” for all staff and students in kindergarten and up. Last week, that local control was removed with Governor Brown’s announcement of a statewide mask mandate and the additional requirement that all Oregon school districts would be required to enforce the indoor mask mandate effective August 12, 2021.

The District feels the same frustration with these changing rules that the Rainier community feels. With this letter we hope to outline several items, but most importantly we want everyone to know that our commitment is to adhere to our plan to return all of Rainier’s students to school, in-person, for full day learning. This goal extends to full access to a regular sports roll-out for all seasons, full access to all of the other important extra-curricular activities, and learning opportunities that our Rainier students find so important to their overall learning experience.

With this letter we will outline what we have learned from our work with the State, ODE, and OHA leadership including:

- Why the mandate is in effect
- How Oregon can impose a statewide mask mandate
- What are the penalties that districts will face if they choose to ignore the statewide mandate?
- Outline the next steps for the Rainier School District

Why is a mandate in effect?

Many are asking why this mandate has occurred. ODE presented to superintendents across the state and it is critically important to share the information. Our goal has been (and will continue to be) to ensure every student is able to attend school in-person, every school day for the entire school year. Because students are required to attend school, which is a setting where COVID-19 can spread easily if precautions are not taken, the mask mandate was put in place by OHA. COVID-19 impacts and conditions have changed over the past month and due to the increased rates and new variants, we are required to respond to keep everyone safe. The mask requirement aligns with the Centers for Disease Control (CDC) and the following information was provided by ODE:

- ✓ CDC: “Given new evidence on the B.1.617.2 (Delta) variant, CDC has updated the guidance for fully vaccinated people. CDC recommends universal indoor masking for all teachers, staff, students, and visitors to K-12 schools, regardless of vaccination status. Children should return to full-time in-person learning in the fall with layered prevention strategies in place.”

- ✓ ODE stated: “With Oregon’s current uptick in Delta variant COVID-19 cases and hospitalizations, we implemented statewide universal masking in indoor k-12 settings. We are counting on local districts to add layered mitigation protocols.”
- ✓ According to ODE, our neighboring states in Washington and California are following the same guidelines.
- ✓ According to ODE and OHA, Oregon’s policy will be reviewed at least monthly for a shift back to local decision-making.

Statewide Mask Mandate

The OHA under Oregon Administrative Rule (OAR) 333-019-1015 has the authority to adopt rules to prescribe measures and methods for controlling reportable disease, including COVID-19. Two of the most important tools the state has to control COVID-19 are vaccination and masking. OAR 333-019-1015 was filed and is effective from 8/2/2021-1/28/2022. OAR 333-019-1015 requires schools to ensure that all individuals wear a mask when indoors with a few exceptions.

Penalties

There are many potential penalties for districts, superintendents, boards, and board members for failure to comply with OAR 333-019-1015 as well as other Oregon Revised Statutes:

- A school that violates OAR 333-019-1015 is subject to a civil penalty of \$500 per day per incident (This could be up to \$500,000 at RSD if no masks were worn (\$500 x 1000 individuals on campus in a given day)). Districts are still awaiting a final rule on what is constituted by an “incident”.
- OHA has authority/responsibility under ORS 431A.010 for additional action.
- Licensed educators who fail to obey this rule may face additional penalties. OAR 584-020-0035 (3) The ethical educator, in fulfilling obligations to the profession, will: (a) Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty. There would also be a possible violation of 584-020-0025 (3)(a), related to leadership skills. Deviation from these standards may subject the educator to discipline for gross neglect of duty, per OAR 584-020-0040 (4)(n) & (o).
- District will lose PACE liability coverage for non-adherence to the rule.
- If a board or superintendent fails to follow the mask mandate they put themselves at risk for personal liability should someone get ill, or worse, as a result of COVID-19.
- Per Rainier Policy BBBB, Board members qualify for duty by taking an oath of office affirming that they “support the Constitution of the United States, the Constitution of the state of Oregon and the laws thereof, and the policies of the Rainier School District.” Non-compliance may constitute violation of this policy and accompanied oath.

Now what?

The past few days have been very challenging. Districts being required to go from having local control to having little local control following the Governor’s mandate has been a challenge and very disappointing. Additionally, when these mandates are announced, the focus of community anger gets misdirected to school boards and superintendents. Our goal is to provide transparent

information so that those interested can provide feedback to the Governor and Oregon Lawmakers should they choose.

While we are required to adhere to the mask mandate, school districts still have some decision-making authority. Mask requirements for non-instructional time such as voluntary before/after school activities (sports and clubs), board meetings, parent meetings, and outdoor time during the instructional day are at the discretion of the school district. The Board will hear recommendations from the superintendent at its board meeting on Monday, August 9, 2021.

Rainier School District is committed to supporting our learning community, our students, staff, and community while we communicate the truth about the mandates. We share in the disappointment of our community and will continue to advocate for our district at the state level while protecting the district by following such mandates that are outside of local control.

Oregon Health Authority

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Public Health Division - Chapter 333

Division 19

INVESTIGATION AND CONTROL OF DISEASES: GENERAL POWERS AND RESPONSIBILITIES

333-019-1015

Masking Requirements in Schools

(1) The Oregon Health Authority has the authority to adopt rules to prescribe measures and methods for controlling reportable diseases, including COVID-19. Children are required to attend school, which is a congregate setting where COVID-19 can spread easily if precautions are not taken. Two of the most important tools the state has to control COVID-19 are vaccination and masking. However, currently children under the age of 12 are not eligible to receive the COVID-19 vaccines authorized for emergency use. In order to protect students under age 12, individuals who are not vaccinated, and those with underlying health conditions that make them more susceptible to complications from COVID-19, as well as to minimize the disruption of student education in schools because of exposure to a confirmed or suspected case of COVID-19, requiring universal use of masks inside schools is necessary.

(2) For purposes of this rule the following definitions apply:

(a) "COVID-19" means a disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(b) "Face shield" means a clear plastic shield that covers the forehead, extends below the chin, and wraps around the sides of the face.

(c) "Mask" means a cloth, polypropylene, paper or other face covering that covers the nose and the mouth and that rests snugly above the nose, below the mouth, and on the sides of the face.

(d) "School" means a public, private, parochial, charter or alternative educational program offering kindergarten through grade 12 or any part thereof.

(3) Schools must ensure that all individuals, including but not limited to staff, students, contractors and visitors wear a mask, except as provided in sections (4) and (5) of this rule, when in an indoor setting:

(a) At school during regular school hours;

(b) Engaged in educational activities such as field trips or off-campus classes during regular school hours; and

(c) At school engaged in educational activities outside of regular school hours.

(4) A face shield may be worn instead of a mask if an individual cannot wear a mask for medical reasons.

(5) An individual is not required to wear a mask under section (3) of this rule if the individual is:

(a) Actively eating or drinking.

(b) Sleeping.

(c) Playing a musical instrument that requires using the mouth.

(d) Engaged in a sport during physical education class such as swimming, other water sports, or a sport where wearing a mask could be a strangulation hazard such as gymnastics or wrestling.

(e) Alone in a private office enclosed by walls on all sides with a door that is closed.

(f) Is under the age of two.

(6) Nothing in this rule is intended to prohibit a school from complying with the Americans with Disabilities Act (ADA), the Rehabilitation Act, or the Individuals with Disabilities Education Act.

(7) A school that violates this rule on or after August 12, 2021 is subject to a civil penalty of \$500 per day per violation.

(8) This rule is effective on August 2, 2021.

(9) The Oregon Health Authority will review the continued need for this rule on a monthly basis, based on scientific information related to the spread and control of COVID-19.

Statutory/Other Authority: ORS 413.042, ORS 431.110, ORS 431A.010 & ORS 433.004

Statutes/Other Implemented: ORS 431.110, ORS 431A.010 & ORS 433.004

History:

PH 33-2021, temporary adopt filed 08/02/2021, effective 08/02/2021 through 01/28/2022

Please use this link to bookmark or link to this rule.

v1.9.1

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**OREGON GOVERNMENT ETHICS COMMISSION
INVESTIGATION**

CASE NO: 20-237ELC

DATE: July 13, 2021

RESPONDENT: CARTER, Robert Michael, former Superintendent, Columbia School District #13, AKA Rainier School District #13

COMPLAINANT: HOLLANDER, Kari, Chair, Board of Directors, Columbia School District #13 AKA Rainier School District #13

RECOMMENDED ACTION: Dismiss Complaint

1 **SYNOPSIS:** As the superintendent of the Columbia School District #13, also known as
2 Rainier School District #13 (District), Robert Michael Carter purchased a vehicle, a 2000
3 Jeep Cherokee, from the District in the spring of 2020. The focus of this investigation
4 was to determine if there was a preponderance of evidence to indicate that Respondent
5 used or attempted to use his position to obtain a financial benefit, in the purchase of a
6 district-owned car for less than fair market value. Information is not sufficient to indicate
7 that Respondent used or attempted to use his position to obtain "financial gain" or
8 avoidance of "financial detriment" through his actions at issue in this report and is
9 insufficient to indicate that Respondent violated ORS 244.040(1).

10

11 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the
12 issues addressed herein:

13

14 **ORS 244.020: Definitions.**

15

16 (15) Public official means the First Partner and any person who, when an alleged violation
17 of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or
18 any other public body as defined in ORS 174.109 as an elected official, appointed official,
19 employee or agent, irrespective of whether the person is compensated for the services.

1 **ORS 244.040: Prohibited use of official position or office.**

2 (1) Except as provided in subsection (2) of this section, a public official may not use or
3 attempt to use official position or office to obtain financial gain or avoidance of financial
4 detriment for the public official, a relative or member of the household of the public official,
5 or any business with which the public official or a relative or member of the household of
6 the public official is associated, if the financial gain or avoidance of financial detriment
7 would not otherwise be available but for the public officials holding of the official position
8 or office.

9 * * *

10
11 **INVESTIGATION:** The Oregon Government Ethics Commission (Commission) initiated
12 a preliminary review based on information in a signed written complaint filed by Kari
13 Hollander (Complainant), the Chair of the Board of Directors of the District. (#PR1).
14 Kari Hollander alleged that Robert Michael Carter, former Superintendent, Columbia
15 School District #13, also known as Rainier School District #13 (District) might have
16 attempted to use his position to obtain a financial benefit, in the purchase of a district-
17 owned car for less than fair market value. Specifically, Complainant alleged:

18
19 This transaction took place in May 2020, while Mr. Carter was still employed
20 as the RSD superintendent. The vehicle in question is a 2000 Jeep
21 Cherokee. The attached records show that Mr. Carter paid RSD \$1,200[.00]
22 for the vehicle, which the Board is concerned may be below the Kelley Blue
23 Book value for a comparable vehicle. Again, the vehicle was not declared
24 to be surplus property as required by RSD policy, nor was it sold in
25 accordance with standard procedures for selling government property.
26 (#PR1).

27
28 Respondent provided a detailed response to the allegations in which he noted that the
29 District had purchased four vehicles with the intent of selling three of the vehicles to pay
30 for the fourth, which the District would keep and use for District purposes. (#PR2).
31 Respondent indicated that although two of the three vehicles sold, the Jeep at issue did
32 not sell and was in "poor shape" and "not running well". He also noted that he paid

1 \$1,200.00, which was above what the maintenance staff had assessed for the vehicle.
2 (#PR2). The Commission found cause to investigate on January 29, 2021, after
3 considering the information developed in the preliminary review. The focus of the
4 investigation was to determine if there was sufficient evidence to indicate that Respondent
5 had used his position as a public official to obtain a financial benefit, by purchasing a 2000
6 Jeep Cherokee from the District when he was Superintendent of the District. Specifically,
7 investigation was needed to determine the actual condition of the vehicle and its
8 estimated value in order to determine if Respondent had obtained a financial benefit.
9 Respondent and Complainant were notified of the Commission's action and invited to
10 provide any information that would assist the Commission in conducting this investigation.

11
12 Purchase of the Four Vehicles in March, 2019

13 Respondent notes that the district was in need of a vehicle and made a purchase, within
14 his purchase authority dollar amount, of four vehicles from Columbia River Public Utility
15 District. (#PR2). His stated intent was to purchase four cars and sell three of them to
16 cover the cost of the one car in the lot that was intended to become a "district
17 vehicle". Respondent, in his role as superintendent of the district, prepared a sealed
18 bid/statement of need to present to the Columbia River Public Utilities District on February
19 27, 2019 in the amount of \$6,900.00 for four vehicles, three Jeep Cherokees and one
20 Toyota Prius. (#INV1). The bid on the Jeep Cherokee at issue was \$1200.00. According
21 to title documents, Rainer School District #13 became the owner of that Jeep on August
22 29, 2019. (#PR3).

23
24 Per respondent, the purchase of the four vehicles from Columbia River PUD did not need
25 to be authorized by the Board, as he, as the superintendent, had "purchasing power" up
26 to \$25,000.00 at the time, pursuant to District Policy DJ: District Purchasing, which
27 provides:

28
29 The superintendent or business manager are authorized to enter into
30 contracts and approve all other payments on contracts obligating district
31 funds not to exceed \$25,000 for products, materials, supplies, capital outlay,
32 and services that are within current budget appropriations. (#INV2).

1 Sale of Vehicles Purchased from Columbia River PUD

2 Respondent provided the contact information for James Knox, the Maintenance
3 Coordinator for the District. Commission staff contacted Mr. Knox, who provided the
4 following synopsis of the process used by the District in selling the school-owned vehicles,
5 including the Jeep at issue in this report:

6
7 The Rainier School District bought 4 Vehicles from Columbia River PUD.
8 That Jeep was one of them. After a few months we sold 2 vehicles and we
9 kept that Jeep for our summer student help to drive around the school from
10 job to job. By the end of summer it had paint stains and grease all over the
11 seats and carpet, the flashing light on the roof had a leak when it rained that
12 stained the head liner, the rear bumper and back hatch had dents in them,
13 and the white outside paint was chalking off. Due to the leak in the roof the
14 Jeep had black mold in it. The tires needed [to be] replaced. It had 140,000
15 (sic) miles on it. Then we started getting a code, cam shaft positioning
16 sensor was bad, and it would run rough and die, or just couldn't keep it
17 running so we very seldom used it. Then we decided to go ahead and
18 replace the sensor. Within a week or so, we had the same code showing[;]
19 looking at blogs online it said it might need motor work. So after the [J]Jeep
20 sat around for a long time, we decided to sell it and posted it on the web. A
21 co-worker and I looked [at] what Jeeps were selling for in that condition and
22 we came up with \$1000[.00] as a fair price. We had one guy interested in it
23 so he came to look at it and offered \$800[.00] for it and I said I thought we
24 could get the \$1000[.00]. So he didn't want it. So Mr. Carter offered
25 \$1200[.00]. In the past 41 years working for the school district, I have seen
26 a lot of vehicles sell between \$400[.00] and \$800[.00]. They are usually not
27 in the best condition or shape. I think getting \$1200[.00] for it was a good
28 sale for the district. (#INV3).

29
30 Sale to Respondent

31 Commission staff reviewed the documents submitted regarding the sale of the vehicle at
32 issue. A Notice of Vehicle Sale for a vehicle with the vehicle identification number

1 1J4FF28S0YL225551, as well as an unsigned Bill of Sale and Title for the same vehicle,
2 a 2000 Jeep LL Cherokee with 104,874 miles on its odometer, indicate that the vehicle
3 was sold on May 18, 2020 to Respondent, Robert Carter. (#PR3). The seller was listed
4 as "Rainer School District no. 13." The buyer was listed as "Michael Carter." Check
5 number 4588, received from "Michael Carter", in the amount of \$1200.00, was deposited
6 into a District account on June 2, 2020, with a notation that it was for the "Purchase of
7 Jeep Cherokee – District Vehicle". (#PR3).

8
9 Commission staff also received a copy of an email from Scott Erickson, Business
10 Manager for the Rainier School District, dated May 21, 2020 which reads as follows:

11
12 The bill of sale for the Jeep is attached. Someone from the district
13 (preferably not yourself) needs to sign this. Lexi will sign the title over and
14 has already contacted Chad regarding the insurance. Do we need to put
15 this on the agenda for board approval? I am concerned about the optics of
16 this since you are the superintendent and the buyer. (#PR3).

17
18 Respondent's reply was "[l]ooks good to me. Thanks."

19
20 District Policy

21 According to the District Policy Manual, section DN, Fiscal Management:

22
23 Disposal of District Property –DN1- Disposal of District Property: The Board
24 may, at any time, declare district property as surplus and authorize its
25 disposal when such property is no longer useful to the district, unsuitable
26 for use, too costly to repair or obsolete. If reasonable attempts to dispose
27 of surplus properties fail to produce a monetary return to the district, the
28 Board may dispose of them in another manner. If the district property was
29 purchased with state, federal or private grant funds disposal of the property
30 shall be made as outlined in the grant or by state or federal regulations.
31 (#INV4).

32 ///

1 There are no records of any such declaration by the Board prior to the time any of the
2 four vehicles were sold. There is no record of any such declaration regarding the Jeep
3 that was purchased by Respondent. The Complainant has indicated that the Board was
4 never made aware of any vehicles being declared "surplus" nor of the sale of any of the
5 vehicles. (#INV5).

6
7 Respondent's Ownership of the Jeep

8 Respondent indicated in his responses, and it is clear from District Maintenance
9 Supervisor Jim Knox, that the Jeep at issue was in poor condition. Respondent has
10 tendered several repair bills related to the Jeep in question, including a bill from Midas
11 Auto Service in Longview, Washington, dated June 2, 2020, indicating that Respondent
12 paid \$477.17 to tune the electronic ignition and remove and replace the idle speed control
13 on the Jeep. (#INV6). Respondent also provided a receipt for work performed at Jiffy
14 Lube #794 in Longview, Washington, indicating that the Jeep had an "engine oil leak" as
15 well as a "transmission/transaxle leak" at the time of an oil change performed on the Jeep
16 in May, 2020. (#INV7). Pictures submitted by Respondent also indicate that the Jeep
17 did, in fact, have a hole in the roof which was rusted. (#INV8).

18
19 Respondent also provided a copy of a valuation he had requested and received online in
20 January 2021, from a Kelley Blue Book Specialist, Cristian Orozco. (#INV9). Mr. Orozco's
21 analysis resulted in two Kelley Blue Book valuations, of \$954.00 and \$848.00. These
22 valuations reflected what two area dealerships, Beaverton Car Company in Hillsboro, and
23 Dick Hannah Toyota in Kelso, Washington, respectively, were willing to pay for the vehicle
24 in its condition in January, 2021. (#INV9).

25
26 Conclusions

27 In order to constitute a violation of ORS 244.040(1), a public official must use or attempt
28 to use their position to obtain a financial benefit or avoid a financial detriment that would
29 not have been available "but for" their official position. The facts available in this
30 investigation indicate that the 2000 Jeep Cherokee at issue had been placed for sale to
31 the public by the District and that one offer had been received and rejected by the District.
32 (#INV3). The facts further indicate that Respondent then purchased the vehicle, during

1 this timeframe, for \$1200.00. (#PR2)(#INV3). The District Policy Manual in relevant part
2 indicates that there is in place a specific process for disposal of property of the District
3 which was not followed in this case. As such, the Commission could find that the
4 Respondent, as superintendent of the District, may have used his position in the purchase
5 of the vehicle from the District without following the procedure set out in the Policy Manual.
6

7 The "financial gain or avoidance of financial detriment" element of ORS 244.040(1) is,
8 however, missing from these facts. Respondent paid \$1200.00 for the vehicle in May,
9 2020. James Knox, the Maintenance Supervisor for the District, indicates in his letter to
10 the Commission that the vehicle had myriad problems that needed to be addressed, and
11 that he determined a fair price for the vehicle was "\$1,000.00" and that he had rejected a
12 lower offer of \$800.00 from a potential purchaser on behalf of the district. (#INV3).
13 Respondent was required to pay for repairs in an amount over \$400.00 when he initially
14 purchased the vehicle and received feedback that the vehicle was leaking oil and
15 transmission fluid shortly after the purchase. Moreover, the body was damaged, as noted
16 by Mr. Knox, and there was a rusted hole in the roof of the vehicle. (#INV8). Finally,
17 Respondent had requested and received a Kelley Blue Book estimate of his vehicle from
18 a Blue Book specialist who provided two Blue Book estimates for the vehicle from two
19 area car dealers, which ranged from \$848.00 to \$954.00. (#INV9). There does not appear
20 to be sufficient evidence of a financial gain or avoidance of financial detriment obtained
21 by Respondent as a result of his purchase of the vehicle
22

23 **CONCLUSIONS:** Respondent was the Superintendent of the District at the time the
24 incident in question occurred and, as such, is considered a "public official" (as defined in
25 ORS 244.020(15)) and is subject to ORS Chapter 244 Oregon Government Ethics law.
26 ORS 244.040(1) prohibits public officials from using or attempting to use their official
27 positions to obtain a personal financial benefit or avoid a personal financial detriment that
28 would not have been available "but for" holding the public position. Information available
29 during investigation is insufficient to indicate that although Respondent may have
30 attempted to use his official position to procure a vehicle, he did not obtain any financial
31 gain or avoidance of financial detriment for himself, that was not available "but for" his
32 position. Information is insufficient to indicate that Respondent violated ORS 244.040(1)

1 by his actions.

2

3 **RECOMMENDATIONS:** The Oregon Government Ethics Commission should dismiss
4 the complaint in this matter. (Motion 7)

5

6 **ASSOCIATED DOCUMENTS:**

7 #PR1 Complaint filed by Kari Hollander, November 24, 2020.

8 #PR2 Response submitted by Robert Carter, December 4, 2020.

9 #PR3 Documents Relating to the Sale of a 2000 Jeep Cherokee SUV, VIN
10 1J4FF28S0YL225551.

11 #PR4 Kelley Blue Book website: <https://www.kbb.com>

12 #INV1 Bid Proposal/Purchase re: Columbia River PUD, February 17, 2019

13 #INV2 Rainier School District #13, Policy Manual, District Policy DJ: District
14 Purchasing: <https://policy.osba.org/rainier/D/index.asp>

15 #INV3 Email from Jim Knox, Maintenance Coordinator, Rainier School District #13,
16 dated April 14, 2021.

17 #INV4 Rainier School District #13, Policy Manual, section DN: Fiscal
18 Management: <https://policy.osba.org/rainier/D/index.asp>

19 #INV5 Email from Kari Hollander, dated January 28, 2021.

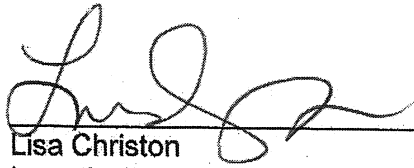
20 #INV6 Midas Auto Service repair bill, dated June 2, 2020

21 #INV7 Jiffy Lube repair bill, dated May 30, 2020.

22 #INV8 Photos of the Jeep Cherokee SUV, VIN1J4FF28S0YL225551

23 #INV9 Kelley Blue Book Valuation, provided by Cristian Orozco, January 10, 2021.

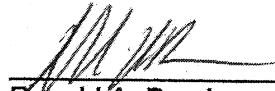
PREPARED BY



Lisa Christon
Investigator

7/13/2021
Date

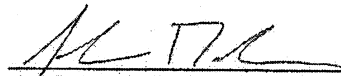
APPROVED BY



Ronald A. Bersin
Executive Director

7/13/2021
Date

REVIEWED BY



Joshua Nasbe
Assistant Attorney General

7/17/21
Date

OREGON GOVERNMENT ETHICS COMMISSION

PRELIMINARY REVIEW

CASE NO: 20-237ELC

DATE: December 22, 2020

RESPONDENT: CARTER, Robert Michael, former Superintendent, Columbia School District #13, AKA Rainier School District #13

COMPLAINANT: HOLLANDER, Kari, Chair, Board of Directors, Columbia School District #13 AKA Rainier School District #13

RECOMMENDED ACTION: Move to Investigate Possible Violations of ORS 244.040

1 **PRELIMINARY REVIEW:** The Oregon Government Ethics Commission (Commission)
2 received a letter of complaint from Kari Hollander, Chair, Columbia School District #13
3 Board of Directors (Board) on November 24, 2020. (#PR1). Kari Hollander alleged that
4 Robert Michael Carter, former Superintendent, Columbia School District #13, also known
5 as Rainier School District #13 (District) might have attempted to use his position to obtain a
6 financial benefit, in the purchase of district-owned car for less than fair market value.
7 Receipt of the complaint was acknowledged in letters to Complainant and Respondent.
8 Respondent was provided with the information received in the complaint and invited to
9 provide any information which would assist the Commission in conducting the preliminary
10 review in this matter.

11

12 Complaint alleges, in relevant part:

13

14 It has come to the attention of the Rainier School District #13 ("RSD") Board
15 of Education that RSD's former superintendent, Michael Carter, purchased a
16 district vehicle for his personal use directly from RSD without the vehicle
17 being declared surplus property pursuant to district policy or being put out for
18 auction or bid. Mr. Carter purchased the vehicle by directing staff who
19 reported to him to complete the transaction. Mr. Carter did not inform the

1 Board of this transaction, nor did he declare a conflict of interest in relation to
2 this transaction. This transaction took place in May 2020, while Mr. Carter
3 was still employed as the RSD superintendent. The vehicle in question is a
4 2000 Jeep Cherokee. The attached records show that Mr. Carter paid RSD
5 \$1,200 for the vehicle, which the Board is concerned may be below the
6 Kelley Blue Book value for a comparable vehicle. Again, the vehicle was not
7 declared to be surplus property as required by RSD policy, nor was it sold in
8 accordance with standard procedures for selling government property.
9 (#PR1)

10
11 Respondent provided a letter in response to the complaint, which will be provided in its
12 entirety to the Commissioners with this report, and is excerpted below:

13
14 The District came across a Toyota Prius well suited to meet the District's
15 needs, which was being sold as part of a four-vehicle package along with
16 three other vehicles. The idea arose to purchase the four (4) vehicles, sell
17 the three vehicles the District didn't need, and use the proceeds to pay for
18 the one (1) that it did, thereby enabling the District to secure a needed
19 vehicle at *no cost to the District*. Upon making the four (4) vehicle package
20 purchase, the Toyota Prius was placed into service. Efforts were then made
21 to sell the other three (3) vehicles. One vehicle sold almost immediately. The
22 second took a little while longer. The third vehicle (the 2000 Jeep in
23 question) not sell since it had been sitting for an extended period and was
24 not running well, and it was in poor shape. I had to have the car repaired in
25 order for it to run, and I have the shop's receipt to demonstrate the condition
26 of the vehicle upon purchase. The vehicle was in poor shape with a lot of
27 issues. In addition, the roof leaked and had to be repaired, along with other
28 repairs consistent with a car that has been sitting for a long period of time.

1 However, the amounts received from the two vehicles were alone enough to
2 pay for the Prius the District needed. This Jeep Cherokee was parked by the
3 Rainier School District shop, and it was not used as part of the general fleet
4 because of its intended use (for sale). . . .The [s]pring of 2020, after the Jeep
5 again did not sell, I decided that I might be willing to purchase the vehicle.
6 The vehicle was valued by the maintenance crew using the same criteria that
7 they had used in the past, valuing the vehicle [in] question between \$800 -
8 \$1,000. The maintenance staff notified the office staff of their assessed
9 value and I paid an extra \$200 for a total of \$1,200 which produced a
10 monetary return to the district on the individual vehicle. As superintendent
11 (also as a matter of public record) I did know that the district paid \$1,000 for
12 the Jeep originally, and I wanted to make sure that the district made money
13 on the sale, since that was the purpose of originally purchasing the vehicle in
14 the first place. I didn't need the vehicle and, if I knew that I would offend
15 someone in the district or break any policy or procedure with this purchase I
16 would have not purchased it. I really thought that I was actually helping the
17 district out with the purchase. In my tenure in Rainier, I personally donated a
18 classic vehicle to the school district so that they could raffle off tickets, and
19 they sold the classic car to support and save the metal shop class that was
20 cut due to budget constraints, so this behavior was not out of character for
21 me. (#PR2).

22
23 Additional information regarding the sale of the Jeep was provided by Complainant and
24 consists of the title to the vehicle at issue which indicates it is a 2000 Jeep Cherokee SUV,
25 vehicle identification number (VIN) 1J4FF28S0YL225551, as well as district
26 correspondence dated May 21, 2020 regarding the sale, between Respondent and Scotti
27 Erickson, the Business Manager of the District:

1 The bill of sale for the Jeep is attached. Someone from the district
2 (preferably not yourself) needs to sign this. Lexi will sign the title over and
3 has already contacted Chad regarding the insurance. Do we need to put this
4 on the agenda for board approval? I am concerned about the optics of this
5 since you are the superintendent and the buyer. (#PR3).
6

7 **RECOMMENDATIONS:** Respondent was the Superintendent of the District at the time the
8 incident in question occurred and, as such, is considered a "public official" (as defined in
9 ORS 244.020(15)) and is subject to ORS Chapter 244 Oregon Government Ethics law.
10 ORS 244.040(1) prohibits public officials from using or attempting to use their official
11 positions to obtain a personal financial benefit or avoid a personal financial detriment that
12 would not have been available but for holding the public position.
13

14 In his response, Respondent asserts that the vehicle was purchased as part of a four
15 vehicle "package" and that the vehicle at issue was in poor shape. He indicates that he
16 believed he was helping out the district by purchasing the Jeep from the district and that
17 the Jeep had a hole in its roof and that he needed to have it repaired for it to "run".
18 (#PR2). He also indicated that he paid \$200 more than the District paid for the Jeep. No
19 documentation regarding the district's assigned "value" or the condition of the Jeep or
20 necessary repairs made has been provided by Respondent at this time.
21

22 Commission staff attempted to ascertain the value of the Jeep Cherokee SE at issue by
23 consulting the Kelley Blue Book, a resource guide in the automotive industry that provides
24 values for pricing on new and used cars. The Kelley Blue Book has four values that are
25 assigned to used cars, ranging from "fair" to "excellent". (#PR4). Kelley Blue Book defines
26 "fair" as a vehicle on which tires need replacement, if it has any rust, which must be
27 repairable to be classified in fair condition, it possesses some defects in the engine or
28 other mechanical systems, or any visual flaws. Any imperfections or defects must be
29 serviceable or repairable, and, according to Kelley Blue Book, the car must be "in
30 reasonable running condition." (#PR4). The Kelley Blue Book value range for a 2000 Jeep
31 Cherokee SE is between \$2,796 ("fair") to \$5,117("excellent"). (#PR4). Using the lower, or

1 "fair" condition value of \$2,796 as the fair market value of the Jeep at issue, a 2020 Jeep
2 Cherokee SE, it appears that Mr. Carter may have paid approximately \$1,500 less than
3 that Blue Book value for his Jeep by purchasing it through the school district. Although Mr.
4 Carter has noted, in his response, that the vehicle was in extremely poor condition and
5 needed repairs in order to enable the vehicle to "run", no documents regarding these
6 repairs were provided to Commission staff at the time of preliminary review.

7
8 It appears that Respondent may have used his position as Superintendent of the District to
9 obtain a financial benefit for himself, in that he received the benefit of a 2000 Jeep
10 Cherokee SUV, valued at approximately \$2,796 per the Kelley Blue Book, for \$1,200. The
11 difference in value may be a financial benefit received by Respondent as a result of his
12 position as a public official. Further investigation is warranted, however, to determine the
13 actual condition of the vehicle and its estimated value, and to determine if this "financial
14 benefit" to Mr. Carter would have been unavailable but for his position as superintendent of
15 the District, in violation of ORS 244.040(1). The Oregon Government Ethics Commission
16 should move to investigate whether Respondent may have violated ORS 244.040. (Motion
17 4).

18
19 **ASSOCIATED DOCUMENTS:**

- 20 #PR1 Complaint filed by Kari Hollander, November 24, 2020.
21 #PR2 Response submitted by Robert Carter, December 4, 2020.
22 #PR3 Documents Relating to the Sale of a 2000 Jeep Cherokee SUV, VIN
23 1J4FF28S0YL225551.
24 #PR4 Kelley Blue Book website: <https://www.kbb.com>

25 PREPARED BY Lisa Christon, Investigator

APPROVED BY Ronald A. Bersin, Executive Director

REVIEWED BY Joshua Nasbe, Assistant Attorney General

Jan 12/22/2020

12/22/2020

*per email
JD 12/22/2020*

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)
)
Robert Michael Carter) **FINAL ORDER OF DISMISSAL**
)
) **Case No. 20-237ELC**
)
_____)

At the Oregon Government Ethics Commission (Commission) meeting on July 23, 2021, the Commission considered the investigation report regarding allegations that Robert Michael Carter may have violated Oregon Government Ethics law. The Commission voted to dismiss the matter.

Now therefore, after considering the relevant portions of the Commission's file relating to this matter, the Oregon Government Ethics Commission enters an Order of Dismissal in the matter of Robert Michael Carter.

7/23/2021
Date


Dave Fiskum, Vice-Chairperson
Oregon Government Ethics Commission

All Funds Summary

as of 6/30/2021

Fund	Estimated Ending Fund Balance (EFB)
100 - General	\$ 1,613,403
110 - Co-Curricular Athletics	(15,060)
201 - Title IA	- *
202 - Title IIA	- *
204 - Title IV	- *
207 - Title VII	- *
219 - IDEA Special Ed	(14,758) *
220 - LEA ESSER/CDL	- *
223 - Perkins	- *
229 - Youth Transition Program	- *
251 - Student Investment Account	35,351 *
252 - High School Success/M98	- *
260 - Misc. Grants	78,053 *
261 - Additional Misc. Grants	5,662 *
262 - Preschool Grant	- *
272 - Garbage Truck Reserve	24,000 *
275 - Briarcliff Pool Operation	- *
280 - Public Library Services	6,580 *
285 - Assoc. Student Body	173,989 *
290 - Outdoor School	- *
299 - Nutrition Services	170,091 *
300 - Debt Service - PERS Bond	34,719 *
305 - Debt Service - QZAB Bond	575,000 *
400 - Capital Improvement Reserve	56,095
705 - Scholarships	5,000 *
710 - Bower Scholarship	45,612 *
711 - Hammon Scholarship	44,816 *
	<u>\$ 1,583,585</u> Unrestricted EFB

1,254,967 Restricted EFB (those marked with *)

Rainier School District
General Fund Projected Revenue Expenditures vs. Budget

Budget 2020-2021 ADMW = 1047.96 SSF/ADM = \$8479 **\$9,750,640**

GENERAL FUND (100)	Actual												Adopted / Adjusted Budget	Variance Favorable (Unfavorable)	
	July	August	September	October	November	December	January	February	March	April	May	June			Annual
Beginning Fund Balance	595,052	1,254,093	1,521,978	1,406,337	1,276,092	4,682,882	4,640,908	3,873,539	3,759,188	3,316,109	2,900,357	3,015,566	595,052	364,000	231,052
REVENUES															
State School Fund	937,577	468,507	468,507	468,507	468,507	468,507	452,775	452,775	256,441	256,440	793,606	(3,407)	5,488,741	5,623,279	(134,538)
Property Taxes	-	-	14,723	9,176	3,578,279	146,832	45,684	24,742	53,836	48,280	55,267	60,268	4,037,087	3,951,400	85,687
Other Tax Revenue	-	-	-	-	-	-	-	45,290	-	-	-	70,881	116,171	175,961	(59,790)
Total State Fund Formula Rev	937,577	468,507	483,230	477,683	4,046,786	615,339	498,469	522,807	310,277	304,720	848,873	127,742	9,642,000	9,750,640	(108,640)
NWRESD Funds															
Natural Gas/Oil/Minerals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other State Revenue	-	-	-	220	-	-	-	-	-	-	64,446	-	51,429	10,000	41,429
Tuition: Summer School	-	-	-	-	-	-	-	-	-	-	-	-	-	64,666	7,018
Interest on Investments	1,031	1,136	1,132	823	1,339	2,640	2,479	2,142	1,658	1,502	1,348	939	18,168	40,000	(21,832)
Miscellaneous	8,580	6,005	249	13,411	794	2,281	7,586	3,001	4,008	5,965	11,705	3,800	67,387	185,113	(117,726)
Sale of Fixed Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfer In	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Other Revenues	9,611	7,141	1,381	14,454	2,133	4,921	10,065	5,143	5,666	7,467	77,498	56,169	201,649	302,131	(100,482)
Total Revenue	947,188	475,648	484,611	492,138	4,048,919	620,260	508,524	527,950	315,943	312,187	926,370	183,911	9,843,648	10,052,771	(209,123)
EXPENDITURES															
Salaries	83,985	110,531	351,816	355,259	355,822	344,819	350,713	350,476	339,204	357,372	352,058	822,032	4,174,087	4,742,357	568,270
Benefits	34,546	68,579	175,773	206,316	205,060	199,271	207,997	243,420	204,681	233,905	251,442	554,725	2,585,714	2,879,733	294,018
Services (Prof/Utilities)	51,794	16,903	18,254	47,172	72,744	114,364	181,457	35,707	200,460	116,297	153,172	171,238	1,176,963	1,548,510	369,547
Supplies	5,167	5,649	52,657	12,308	7,573	3,341	7,799	12,300	14,417	19,770	15,254	34,986	191,221	321,704	130,483
Capital Outlay	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Expenses	113,255	6,100	1,752	1,328	930	439	497	398	259	594	39,235	3,094	167,881	146,466	(21,415)
Transfers	-	-	-	-	-	-	527,431	-	-	-	-	-	527,431	528,000	569
Contingency	-	-	-	-	-	-	-	-	-	-	-	-	-	250,000	250,000
Total Expenditures	288,147	207,763	600,252	622,383	642,128	662,234	1,275,894	642,300	759,022	727,939	811,161	1,586,074	8,825,298	10,416,770	1,591,472
Net Revenues (Expenditures)	659,041	267,885	(115,641)	(130,245)	3,406,790	(41,974)	(767,370)	(114,351)	(443,079)	(415,752)	115,209	(1,402,163)	1,016,351	(364,000)	1,382,351
Ending Fund Balance	1,254,093	1,521,978	1,406,337	1,276,092	4,682,882	4,640,908	3,873,539	3,759,188	3,316,109	2,900,357	3,015,566	1,613,403	1,613,403	0	1,613,403

Budget Resolution Summary
June 30, 2021

	<u>Adopted Budget</u>	<u>6/30/2021 Year-to-date</u>	<u>Encumbrances</u>	<u>Unspent (Over Spent)</u>	<u>% of Budget Spent</u>
General Fund					
Instruction	\$ 5,205,325	\$ 4,897,038	\$ 760	\$ 307,527	94%
Support Services	4,611,946	3,519,948	534	1,091,465	76%
Transfers	528,000	527,431	-	569	100%
Contingency	250,000	-	-	250,000	0%
Total General Fund	<u>10,595,271</u>	<u>8,944,417</u>	<u>1,293</u>	<u>1,649,561</u>	<u>84%</u>
Special Revenue Fund					
Instruction	1,756,562	1,240,271	18,355	497,937	72%
Support Services	799,148	500,097	-	299,051	63%
Enterprise & Community Service	723,784	624,930	-	98,855	86%
Transfers	6,300	-	-	6,300	0%
Contingency	77,500	-	-	77,500	0%
Unappropriated Ending Fund Balance	65,000	-	-	65,000	0%
Total Special Revenue Funds	<u>3,428,294</u>	<u>2,365,297</u>	<u>18,355</u>	<u>1,044,642</u>	<u>70%</u>
Debt Service	721,794	721,794	-	-	100%
Unappropriated Ending Fund Balance	569,105	-	-	569,105	0%
Total Debt Service Fund	<u>1,290,899</u>	<u>721,794</u>	<u>-</u>	<u>569,105</u>	<u>56%</u>
Capital Reserve Fund					
Support Services	56,095	-	-	56,095	0%
Total Capital Reserve Fund	<u>56,095</u>	<u>-</u>	<u>-</u>	<u>56,095</u>	<u>0%</u>
Agency Fund					
Enterprise & Community Service	22,000	13,500	-	8,500	61%
Unappropriated Ending Fund Balance	83,849	-	-	83,849	0%
Total Agency Fund	<u>105,849</u>	<u>13,500</u>	<u>-</u>	<u>92,349</u>	<u>13%</u>
Total All Funds	<u>\$ 15,476,408</u>	<u>\$ 12,045,008</u>	<u>\$ 19,648</u>	<u>\$ 3,411,752</u>	<u>78%</u>
Calendar Year Completed		12			100%
School Year Completed *		10			100%

* Most instruction staff paid 3 checks in June

Reconciled Cash Balances

InRoads Checking	1,941
InRoads Savings	445,653
US Bank Checking	176,081
InRoads Lunch Fund Deposit Account	1,076
LGIP - General Fund & Scholarship Funds	<u>1,223,486</u>
Total	<u>\$ 1,848,237</u>

**Capital Improvements Reserve Fund
June 30, 2021**

Fund 400 - Capital Improvements Reserve

	<u>Actual YTD</u>	<u>Budget</u>	<u>Budget Balance</u>
Resources			
Beginning Fund Balance	\$ -	\$ 56,095	\$ (56,095)
Total Resources	<u>-</u>	<u>56,095</u>	<u>(56,095)</u>
Expenditures			
Improvements	<u>-</u>	<u>-</u>	<u>-</u>
Total Expenditures	<u>-</u>	<u>-</u>	<u>-</u>
Ending Fund Balance	<u>\$ -</u>	<u>\$ 56,095</u>	<u>\$ (56,095)</u>

**Garbage Expenses
June 30, 2021**

Fund 100 - Garbage Expenses

	<u>Actual YTD</u>	<u>Budget</u>	<u>Budget Balance</u>
Expenditures			
Salaries and Benefits	\$ 646	\$ 1,297	\$ 651
Repairs and Maintenance	-	5,000	5,000
Dump fees and recycling services	2,083	7,000	4,917
Supplies	-	-	-
Fuel	713	1,000	287
Total Expenditures	<u>\$ 3,442</u>	<u>\$ 14,297</u>	<u>\$ 10,855</u>

Rainier School District
Student Count ADM
Monthly Report

Grade	Student Count											YTD ADM
	Sept 21, 2020	Oct 26, 2020	Nov 12, 2020	Dec 7, 2020	Jan 11, 2021	Feb 1, 2021	Mar 1, 2021	Apr 5, 2021	May 3, 2021	June 7, 2021	73	
K	70	74	75	74	74	74	74	74	74	74	74	74
1	56	56	56	56	57	56	58	57	57	56	56	57
2	55	55	56	54	54	52	55	54	55	55	55	55
3	53	56	56	56	56	56	57	57	57	57	57	56
4	52	54	55	58	57	58	55	55	55	55	55	55
5	54	54	54	54	53	53	53	55	55	54	54	54
6	75	77	78	79	79	80	79	78	79	79	78	78
HPE	415	426	430	431	432	429	431	430	432	429	429	429
7	76	81	81	81	80	80	79	80	79	79	79	80
8	67	68	68	67	68	68	69	68	69	69	69	68
9	67	68	68	67	68	68	67	67	65	65	65	67
10	54	55	55	55	56	56	56	56	53	53	53	55
11	67	67	67	66	67	66	64	64	64	62	66	66
12	54	54	54	53	53	53	51	50	50	50	53	53
RHS	385	393	393	389	392	391	390	386	380	378	388	388
NCA	52	51	51	50	49	50	48	48	45	46	49	49
TOTAL	852	870	874	870	873	870	870	864	857	853	865	865
2019-2020 ADM	856	938	928	928	932	933	940	n/a	n/a	n/a	n/a	n/a
Change	(4)	(68)	(54)	(58)	(59)	(63)	(70)					

* K = 1.0 starting in 2015-16 (instead of 0.5)

Year	ADMw	ANNUAL CHANGE	History % CHANGE
1998-1999	1,592		
1999-2000	1,547	-45	-3%
2000-2001	1,542	-5	0%
2001-2002	1,452	-90	-6%
2002-2003	1,418	-34	-2%
2003-2004	1,343	-75	-5%
2004-2005	1,311	-32	-2%
2005-2006	1,339	28	2%
2006-2007	1,315	-24	-2%
2007-2008	1,349	34	3%
2008-2009	1,321	-28	-2%
2009-2010	1,242	-79	-6%
2010-2011	1,186	-56	-5%
2011-2012	1,192	6	1%
2012-2013	1,114	-78	-7%
2013-2014	1,099	-15	-1%
2014-2015	1,061	-38	-3%
2015-2016*	1,094	33	3%
2016-2017	1,104	10	1%
2017-2018	1,073	-31	-3%
2018-2019	1,044	-29	-3%
2019-2020	1,003	-41	-4%

ADM Weighted	Estimated #	Weight
Students in ESL Programs	5	0.5
Students in Pregnant and Parenting Programs	-	1
182 IEP Students capped at 11% of District ADMr	95.70	1
Students on IEP above 11% of ADMr	29.6	1
Students in Poverty	103.84	0.25
Students in Foster Care and Neglected/Delinquent	5	0.25
Estimated ADMw	1,020.31	
Budgeted ADMw	1,047.96	
Difference	-27.65	

Rainier School District #13

DRAFT

School Board Regular Meeting Minutes
July 26, 2021 at 6:30 p.m.

I. Preliminary Matters

A. Call the meeting to order at 6:31 p.m.

B. Swearing in of Board Members

Dr. Hattrick swore in the 5 new and re-elected board members

C. Elect Chair and Vice Chair

Ms. Hollander nominated Dr. Placido for Board Chair

Seconded by Mr. Hisey

Mrs. Hendricks nominated Ms. Hollander for Board Chair

Dr. Placido was voted in as Board Chair

Mr. Hisey nominated Ms. Hollander for be Vice Chair

Seconded by Mrs. Richardson

Ms. Hollander was voted in as Vice Chair

D. Approve agenda for July 26, 2021 regular meeting with the additions of hiring Mr. Riley Couch as High School Athletic Director/Dean of Students, Mr. Stephen Couch as Summer School Substitute Teacher and moving Consent Agenda #1 to Board Action Item #1

Mr. Hisey made a motion to approve the Amended Consent Agenda with the adjustments

Seconded by Mr. Harding with the deletion of "Consent"

Motion Approved

II. Reports, Information, and Discussion Items

A. Superintendent report: Dr. Joseph Hattrick

- Intro of new Board Secretary
- RSSL Resilience Framework from ODE this is a paired down version.
- Leadership retreat and planning for the fall.
- Summer School school starts Monday.
- Facilities Assessment and Planning Grant
- Pool Update & YMCA Partnership
- Draft Superintendent Goals
- ESSER III Funds
- Summer School Grant Funds

Rainier School District #13

- Summer School Passenger Vans

B. Business Manager-Financial update: Ms. Scotti Erickson, presented by Dr. Hattrick

- Written report provided

C. 2021 - 2022 Board Meeting Schedule

- Per our policy tonight is our Board Organizational Meeting
- Option 1: 2nd Monday of the month
- Option 2: 2nd Tuesday of the month

Mrs. Richardson made a motion to set the 2nd Monday of the month

Seconded by Mrs. Usher

Following discussion, Mrs. Richardson made a motion to hold board meetings on the 2nd Monday of the month at 6:30 p.m. for the 2021 - 2022 school year.

Seconded by Mr. Hisey

Meeting Scheduled approved for 2nd Monday of the month at 6:30 p.m. following discussion

D. Board Retreat: Options presented by Dr. Hattrick

- Option 1: 1 full work day in August
- Option 2: Sunday, August 15, 2021
- Option 3: Monday, August 16, 20 and 30, 2021 from 6/6:30 - 9/9:30

III. Public Comment

A. Tonight's meeting is designed to keep presentations and deliberations efficient and effective. The board will not comment, but will listen only. They may choose to call your name for public testimony at the end of the meeting if your topic is a non-agenda item. The board may choose not to address your request if your topic is outside the scope of the board's governance. We ask that you remember Oregon law prohibits us from discussing specific employees or their job performance. If you wish to speak, please complete the Public Comment Form and submit to the board secretary prior to the start of the meeting.

None Received

IV. Consent Agenda

A. Approve June 28, 2021 regular minutes

Mr. Harding made a motion to approve the consent agenda with previously stated changes

Seconded by Mr. Hisey

Consent Agenda approved following discussion.

Rainier School District #13

V. Items for Board Action

1. Hire Kevin Hansen as Business Manager

Mrs. Richardson made a motion to approve the hire of Mr. Kevin Hansen for business manager.

Seconded by Mr. Harding

Approved following discussion

A. Midco Transportation Rates

- Rates did not increase from last year

Dr. Placido asked for objections, there were none

The Midco Rate was approved

B. CPI Materials

- We have a small surplus of materials we will not use as we no longer use this program

Mrs. Richardson made a motion to approve the sale of the restraint training materials to LaCenter School District.

Seconded by Mr. Hisey

Approved following discussion

C. Facilities Director Position

- A need to have someone oversee our 260 acres to include our pool, sports complex as well as maintenance and custodial staff

Mr. Harding made a motion to approve a licensed administrator to carry out these duties plus other duties that the school district might deem necessary.

No Second, motion dies

Mrs. Richardson made a motion directing Dr. Hattrick to approve the job description and hire a Facilities Director.

Seconded by Ms. Hollander

Approved following discussion

D. Resolution #1

- This assigns our budget officer, district attorney, check signers etc...

Mr. Hisey made a motion to approve Resolution # 1 for 2021 - 2022

Seconded by Mrs. Richardson

Mr. Hisey made a motion to amend his motion to approve Resolution # 1 on the 26th of July, 2021 instead of the 28th

Seconded by Mrs. Richardson

Resolution # 1 approved following discussion

Rainier School District #13

E. Certified Behavior Analyst

- Clinical Interventionist
- Support professional development for staff
- Supporting students with FBA's and BIP's

Mr. Hisey made a motion that Dr. Hattrick hire someone for the position of Certified Licensed Behavior Analyst, grades PreK - 12, 1.0 FTE, 187 days

Seconded by Mrs. Richardson

Approved following discussion

F. OSEA Pool MOU

- Dr. Hattrick presented an apples to apples comparison on wages based on other schools our size
- This allows us to Hire a Lead Pool Facilitator as well as Pool Staff

Mr. Hisey made a motion to approve the MOU, July 2021 for the Rainier Pool

Seconded by Mrs. Hendricks

OSEA MOU approved following discussion

G. District Technology Plan: Presented by Mr. Hansen-Sedor

- New Phones and Intercom system
- Chromebooks, licenses and carts
- Televisions to replace projectors
- Document Cameras
- Update to wireless infrastructure

Ms. Hollander made a motion to approve the technology plan as presented

Seconded by Mrs. Hendricks

Approved following discussion

VI. Future Agenda Items

- A. Staff Handbook
- B. Student Handbook
- C. Plan for 2021 Opening
- D. ASB Accounts and Transfer
- E. Sports Fees

VII. Board Comments

Mrs. Richardson: Thank you to the teachers for getting together Summer School

Mrs. Usher: I'm really excited to see the pool getting opened back up and I'm excited to be here.

Mr. Hisey: Thanks everyone for dealing with my blubbering tonight, I will try to do better next

Rainier School District #13

time.

Mr. Harding: Looking forward to the start of school and seeing how we recover from Covid and seeing how many kids we get back.

Mrs. Hendricks: I'm really excited to hear that we're getting phones and the intercom. I think this is really important, safety wise for the teachers and students. I also look forward to working with all of you. Being a fresh new board member, it would be nice to have a mentor.

Ms. Hollander: Texas is amazing. I'm enjoying the sunshine. I want to thank you all for allowing me to serve this last year as your board chair. It was an honor to have that position, having a new superintendent and walking through this very strange year and I'm looking forward to seeing what the coming school year is going to bring all of us.

Dr. Placido: I'm just excited to do this. I am looking forward to the retreat, I think it'll be good. I missed not having that last year. We've got lots of new members on the board and we have some good opportunities to be a better functioning board I think then we have been in the past.

The County Fair was 2 weeks ago, Rainier kids really stood up and did some great stuff. For the most part, Rainier kids were there and happy. I just kept thinking oh my gosh, we're going to see this times 900 when school starts and they're all excited to be back together, playing sports and music and doing all that fun stuff.

VIII. Next Meetings: Regular Board Meeting August 9, 2021

Mr. Hisey: To Ms. Hollander, Thank you for being a good chairperson for this last year working together on the board and to our 2 new board members welcome aboard, looking forward to working with you.

Mr. Hisey made a motion to adjourn the meeting

Seconded by Mrs. Richardson

Meeting Adjourned at 8:30 p.m.

Rainier School District #13

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Superintendent Professional Development plan

Dr. Joseph Hattrick

2021-2022

- COSA New Superintendent Academy (Pt. 2)
- 2020 Oregon School Law Conference
- 2021 OASE/OACOA Winter Conference
- 2021 Annual Seaside Conference
- School Law Conference
- AASA National Conference

Additional professional development opportunities may be considered as they become available.

Athletic Fees

In an interest to increase participation and ensure every student has access to athletics, the Rainier School District is exploring options related to athletic fees. Historically athletic fees have fluctuated greatly as illustrated in the chart below:

Year	Junior High	Senior High
2020-2021	100	150
2019-2020	100	150
2018-2019	50	100
2017-2018	50	100
2016-2017	50	100

Additionally, while athletic fees have fluctuated in the past, the average (over the past four years) athletic fees collected has been \$33,698.20. The Average cost of athletics has been \$164,186.11 with an average of \$125,500 transferred from general fund. The athletic program runs at a deficit every year and the board must determine what action would be best for our district and its students. Below are the financials regarding athletics from 2016-2020.

	2016-17	2017-18	2018-19	2019-20
Revenue				
Admission	\$ 9,991.77	\$ 11,374.96	\$ 13,087.36	\$ 10,907.10
Student Fees	32,159.50	41,952.79	32,949.16	28,731.35
Misc.	-	1,717.20	416.00	1,082.00
Total Athletics Revenue	42,151.27	55,044.95	46,452.52	40,720.45
Expenditures				
Personnel				
salary	55,541.00	52,860.00	55,710.66	57,825.71
benefits	14,347.15	12,961.71	13,094.09	14,277.93
Total Personnel	69,888.15	65,821.71	68,804.75	72,103.64
Non-Personnel				
Purchased Services	23,475.75	34,861.45	25,993.70	5,678.26
Supplies & Materials	4,521.26	4,606.98	20,686.03	2,795.20
Dues & Fees	6,880.00	9,647.55	13,891.21	18,545.55
Transportation	43,585.22	51,440.10	68,032.65	45,485.25
Total Non-Personnel	78,462.23	100,556.08	128,603.59	72,504.26
Total Expenditures	148,350.38	166,377.79	197,408.34	144,607.90
Transfer from General Fund	110,000.00	110,000.00	182,000.00	100,000.00
Beginning Fund Balance	(65,351.30)	(61,550.41)	(62,883.25)	(31,839.07)
Ending Fund Balance	\$ (61,550.41)	\$ (62,883.25)	\$ (31,839.07)	\$ (35,726.52)

Athletic Fee Options

Option 1: Keep athletic fees as they were adopted in the 2021-22 Resolution 1 at \$150/\$100.

Option 2: Eliminate all athletic fees and re-evaluate during the budget cycle regarding the total cost to the general fund.

Option 3: Modify Athletic fees so students are required to pay a fee at a lower rate. Below are two possible options:

Option 3.A: Re-adopt the fee structure from 2018-19 of \$100 per sport for high school, \$50 per sport in junior high with a family cap of \$500.00.

Option 3.B: A modified fee schedule of \$100 for the first sport/child in high school, \$50 for second sport/child in high school. A modified fee schedule of \$50.00 for the first sport/child in junior high, \$25 for the second sport/child in Junior High.

Option 4: Add a provision to any option allowing scholarships based on financial need to allow those with financial limitations as indicated by Oregon expanded Income Guidelines*, Free/reduced lunch status to participate in athletics for fees to be waived. Application would include completion of the free/reduced price lunch application.

This information has been provided to the Rainier School Governing board to understand the facts and determine the best option for our students and District.

*

OREGON'S EXPANDED INCOME GUIDELINES (Federal Paid/Denied)

*Available through SSA funding. CNPweb must document the selection to participate in EIG.

Oregon Expanded Income Guideline (EIG)					
Oregon students may qualify for EIG meals at no charge* if the household income falls at or below the limits on this chart and above the limits on the Federal Reduced Price Meal chart.					
Household Size	Annual	Monthly	Twice Per Month	Every Two Weeks	Weekly
-1-	38,640	3,220	1,610	1,487	744
-2-	52,260	4,355	2,178	2,010	1,005
-3-	65,880	5,490	2,745	2,534	1,267
-4-	79,500	6,625	3,313	3,058	1,529
-5-	93,120	7,760	3,880	3,582	1,791
-6-	106,740	8,895	4,448	4,106	2,053
-7-	120,360	10,030	5,015	4,630	2,315
-8-	133,980	11,165	5,583	5,154	2,577
Each add'l household member	13,620	1,135	568	524	262

Rainier School District #13

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Monday, August 9, 2021

Governor Kate Brown
Office of the Governor
900 Court Street, NE
Suite 254
Salem, OR 97301

Governor Kate Brown,

The Rainier School District Governing Board is disappointed in the recent mandate regarding masks in schools for the 2021-22 school year. Our priority has been, and continues to be to have students in school for face-to-face instruction for the entire school year. We also understand that mask wearing is one of many mitigation efforts to stop the spread of COVID-19.

On July 29, 2021 when you announced your school mask mandate the Governing Board was disappointed and frustrated. Our district has spent a summer planning for a return to in-person without the mandate of masks. Rather, it has been presented to our community that we would follow the CDC recommendations which strongly recommends but not requires mask-wearing. This unilateral decision with no advance warning or opportunity for feedback instantly removed the ability for communities to make decisions based on what is best for our community.

Our students want to be in school but the mask mandate will eliminate the ability for some of our students to access their free and appropriate public education. While we will uphold our oath of office, we are respectfully asking that mandates not be placed on school districts that remove local control and do not permit us to lead the communities for which we serve.

Respectfully,

Dr. Elaine Placido
Board Chair

Kari Hollander
Vice Chair

Elizabeth Richardson
Director

Rod Harding
Director

Christina Hendricks
Director

Noel Hisey
Director

Christine Usher
Director

Rainier School District 13

Code: JECB
Adopted: 4/13/15
Revised/Readopted: 12/09/19
Orig. Code: JECB

Admission of Nonresident Students

The district may enroll nonresident students as follows:

1. **Interdistrict Transfer Agreement.** By written consent of the affected school boards. The student becomes a “resident pupil” of the attending district thereby allowing the attending district to receive State School Fund moneys;
2. **Tuition Paying Student.** By admitting nonresident student with tuition whereby neither affected districts are eligible for State School Fund moneys;
3. **Court Placement.** If a juvenile court determines it is in the student’s best interest, a student placed in a substitute care program outside the district will continue to be considered a resident student and allowed to attend the school the student attended prior to placement. The public agency placing the student in a substitute care program will be responsible for the transportation of the student, if public agency funds are available.

The Board shall deny regular school admission to nonresident students who are under expulsion from another district for a weapons policy violation. The Board may, based on district criteria, deny regular school and alternative education program admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation.

Admission of a Nonresident Student by Interdistrict Transfer or Consent for Admission of a Tuition Paying Student

Annually, by March 1, the Board shall establish the number of student transfer requests into the district, and out of the district, to which consent will be given for the upcoming school year.

The Board may not consider nor ask for any information from the student about race, religion, sex, sexual orientation, ethnicity, national origins, disability, health, whether a student has an individual education program (IEP) or the terms of that IEP, identified as talented and gifted, income level, resident, proficiency in English, athletic ability, or academic records. The Board may not request or require the student to participate in an interview, tour any of the schools or facilities, or otherwise meet with any representatives of the school or district prior to the district deciding whether to give consent.

The Board may ask for the student’s name, contract information, date of birth, grade level, whether the student may be given priority on consent for admission (see the following paragraph for priorities), information about which schools the student prefers to attend, and whether the student is currently expelled.

If the number of students seeking consent exceeds the number of spaces, the Board will use an equitable lottery selection process. The process may give priority to students who have siblings currently enrolled in

the district; who previously received consent for admission because of a change in legal residence; or who attended a public charter school located in the same district in which the student seeks to attend, for three consecutive years, completed the highest grade offered by the public charter school, and did not enroll and attend school in another district following completion of that highest grade in the public charter school.

The Board may revise the maximum number of students to whom consent will be given at a time other than the annual date established by the Board if there are no pending applications for consent.

If the Board decides not to give consent to a student the Board must provide a written explanation to the student.

The district may require minimum standards of behavior and/or attendance once the student has been accepted. The minimum standards must be the same for all students that are given consent. The district is not allowed to establish minimum standards for academics as a criteria for the student to remain in the district. Students whose consent is revoked for violation of set attendance and/or behavior standards will not be allowed to apply for consent to return to this district in the same or the following school year.

The Board may determine the length of time the consent is given. Any limitations in length of time must be applied consistently among all students to whom consent is given.

The district is not required to provide transportation outside the boundaries of the district. The student will be allowed to use existing bus routes and transportation services of the district. Transportation will be provided if required by federal law.

The attending district is responsible for a free appropriate public education for those students on an IEP.

END OF POLICY

Legal Reference(s):

ORS 327.006
ORS 329.485
ORS 335.090

ORS 339.115 - 339.133
ORS 339.141
ORS 339.250

ORS 343.221
ORS 433.267
OAR 581-021-0019