

**Rainier School District #13
DRAFT Minutes**

Special Board Meeting
November 1, 2021 at 6:30 p.m.
Rainier School District Auditorium

Present: Dr. Placido, Mr. Hisey, Mrs. Usher, Mr. Harding, Mrs. Hendricks, Ms. Hollander (via Phone, arrived at 6:34pm), Mrs. Richardson

I. Preliminary Matters

- A. Call Meeting to Order at 6:31 pm
- B. Pledge of Allegiance
- C. Approve Agenda

Mrs. Richardson motioned to approve the agenda, seconded by Mrs. Hendricks

Discussion: None

NAME	AYE	NAY
Dr. Placido	x	
Mrs. Richardson	x	
Mrs. Hendricks	x	
Mrs. Usher	x	
Mr. Harding	x	
Mr. Hisey	x	
Ms. Hollander		

II. Reports, Information, and Discussion Items

A. Superintendent Report: Dr. Hatrick

There will be a vaccine clinic on campus, students age 5 yrs and up on November 18, 2021.

I will give a full report next week at our regular meeting.

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

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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

IV. Consent Agenda

A. Approve October 11, 2021 Regular meeting minutes

Mrs. Richardson motioned to approve the consent agenda, seconded by Mr. Hisey

Discussion: Bullet point 2 on the minutes, correction to Fire Inspector

NAME	AYE	NAY
Dr. Placido	x	
Mrs. Richardson	x	
Mrs. Hendricks	x	
Mrs. Usher	x	
Mr. Harding	x	
Mr. Hisey	x	
Ms. Hollander		

V. Items Identified for Board discussion:

A. Board Policy, BBF - Board Conduct

Discussion: Confusion over why the Board began writing this during the retreat. The Board already has policy and the need to check for redundancies as well as the risk that comes with those redundancies. Questions over some of the content and format. This could be changed to reflect numbers 1 through 23 and then the rest could be an addendum. OSBA sends suggested language for updates in policy, but it is not a legal review. Policy review belongs to the Board and the last review was 2019

Dr. Placido: Dr. Hattrick and Shalana will go through and look for redundancies, look for what is in policy and go from there. Compare BBF against policies A - B.

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Superintendent Contract

Dr. Placido: Dr. Hattrick sent us his contract with proposed removal of the No Cause termination language.

This year in Oregon schools, 43 new superintendents with 14 open for next year already. 115 out of 154 districts include 12 months or more.

In the last 3 or 4 months there have been 3-4 Superintendents fired for No Cause in Oregon and it might be growing.

Dr. Placido: Dr Hattrick pulled info from COSA and the attorney provided information

Dr. Hattrick: In part this is due to mandates, there is a growing body that promotes continuity of leadership for students' success. I am the only one on campus with no-cause termination. If I terminated a staff member we would face costs, hiring and possibly lawsuits. It is the political unrest that started this conversation.

During the 2021-22 school year, superintendents in Oregon have faced greater political pressures and challenges due in part to state mandates. As a result, there have been instances of no-cause terminations of superintendents as a result of differing views on mandates and other items.

The no cause language in superintendents' contracts creates a potentially harmful situation for students, school districts, boards, and superintendents. There is a growing body of research that supports leadership continuity and student achievement. Knee-jerk reactions to differing opinions only cause harm to a school district and students' ability to learn in a safe, caring environment.

School boards face increased costs as a result of non-amicable terminations including the costs of recruiting, hiring, and training a replacement as well as lawsuits that result from no-cause terminations.

Finally, superintendents are often faced with the job of running the organization and committing to the success of the school district. No-cause language creates a situation where the board is only committed for the terms spelled out in a no-cause contract yet the employee commits for the term of the contract. They are also the least protected position in the district (oftentimes the only position with a no-cause clause).

Discussion: Whether or not to remove the "No Cause" language or change his severance to 12 months. Contract was signed in January 2020 but went into effect on July 1, 2021. January was a completely different time. Probationary vs. Interim and wanting to get legal opinion. Thoughts of negotiation and that this should wait until negotiation over contract. Oregon is a "No Cause" state. Statements about doing the right thing and that the Board would follow progressive discipline if needed and therefore would have cause.

The school district needs stability in this chaotic time. Board members should support the superintendent.

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Dr. Hattrick: I'd like to share with you my point of view. I've lost colleagues. Superintendents were not being fired in Oregon over mandates when we negotiated this contract. There wasn't a thought about weighing what's best for students vs my livelihood. If I make a decision that the board doesn't like, you terminate me. I will lose my job, my home. I never thought I'd have threats against me working in a small district, but I have. My challenge is that the district has committed to 3 months while I have committed to 3 years. The standard severance is 12 months, which was in the previous superintendent's contract. I just ask you to see it from my point of view as well. This is my livelihood and having this nagging fear is unbearable. If I were to terminate anyone else on this campus for no cause it could potentially be a lawsuit. Initially this came up because of the unrest we now see everyday. I guess I'm now asking under what circumstance a no cause would be appropriate for you?

Discussion: Would like the cost to district and attorney opinion in regards to probation.

B. Board Policy, KG-AR - Facility Use Policy

Dr. Hattrick announced William White.

William White: Review of Options to cover facility rental and clubs.

Currently KG-AR requires a Certificate of Liability Insurance

Robotics, Legos, Rec Ball etc. are analyzed from lens with various risk levels

Exclusion of coverage: if they do something wrong, per agreement they would then be excluded from coverage. You can provide insurance through an insured contract. So what happens with sports or with whatever you choose to have as a group, we would be required to cover specific responsibilities like: Supervision, Staffing, Training, Financial Responsibilities. Then individual contracts like: hitting coach or putting coach the risks can increase as well as cost to the district.

Risks: Damages or liability happens, we then are liable for them and sexual abuse/molestation is the biggest concern

If there is a claim and there ends up being a proven failure to report, we are not covered.

There is no direct coverage cost to provide. The cost comes in staffing, training, lawsuits

Discussion: It's disappointing to hear that we can't extend umbrella coverage since our younger kids in rec clubs move into high school sports. Having the explanations was helpful. The average price of a standard \$1 mil/\$2 mil general liability policy for small sports teams ranges from \$27.00 to \$59.00 a month. Unfortunately the school can't do everything. The fiduciary piece is very important. Many of these groups may have insurance and may not realize it. We can look at free property use and continue to require the COLI. The way we are implementing policy is best for the district. Possibly

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cleaning up the language of policy. Suggestions in regards to the Facility Use Form: clean up the language, maybe a packet for new groups to the district, a reminder to check with your own governing body to ask about insurance coverage.

Mr. White: KG-AR states: Free use of grounds and COLI required.

The group may not create risk, but someone else drives into a fence, someone leaves a door open, breaks a water line, tort liability, Coach verbally abusive; if there is a claim they will name anyone that could be held liable.

This is a best practice, if you buy a car they want proof of insurance.

There is an easy way to get insurance. They as a group can file for a 501c3, non profit, which will help those groups. They don't have to though.

Grad parties should be off site, they could get special event insurance.

PACE is not an insurance company. It is a self insured group and by governing laws they can only cover those members. You can choose to extend the umbrella, but if you do not provide the supervision etc. you are now responsible.

My opinion is that it is not the district's responsibility to do everything. My job is to explain the risks no matter what you choose to do.

I can't guess on premiums, but I can give you an example:

A group has a 1 day event in the gym, low risk, no alcohol can be fairly affordable \$300 for 1 day, but if multiple low risk events, like 20 days the cost is spread out.

Note: Based on data the Board is not looking for a change in policy; only clarification.

Dr. Hattrick: We've been looking at what the policy is articulating. Working on procedures for the AR, and will bring recommendations to the board.

VI. Items for Board Action

A. Advisory Committees to the Board

a. Curriculum Review: Dr. Hattrick

- i. We have a group of staff, ODE requires 2 parents, they review options, this mtg initiates notice and we will post notice requesting recommendations. The committee will give recommendations to the cabinet and they will submit recommendations to the superintendent

b. Facility Committee: Dr. Hattrick

- i. This is the TAP, it is different then the one discussed in policy. This is responding to the findings in our facilities

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assessment, they need to meet with stakeholders, get feedback and then they will advise the board
Committee will be posted. (Follow our policy) We need time, food if it's late. Grant ends Dec 31st, so then we'll have good ideas. We have to post the application, but I'm asking to start now.

Mrs. Richardson motioned to approve appointment of committee members for curriculum review as stated by Dr. Hattrick, seconded by Mrs. Hendricks

Discussion: Survey that we should have by end of the year, were facilities included in that? Is it in conjunction with that?

Dr. Hattrick: This is the assessment you are talking about and it is the final step with Soderstrom prior to reporting to ODE

NAME	AYE	NAY
Dr. Placido	x	
Mrs. Richardson	x	
Mrs. Hendricks	x	
Mrs. Usher	x	
Mr. Harding	x	
Mr. Hisey	x	
Ms. Hollander	x	

VII. Future Agenda Items

- A.** Homeschool Options
- B.** HPE Gym Floor
- C.** Locker Rooms Update
- D.** Pool Update
- E.** District Vehicle Update
- F.** OMIC/STEM Report
- G.** Social Media Accounts
- H.** ESSER III

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VIII. Board Comments

Mr. Hisey: Thank you for your time. Thanks for participating and working together

Mr. Harding: This is the 2nd time we've met here, I think we should be in the boardroom, it's warmer in there and much more pleasant

Mrs. Usher: I was wondering about a report from the Facility director?

Dr. Hattrick: That is on for agenda for our next meeting

Mrs. Hendricks: Thanks Mr. White

Mrs. Richardson: Thank you

Ms. Hollander: None

Dr. Placido: I want to give a shout out to students and staff that have been working hard on homecoming. It's so cool to see how happy they are, great to be doing normal things. Bravo to everyone participating and the staff supporting it. Boardroom is an interesting question. Last month our only public refused to wear masks. Sports are mandated as well. If I don't enforce that or if I try we don't have local law enforcement support. If we have 50 people come with no masks, I feel safer in this big space.

Mrs. Richardson: We could always close down the meeting and go back remote. We are supposed to uphold the mandate.

Mrs. Usher: Can we, the board members, be in the boardroom if we go virtual?

Dr. Hattrick: We would need to follow open meeting law, so no I do not believe we can gather in the boardroom and claim virtual meetings. If we go virtual the public would need to be able to submit comments, we do have the online form on our website.

Mrs. Hendricks: I don't like the virtual. I like the interaction. If it means meeting in here for added space, I'll just bring my blanket.

Dr. Placido: I'm not scared of the conflict, I just don't think it's necessary and in a space this large I feel more comfortable.

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Mr. Harding: In my opinion the people that weren't wearing masks were not disruptive, we have signs posted and if they do not cause a problem. The boardroom is better set up for online. I don't see any turmoil in the community that I would be afraid to go back to the boardroom.

Dr. Placido: Yeah I didn't feel any of our safety was compromised. We aren't seeing big flashy warnings or notices about protests. I guess we can try the boardroom.

Mrs. Richardson: If it becomes a room full of people we can end the meeting and go virtual if we need to.

Dr. Placido: As long as you guys will support the board chair if we get to that.

Mr. Hisey: Let's go back to the boardroom and if we see a lot of people can we pause the meeting and move to the auditorium?

Dr. Hattrick: No, we shouldn't be moving locations.

IX. Next Meetings

November 8, 2021 - Regular Meeting

December 13, 2021 - Regular Meeting

January 10, 2022 - Regular Meeting

X. Meeting Adjourned

Mr. Hisey motioned to adjourn, seconded by Mrs. Richardson at 8:53pm

Superintendent, Dr. Hattrick

Date

Board Chair, Dr. Placido

Date