



Tentative MINUTES

REGULAR MEETING OF THE BOARD OF EDUCATION
BROKEN ARROW PUBLIC SCHOOLS
Monday, June 29, 2009 (6:00 PM)

THE MEETING OF THE BOARD OF EDUCATION OF BROKEN ARROW PUBLIC SCHOOLS,
BROKEN ARROW, OKLAHOMA, WAS CALLED TO ORDER AT CENTRAL ON MAIN AT 210
N. MAIN STREET, BROKEN ARROW, OKLAHOMA BY Mrs. Sharon Whelpley

ROLL CALL

UPON THE ROLL BEING CALLED, THE FOLLOWING WERE PRESENT:

BOARD MEMBERS:

Mrs. Cheryl Kelly
Mr. Terry Stover
Mrs. Stephanie Updike
Mrs. Shari Wilkins
Mrs. Sharon Whelpley

ALSO IN ATTENDANCE:: Gary Gerber, Paulette Coulter, Keith Isbell, Ann Wade, Cathy Metevelis, Jim Moburg, Donna Dollahon, Donna Mosburg, Jim Moburg, Mark Bilby, Gary Chronister, Carol Lunn, Kathy Smith, Cindy Williamson, Jo McCord, Carol Yates, Mark Frie, Amy Fichtner, Bill Lear, Trudy Garrett, Greer Nichols, Janet Brewster, Bruce Schutte, Scott Graham, Stephen L. Smith, Corp. , Chris Tharp, Pete Updike, Mark D. Lee, Lynn Lee, Pat Sharp, Gina Feiock, Clifton Agler, BA FFA Alumni: Barbara Billinger, James Billinger, Jessica Billinger (student), Bruce Mager, Linda Mager, Roger Wheeler, Stacey Wheeler, Kurtis Wheeler (student).

Meeting Called to Order

1. Call to Order

Meeting was called to order at 6:00 p.m.

Moment of Silence

2. Statement by Board President: "As we begin this meeting, let us pause for a 60 second moment of silence to reflect, meditate, pray or engage in other silent activity."

Formal Adoption of Agenda

3. Formal Adoption of Agenda

RECOMMENDATION: Approve

Cheryl Kelly moved the agenda be approved with the exception of item 44.

Stephanie Updike said the Superintendent's "Interim Contract" called for an evaluation.

Sharon Whelpley said the Oklahoma State School Boards Association had several evaluation tools that should be or could be considered for using to carry out the evaluation. Mrs. Whelpley suggested the tools might be examined at an upcoming board retreat.

Dr. Gerber indicated that after discussing with Mrs. Whelpley her dissatisfaction with the evaluation instrument that it would be fine with him to delay until a more appropriate evaluation tool can be decided upon.

Mrs. Whelpley said the evaluation could occur after the tools were examined at the board retreat and suggested that the evaluation might occur at the July or August Board meetings.

Motion was made by Mrs. Cheryl Kelly and seconded by Mrs. Shari Wilkins to approve the Formal Adoption of Agenda with the exception of Item # 44.

Upon a roll call vote being taken, the vote was Mrs. Cheryl Kelly -Yes, Mr. Terry Stover - No, Mrs. Stephanie Updike -Yes, Mrs. Shari Wilkins - Yes, Mrs. Sharon Whelpley -Yes Motion carried a 4-1 vote.

Board of Education

4. Superintendent Search - Discussion of Superintendent search details with representatives of OSSBA and the Board of Education. Discussion and motion to approve or disapprove any actions deemed necessary by the Board of Education related to the Superintendent's search process, procedures and timelines.

Board of Education/OSSBA Forums -Superintendent Search Thursday, July 16th - Haskell Middle School- Cafeteria Tuesday, July 21st - Liberty Elementary - Cafeteria Monday, August 17th - CL 4th & 5th Grade Center - Cafeteria Thursday, September 10th - Childers Middle School - Cafeteria Tuesday, September 15th - Oliver Middle School - Cafeteria

RECOMMENDATION: Approve

Dr. June Ehinger of the OSSBA discussed an application document that would be presented to candidates. Dr. June also presented a flier that would be available to advertise public forums scheduled to take input from the public concerning the superintendent search. Dr. June also presented a forum input document which featured questions related to the most responses from the survey of the school district personnel conducted last spring. Dr. June also presented a brochure that will be given to superintendent candidates. Dr. June also presented a timeline agreed to by board members at previous meetings. Dr. June also asked for input related to a protocol for posting of information of School District website related to the search. Mrs. Wilkins said it would be a great idea to provide a summary of the forums. Dr. June also presented a press release prepared by BAPS Chief Communications Officer Keith Isbell outlining public forums. Motion was made and seconded to approve the items presented by Dr. June Ehinger, OSSBA.

ORIGINAL - Motion

Member (Mr. Terry Stover) Moved, Member (Mrs. Cheryl Kelly) seconded to approve the ORIGINAL motion 'Approve'. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

Summary of Awards & Achievements

5. Awards and Achievements. K. Isbell

Chief Communications Officer, Keith Isbell congratulated Dr Gerber for being named chairman of the Tulsa County Association for School Administrators (TCASA) for the 2009-2010 school year. Isbell also said that BAHS softball Player Chelsea Lyon had been named the winner of the 2009 Gatorade Oklahoma State Softball Player of the Year award.

Reports to the Board

6. Broken Arrow Education Association Report

Greer Nichols said this would be the last time he would appear at BOE meetings as BAEA President. He said it's important to remember that we are all on the same team; there is no us vs. them, but that we all have the same goal in mind even if we don't always agree about everything. He said Katy Cook of Arrow Springs would be the next President of BAEA. He said the children and school district are always the BAEA's top goal. Mrs. Whelpley thanked Mr. Nichols for his many years of service in his position as BAEA president.

7. Professional Oklahoma Educators Report

Trudy Garrett, President of POE advised that many BAPS teachers are taking part in "Great Expectations" training this summer. She said the State Department of Education is offering many professional development opportunities as well. She said she will be a presenter at one session on assessments. She pointed out that teachers throughout the state are hard at work.

Hearing of the Public

8. Presentation by members of the public, after written request form submitted, to speak on matters of immediate concern within the jurisdiction of the Board; 20 minute limit established for public comment section of agenda; three minute time limit established for each speaker.

Stacey Wheeler addressed the Board as an alumni member of the FFA. She also asked others in attendance who are affiliated with FFA to stand (several stood). She thanked board members and the administration for supporting the Vo-Ag and FFA programs in Broken Arrow Public Schools.

Construction Services

9. Construction Report - J Moburg

Jim Moburg, Executive Director of Construction Services, said the roof will be on the gym at the Wolf Creek project in the next few days with completion of the project due in September.

10. Bid Review for North Intermediate High School cafeteria masonry waterproofing project: Discussion, motion and vote on motion to award a contract to the lowest responsible bidder and authorize the execution of a mutually acceptable written construction contract or to reject all bids and re-bid the project. J. Moburg

RECOMMENDATION: Recommendation 1: That the Board of Education move to approve the base bid and unit cost pricing submitted by Key Construction, totaling \$69,444, for masonry waterproofing repairs at North Intermediate High School cafeteria, with payment from the April 2009 bond fund.

Motion was made and seconded to approve recommendation as stated to Key Construction for \$69,444 with payment from the April 2009 bond fund.

ORIGINAL - Motion

Member (Mrs. Stephanie Updike) Moved, Member (Mrs. Cheryl Kelly) seconded to approve the ORIGINAL motion Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

11. Contract for architect services with Selser Schaefer Architects for interior renovations at Central on Main (Old Central Middle School), the scope of work is based on the Schematic Design approved under Supplemental Schedule No.7 which includes modifications to the gymnasium, east stage area, lobby restrooms, west lobby, upper mezzanine level, offices and existing locker rooms: Discussion, motion and vote on motion to approve or disapprove the proposed contract with Selser Schaefer Architects in the amount of \$98,000. J. Moburg

RECOMMENDATION: Recommendation 1: That the Board of Education move to approve a contract with Selser Schaefer Architects, in the amount of \$98,000, for Exhibit "A", Supplemental Schedule No.8 for interior renovations at Central on Main, with payment from the April 2009 bond fund. Mr. Moburg advised that there would likely be three more phases of the project before completion. Dr. Gerber said Mr. Moburg and his group have met with various stakeholders in developing the plans with end user input. Mrs. Kelly asked what the process would be in the future if stakeholders or end users had suggestions or thoughts on the project. Mr. Moburg said input is always welcome. Dr. Gerber indicated that as the project unfolds the same advisory group can be brought up to date periodically.

Motion was made and seconded to approve the proposed contract with Selser Schaefer Architects in the amount of \$98,000.

ORIGINAL - Motion

Member (Mrs. Stephanie Updike) Moved, Member (Mrs. Shari Wilkins) seconded to approve the ORIGINAL motion. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

Superintendent/Board of Education/Communications

12. Report on Bond Planning Activities. G. Gerber and S. Smith

Dr. Gerber advised that the Chamber of Commerce Education Committee formed a task force to receive updates and hear discussion and provide input on the School District's bond plans. Dr. Gerber has presented to the Chamber task force committee on District needs for the upcoming bond campaign. He advised that School District bond consultant Stephen L Smith had presented to the task force and had met with businesses and community members and patrons regarding the bond planning.

Mr. Smith said he is hearing nothing but positive things and reports regarding the process. He said he has heard no negative comments. Mr. Smith said the chamber folks are impressed with the direction the board is taking on this process. He said he has worked very closely with Dr. Gerber in developing meeting presentations. He said Dr. Gerber and his staff have provided data and photos and support. Mr. Smith said he has met with several banks in the area and has received great support from those in the School District.

Mr. Smith said he has been working for three years to get legislation to provide clarification for school series bonds such as the type that BAPS is currently studying. He said the state auditor, attorney general, state department of education and superintendents groups all joined him in requesting clarification on this type of bond issue. He said the series type of bond issue that he has worked on for many years is now officially recognized as a legal form of bond issue as the state legislature approved it and the Governor officially signed the approved bill into law with a declared emergency provision making the

new law effective May 19, 2009.

Mr. Smith said it is now important to prioritize the needs of the school district based on the type of bond issue the Board desires and the priorities the Board wishes to have on projects. The board must also determine when the election should occur. Mr. Smith also commented that the federal stimulus package can positively impact interest earnings and the excess interest earnings issue that might arise from investing funds in 2009-2010.

He said the school district has done a good job of presenting the issues and needs to the public. He said the public understands the needs. He said it's also important to focus on environmentally sound and advantageous programs that going green with projects will provide. He said technology needs should also be addressed prior to calling the bond issue to make sure technology bond items fit the school district's technology program and the finances and structure of whatever bond issue the board elects to pursue. He said it is important that patrons understand that all of these programs and bond projects can occur and will occur without raising taxes for the school district patrons.

Mrs. Updike said it's important to have Ann Wade (Chief Financial Officer) involved in this discussion at a high level. Mr. Smith agreed.

Scott Graham, patron of the school district, spoke to the agenda item. He praised Mr. Smith and his company. Mr. Graham said in his chairmanship of the First National Bank & Trust of Broken Arrow and in other areas, he has worked closely with Mr. Smith's company and said Mr. Smith's group is exceptional in bond issue expertise and other work associated with bond elections. Mr. Graham endorsed Mr. Smith wholeheartedly.

13. Report on Grand Opening week plans. G. Gerber

Dr. Gerber said a large committee is working on Grand Opening plans for the PAC. He said the targeted week is the week of September 28. He said plans calls for students to perform over three nights with several alums scheduled to perform as well. He said the committee is also targeting a group or individual to perform on the Thursday night of that week.

14. Discussion, motion and vote on motion to approve or disapprove a fund raising plan to support operational costs for the new Performing Arts Center. G. Gerber and Staff

RECOMMENDATION: Approve

Dr. Gerber said Volunteers in Education and Partners in Education coordinator Jo McCord is chairing the fundraising subcommittee.

Jo McCord then spoke and said the group is calling the inaugural season-the 2009-2010 season: "Broadway, Branson, and the Blues." She said the committee wants approval from the Board regarding fundraising guidelines and approval from the Board that any funds generated by the committee go directly to the PAC to be used to support its efforts in equipment needs or assistance for generating entertainment acts.

Dr. Gerber said there is a preliminary operating budget for student group activities with dollars set aside for technical support. He said this fundraising would be for those things over and above those items.

Mrs. McCord displayed a brochure that will go out to potential sponsors. She said the committee's work is for funds for the entire 2009-2010 season. She said individuals will also be given the opportunity to sponsor seats in the PAC "in memory of" and "in honor of" for the PAC.

Dr. Gerber said preliminary guidelines would get the group established now with the Board given additional opportunity to "tweak" guidelines as they see fit in July during the customary time of the year when Board members approve or disapprove district activity fund guidelines.

Mrs. Kelly asked for a clarification on what the Board was being asked to approve. Dr. Gerber said the Board was being asked to approve an Activity account for the PAC with guidelines as presented and

approve sponsorship/ fundraising plan as presented.

Motion was made and seconded to approve an Activity account for the PAC with guidelines as presented and approve sponsorship/ fundraising plan as presented.

ORIGINAL - Motion

Member (Mrs. Stephanie Updike) Moved, Member (Mrs. Shari Wilkins) seconded to approve the ORIGINAL motion 'Approve'. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

15. Discussion, motion and vote on motion to approve or disapprove Board Policies.

RECOMMENDATION: Approve

Mrs. Updike asked about the order of items in Section One, Board of Education. Mrs. Whelpley said the policy manual was given back to the Board in alphabetical order which in some cases defied logic of items in terms of order of need. She said formatting work is still underway.

Dr. Gerber said initial plans called for the book to be made available to administration members and online.

Mrs. Kelly said a Table of Contents would be of great assistance to staff.

Mrs. Wilkins pointed out that the new policy addressed public participation at meetings and should be taken into account prior to the next meeting if the board approves the policies on this night.

Mrs. Updike said there should be some way to clarify the differences between the Clerk of the Board and minute clerk to assist patrons regarding participation at Board meetings. Mrs. Updike pointed out that the law referred on page 3 and section 1 has changed, and she wondered why it wasn't included.

Mrs. Wilkins said having it and other "laws" in the policy book will enable board members and patrons to have a place to find items in a relatively easy manner.

Mrs. Updike pointed out the date for the redrawing of zones following the census in the policy manual should be addressed since there is a time factor for when candidates can file for office and that time factor appears to conflict with the redrawing of the zones as described in the new policy. Date change of Election requested to read "Between August 1 and December 1" instead of "Between August 1 and December 31".

Mr. Stover asked how many of the policies are "new" policies. Mrs. Whelpley said she was not sure.

Mrs. Updike then pointed to page 11 of section 1 – address change needed to reflect the 701 S. Main address.

Mrs. Updike said section one page 15 also needed clarification regarding how or when special board meetings should be taped. She said she believed one board member should be able to request a board meeting be taped. Mrs. Kelly pointed out that it takes two board members to place an agenda item so she wondered if to stay with consistency the policy should say two board members can request a special meeting be videotaped.

Mrs. Whelpley offered to table the policy book to the next meeting.

Mrs. Wilkins said she would prefer finishing the discussion on this night.

Mrs. Updike agreed with Mrs. Wilkins Mrs.

Updike then pointed to page 16 of section 1 asking if the policies and current school law book could be given to them electronically to save printing costs.

Mrs. Updike then pointed to page 18 of section 1 with had poor grammar in her opinion. She requested changing the wording to make it flow grammatically.

Mrs. Updike then pointed to page 22 of section 1 –diplomas- pointed out that wording should be changed to "Superintendent and members of the Board of Education have responsibilities to pass out diplomas- and district administrators may assist"

Mrs. Updike then pointed to page 29 of section 1-reference legal bills and disclosure of those bills to the public. Mrs. Kelly said since no state law currently exists governing the specifics of Mrs. Updike's questions, that the item is ok as is subject to any changes in state law which would then cause the item to

be altered.

Mrs. Updike then pointed to page 32 of section 1 – change the wording of Board Clerk to Minute Clerk.

Mrs. Kelly wondered if the entire policy book could not be approved on this night.

Mrs. Updike said she wanted to see the changes in writing before voting on the entire policy book.

Mrs. Wilkins hoped that changes could be addressed without reprinting entire manual. Mrs. Kelly said it would be important to look at the policy book prior to the next meeting and to get with Dr. Gerber regarding any issues prior to the next meeting to determine if any changes should occur. Mrs. Updike moved that it all be tabled until the next meeting.

Motion was made and seconded to Table this item.

ORIGINAL - Motion

Member (Mrs. Stephanie Updike) Moved, Member (Mr. Terry Stover) seconded to approve the ORIGINAL motion 'Approve'. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

16. Discussion, motion, and vote on motion to approve or disapprove minutes of the May 26, 2009 regular meeting which may be approved as presented or approved following modifications.

RECOMMENDATION: Approve

Motion was made by Mrs. Cheryl Kelly and seconded by Mrs. Shari Wilkins to approve the minutes of the May 26, 2009 regular meeting. Upon a roll call vote being taken, the vote was Mrs. Cheryl Kelly - Yes, Mr. Mr. Terry Stover - Abstained, Mrs. Stephanie Updike - Yes, Mrs. Shari Wilkins - Yes, Mrs. Sharon Whelpley - Yes
CARRIED a 4 - 1 vote.

17. Discussion, motion, and vote on motion to approve or disapprove minutes of the June 1, 2009 Special meeting which may be approved as presented or approved following modifications.

RECOMMENDATION: Approve

Motion was made and seconded to approve the minutes of the June 1, 2009 special meeting.

ORIGINAL - Motion

Member (Mr. Terry Stover) Moved, Member (Mrs. Cheryl Kelly) seconded to approve the ORIGINAL motion 'Approve'. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

18. Discussion, motion, and vote on motion to approve or disapprove minutes of the June 15, 2009 Special meeting which may be approved as presented or approved following modifications.

RECOMMENDATION: Approve

Motion was made and seconded to approve the minutes of the June 15, 2009 special meeting.

ORIGINAL - Motion

Member (Mr. Terry Stover) Moved, Member (Mrs. Shari Wilkins) seconded to approve the ORIGINAL motion 'Approve'. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

19. Review and discussion to approve or disapprove the proposed contract to upgrade the District's internet service. L. Wood

RECOMMENDATION: Approve

Louis Wood, Technology Director for the district, advised that the upgrade will provide faster and better

service. Mrs. Kelly asked about the length of the contract. Mr. Wood said it would five-12-month terms with Windstream.

Motion was made and seconded to approve the proposed contract to upgrade the District's internet service.

ORIGINAL - Motion

Member (Mrs. Stephanie Updike) Moved, Member (Mr. Terry Stover) seconded to approve the ORIGINAL motion 'Approve'. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

20. Review and discussion to approve or disapprove the renewal for Edline for 2009-2010 school year. L. Wood

RECOMMENDATION: Approve

Mr. Wood said this would be the second year of three 12 month agreements.

Motion was made and seconded to approve the renewal for Edline for 2009-2010 school year.

ORIGINAL - Motion

Member (Mrs. Cheryl Kelly) Moved, Member (Mr. Terry Stover) seconded to approve the ORIGINAL motion 'Approve'. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

21. Review and discussion to approve or disapprove the Two Trees service for internet content filtering, firewall maintenance and email virus/spam scanning. L. Wood

The Child Internet Protection Act (CIPA) requires schools and libraries who receive erate reimbursement to provide certain safeties for children. Our District's policy is to comply with both the letter and intent of the act, and these are the tools by which we implement that policy.

RECOMMENDATION: Approve

Mrs. Wilkins said the firewall unit should probably be located at least 20 miles outside the area for safety (based on expert opinion delivered at a previous chamber of commerce program). Mr. Wood said Windstream and Two Trees were examining this aspect of the question.

Motion was made and seconded to approve the Two Trees service for the internet content filtering, firewall maintenance and email virus/spam scanning.

ORIGINAL - Motion

Member (Mrs. Stephanie Updike) Moved, Member (Mrs. Cheryl Kelly) seconded to approve the ORIGINAL motion 'Approve'. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

22. Discussion, motion and vote on motion to approve using MyTicketOffice.com for ticketing services for the BAPS PAC.

RECOMMENDATION: Approve

Mark Frie, new director of the BAPS PAC said ticketing to events is crucial to the success of venues. He

said this website is the website of choice for those in the Tulsa area who purchase tickets to entertainment. He said this website does all seating charts and links for a one time cost of \$200 with \$50 per event itself. He said he is comfortable with the group. He said the district would need two special printers and two pc's to run the software and two credit card swipes to match the number of ticket windows. He said this would allow PAC to have a fully functioning box office without a full box office staff. Mrs. Whelpley agreed with the recommendation

Mrs. Wilkins said she liked the marketing opportunity of this item as well (BAPS PAC would be listed with other participating venues in the area on this website)

Motion was made and seconded to approve using MyTicketOffice.com for ticketing services for the BAPS PAC.

ORIGINAL - Motion

Member (Mrs. Cheryl Kelly) Moved, Member (Mr. Terry Stover) seconded to approve the ORIGINAL motion 'Approve'. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED.
5 - 0

23. Discussion and vote on a motion to approve or disapprove retaining the law firm of Crowe and Dunlevy. [The purpose of this engagement will solely be to advise the board and superintendent and represent the District concerning the release of attorney billing records.]

RECOMMENDATION: Approve

Dr. Gerber said the school district has received a letter from an attorney representing a BAPS patron with a different opinion than the school district's current legal counsel regarding open records and the release of legal bills and actions that produced the legal bills. Dr. Gerber said it made sense to him to get another attorney firm to look at the issue. He said Crowe and Dunlevy would only look at this issue; he said they currently represent Norman Public Schools.

Mr. Stover said he is tired of the whole situation. He believes the school district should give the patrons what they want with names redacted and not spend any more dollars on this issue.

Mrs. Updike said the current practice gives the appearance that the school district is trying to hide something. She wondered why the school district can't just redact the items in question and move forward. Mrs. Updike said rather than spending more school district dollars, she believes that the school district should give the question to the attorney general for an opinion.

Mrs. Kelly said the school district already has a legal counsel that has made a recommendation. She said it makes good sense to ask another attorney for advice. She said it will take much longer to get an opinion from the attorney general.

There was also discussion about whether such a question would produce a formal attorney general's opinion or an informal attorney general's opinion.

Dr. Gerber wondered if the patron's attorney would hold off in filing a lawsuit while waiting for an attorney general's opinion.

Mrs. Wilkins said she liked the idea of getting another legal opinion on this matter.

Mr. Stover asked the Board President to make sure there is no current relationship between Crowe and Dunlevy and the School District's legal counsel, Rosenstein, Fist, & Ringold.

Motion was made by Mrs. Shari Wilkins and seconded by Mrs. Cheryl Kelly to approve retaining the law firm of Crowe and Dunlevy to advise the board and superintendent and represent the District concerning the release of attorney billing records.

Upon a roll call vote being taken the vote was: Mrs. Cheryl Kelly - Yes, Mr. Terry Stover - No, Mrs. Stephanie Updike - No, Mrs. Shari Wilkins - Yes, Mrs. Sharon Whelpley - Yes. The motion CARRIED a 3-2 vote.

24. Discussion, motion and vote on motion by the board to take any action deemed appropriate regarding public comments made by individual board members outside of board meetings.

RECOMMENDATION: Approve

Mrs. Kelly read the following resolution/motion:

“WHEREAS, the Board of Education is aware of statements made by Stephanie Updike; and WHEREAS, the Board of Education finds it desirable to take affirmative action to disavow any statements, representations, actions or conduct alleged to have been made by Stephanie Updike or any other employee of this school district or board unless made with the formal approval of this board or with its direction and authority.

BE IT THEREFORE RESOLVED that the Board of Education does not approve of, condone, affirm or ratify any statements, actions or conduct alleged to have been made by Stephanie Updike or any other employee of this school district or board unless made with formal approval of the Board of Education.

BE IT FURTHER RESOLVED that the Board of Education does not authorize any individual member of the Board, in absence of formal approval of the Board of Education at regular, special, or emergency meetings, or in absence of the Board’s direction and approval, to make statements or representations on its behalf or take actions or participate in conduct on its behalf, and any such statement, representation, action or conduct of board members is not, and does not represent, the official position of the Board of Education.

BE IT FURTHER RESOLVED that the intent of this resolution is only to disavow statements, representations, actions and/or conduct of school district employees and individual board members in the absence of direction, authority or formal approval of the Board of Education. This resolution is not intended to give credence to any complaint or allegation made.”

Mrs. Wilkins also read a statement: “I’d like to make a statement in addition to that. In April 2008, and on August 4th, 2008, in executive session, Stephanie Updike failed to respect the confidentiality of information that was privileged. The code of ethics and conduct adopted on January 29, 2009, signified the strong commitment by board members to base their decisions and actions on ethical standards. It defined for us the professional behavior required to fulfill our obligation of being effective and responsible board members. Recently, she chose to violate the code of ethics and conduct. When decisions and actions are not based on ethical standards and conduct, it has a negative impact on our district.

Our first and greatest concern as board members must be the educational welfare of all students attending Broken Arrow Public Schools. We have much to celebrate with recent expansion of the Great Expectations, Junior Achievement, the new opportunity for 5th graders across our district to participate in Junior Achievement Biz Town and much more. With the superintendent search process underway and the bond initiative discussions getting ready to take place, many exciting decisions lay ahead. It is important that the board remain focused and move forward to work with the superintendent and staff to ensure that our children reach their full potential.”

Mrs. Updike asked for the opportunity to address these “resolutions”. Mrs. Updike said two board members skipped a board meeting in August and held a press conference in the park with no condemnation from the Board. Mrs. Updike said a board member held a Press conference on Main Street in February with no condemnation from the Board. Mrs. Updike said another board member made statements at a BAPS Foundation meeting which created issues for the school district and there was no condemnation from the board. She said teaching positions are used many times as valid and tangible ways to explain dollars spent in ways for the public to better understand a situation.

Mrs. Updike said the things she said to the Ledger were public record; she said she did not break any confidentiality rules. She said what the district spends on legal bills is public record. She said she finds it interesting that comments were made by this Board many times over the last year and those comments were not condemned. She said she exercised her right to express her opinion. She said she does not know what Mrs. Wilkins is referring to as far as violating executive session. She said she is not aware that she has done that. She said she has tried for months to have discussions about legal expenditures. She reminded board members that on several occasions other board members have actually removed agenda items designed to discuss legal bills from the agenda.

Mr. Stover said Board members do not give up freedom of speech rights when they become board members. He said, "You can not censure that. Two different law firms have told me that."

Mr. Stover said, "It is really not a good idea to start imposing censure. First amendment rights are protected. They can say anything they want because they are citizens. No oaths strip a citizen of their legal first amendment rights."

Mrs. Wilkins said she would encourage the folks to read the code of ethics the board adopted. She said does not support it when people's opinions belittle others.

Motion was made by Mrs. Cheryl Kelly and seconded by Mrs. Shari Wilkins to approve the resolution as read. Upon a roll call being taken, the vote was Mrs. Cheryl Kelly – Yes, Mr. Mr. Terry Stover – No, Mrs. Stephanie Updike – No, Mrs. Shari Wilkins – Yes, Mrs. Sharon Whelpley – Yes. The motion CARRIED a 3 -2 vote.

Approve or Disapprove General Consent Agenda Items

RECOMMENDATION: Approve

Motion was made and seconded to approve items 25 -34 as presented.

ORIGINAL - Motion

Member (Mrs. Shari Wilkins) Moved, Member (Mrs. Cheryl Kelly) seconded to approve the ORIGINAL motion 'Approve'. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

25. Renewal of the annual maintenance agreement with Simulator Systems International, Inc. for the 2009-2010 school year.

The Drivers Education program located at South Intermediate High School maintains the simulators for night school and summer school classroom instruction. This service agreement entitles Broken Arrow Public Schools to service calls and a reduction on parts or maintenance equipment.

26. Rental of Central on Main by the American Board for Certification of Teacher Excellence on Wednesday, August 12, 2009 from 5:30-8:30 p.m.

Amber Canidy, recruitment coordinator for the American Board for Certification of Teacher Excellence, has requested the use of Central on Main's cafeteria from 5:30-8:30 p.m. on Wednesday, August 12, 2009 for a "Become a Teacher Information Session." Per Board of Education policy the ABCTE will provide a Certificate of Liability naming Broken Arrow Public Schools as an additional insured prior to their meeting.

RECOMMENDATION: Approve

27. Approval of transfers within the Activity Fund Accounts

RECOMMENDATION: Approval

28. Request for the Broken Arrow Pride to attend the Bands of America Super Regional Contest in St. Louis, Missouri on October 16 through October 18, 2009. R. Armstrong

RECOMMENDATION: Approval

29. Request for the Broken Arrow Pride to attend Bands of America Grand Nationals Contest in Indianapolis, Indiana on November 11 through November 15, 2009. R. Armstrong

RECOMMENDATION: Approval

30. Resolution Designating Authorization to Handle Insurance for the School District: Review and discussion of designating an Authorized School Representative to handle Insurance matters relating to the District's Insurance Policies for 2009-10 School Year. C. Metevelis

The Arrow Group is requesting Broken Arrow Public Schools to designate an authorize a representative to handle insurance matters including, but not limited to, completing and signing of applications, uninsured motorists, election/rejections forms, proof of loss on claim settlements, adding and deleting or changing coverages, and other matters relating to Broken Arrow Public Schools insurance policies. Oklahoma School Laws make no specific provision for the handling of these day-to-day matters; however, the Board of Education has the ultimate responsibility for the business of the school district. It is recommended that Cathey Metevelis, Executive Director of Human Resources serve as authorized representative for insurance matters during the 2009-10 school year.

RECOMMENDATION: Approve.

31. Approval of Certified Personnel - Employment, Resignations, 2009/2010 Temporary Contract to continuing Contract

RECOMMENDATION: Approve

32. Approval of Support Personnel - Resignations/Terminations, Retirements

RECOMMENDATION: Approve

33. Ratification of Encumbrance Change Orders for the General, Building, Child Nutrition and Bond Funds for the 2008-2009 fiscal year funds totaling \$(867,937.20) Item is pending Board approval and is posted on the Broken Arrow Public Schools district website at www.baschools.org

RECOMMENDATION: Approve

34. Ratification of Encumbrance Orders totaling \$554,231.72 for the General, Building, Child Nutrition, Bond and Gift Funds for May 19, 2009 through June 24, 2009, from the 2008-2009 fiscal year funds. Item is pending Board approval and is posted on the district website at www.baschools.org.

RECOMMENDATION: Approve

Curriculum and Instruction

35. Discussion, motion, and vote on motion to approve or disapprove the agreement between Broken Arrow Public Schools and Scholastic for the purchase of no less than 7625 Scholastic Reading Counts! licenses for the period from May 2009 through May 2012. D. Mosburg

RECOMMENDATION: Approve

Mrs. Mosburg introduced media specialists Kay Wyly from Sequoyah and Nancy Remus from BAHS who enthusiastically endorsed the proposal.

Motion was made and seconded to approve agreement between Broken Arrow Public Schools and Scholastic for the purchase of no less than 7625 Scholastic Reading Counts! licenses for the period from May 2009 through May 2012.

ORIGINAL - Motion

Member (Mrs. Stephanie Updike) Moved, Member (Mr. Terry Stover) seconded to approve the ORIGINAL motion 'Approve'. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

Budget and Finance

36. Review and discussion to approve or disapprove the nightly custodian services contract with Jani-King of Tulsa for CL 4 and 5, the new ESC/PAC and the former ESC buildings. M. Bilby

RECOMMENDATION: Approve the nightly custodian services contract with Jani-King of Tulsa for CL 4 and 5 at a monthly cost of \$5752.00, the new ESC/PAC at a cost of \$3422.00 per month with an additional extra clean cost outside the daily schedule for performance at \$245.00 per performance and the former ESC building for a monthly cost of \$1625.00 per month. Payments will be made out of the district's building fund.

Mr. Bilby said this action would save the district approximately \$100,000 and would not impact current custodial staff.

Motion was made and seconded to approve the nightly custodian services contract with Jani-King of Tulsa for CL 4 and 5, the new ESC/PAC and the former ESC buildings.

ORIGINAL - Motion

Member (Mr. Terry Stover) Moved, Member (Mrs. Cheryl Kelly) seconded to approve the ORIGINAL motion Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

37. Review and discussion of a request to declare modular buildings #41,47,114 and the Enrollment Center building #1 at 601 South Main, as surplus. Discussion, motion, and vote to approve or disapprove the disposition of property in accordance with school district regulations. M. Bilby

RECOMMENDATION: That the Board of Education adopt a motion to declare modular buildings #41,47,114 and the Enrollment Center building #1 at 601 South Main to be worn, obsolete, and no longer economically feasible to maintain and use in the school district, and authorize disposition of the property in accordance with school district regulations.

Motion was made and seconded to approve the disposition of property in accordance with school district regulations of modular buildings #41, #47, and #114 and the Enrollment Center building #1.

ORIGINAL - Motion

Member (Mrs. Cheryl Kelly) Moved, Member (Mr. Terry Stover) seconded to approve the ORIGINAL motion. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

38. Monthly Financial Reports - A Wade

Mrs. Wade said she agreed with Mr. Nichols' earlier statement that while there was some agreeing to disagree going on previously, the 2008-2009 negotiations were carried out in a professional manner. She said she enjoyed working with Greer and the BAEA team and looked forward to the 2009-2010 negotiations process.

Mrs. Wade said federal stimulus dollars are responsible for the large jump in school district dollars revenue this month versus last month and this year versus the same time last year. Mrs. Wade said she and administrators who oversee special education have been meeting regarding uses of stimulus funds. She said the group would have a report to the Board regarding final plans on uses of stimulus funds. Mrs. Wade complimented Luanne Goodacre (child nutrition director) and Mark Bilby for their work in increasing expenditures and reducing expenses in the child nutrition program this year.

39. Treasurer's Reports for May - D. Dollahon

Donna Dollahon, Treasurer reported Investment Ledger showing a balance of all funds being \$48,290,000.00. In addition we have Administrative Office Activity Fund in the amount of 450,000.00 and Sr. High Activity fund in the amount of 300,000.00.

The Fund Security and Deposit Summary shows a total pledged collateral of \$51,639,000.00, Total deposits of approx. \$30,195,000.00 and an Available balance of approximately \$ 21,443,000.00. On the Cash Balance Report the Total Assets for Broken Arrow Public Schools is approximately \$ 63,863,000.00.

40. Activity Fund Reports for May - D. Dollahon

Donna Dollahon, Treasurer reported Activity Fund Reports showing YTD Receipts of \$5,530,215.92 YTD Disbursements of \$5,153,236.71 with an Ending Balance of \$2,495,667.31

Human Resources

41. Property, Liability and Vehicle Insurance Policies: Review and discussion of the District's property, liability, and vehicle insurance policies; consideration of and vote on a motion to approve the policies for the 2009-10 fiscal year. C. Metevelis

The renewal date for the District's property, liability and vehicle insurance policies is July 1, 2009. Several companies received quote information from Mr. Bruce Schutte, agent of record representing the district. Four companies declined to quote for 2009-10. The only quote received is from Greenwich Insurance Company. Greenwich is an A.M. Best "A" rated insurance carrier which is the new underwriting insurance company for NAICO. Greenwich has provided quotes based on deductibles of \$25,000, \$50,000, \$100,000 and \$500,000. The recommendation is to approve the quote based on the \$100,000 deductible with a premium cost of \$557,452. This premium represents a \$124,902 increase from 2008-09 which is largely due to a decrease in deductible from \$500,000 in 2008-09.

RECOMMENDATION: That the Board of Education move to approve the property, liability and vehicle insurance policies premium for 2009-10 fiscal year for the amount of \$ _____ to Greenwich Insurance Company as presented.

Mrs. Metevelis said there would be a new carrier this year as previous carrier NAICO is no longer in the

school business. She said the new carrier would be Greenwich, which offered four proposals. She recommended Option one-the \$100,000 deductible as the option for approval.

Motion was made and seconded to approve the property, liability and vehicle insurance policies premium for 2009-10 fiscal year as Option 1 with a deductible in the amount of \$100,000 and premium of \$557,452 to Greenwich Insurance Company as presented.

ORIGINAL - Motion

Member (Mrs. Cheryl Kelly) Moved, Member (Mrs. Stephanie Updike) seconded to approve the ORIGINAL motion. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

42. Initial Staffing for Performing Arts Center: Review and discussion of new positions to be hired for the PAC; consideration of and vote on a motion to approve the new positions.

Two new positions are proposed for 2009-10 for the new Performing Arts Center. These include a PAC Director and an Events Coordinator/Administrative Assistant to the Director. The cost is estimated at \$130,358.

RECOMMENDATION: Approval

Mrs. Metevelis said the director has already been named but she wanted to be consistent with how positions were approved previously for CL45. The positions are director and events coordinator/administrative assistant to the director with total cost of \$130,358. She reminded that technical staff would be contracted out and not be fulltime district employees.

Motion was made and seconded to approve the staffing for the Performing Arts Center.

ORIGINAL - Motion

Member (Mr. Terry Stover) Moved, Member (Mrs. Cheryl Kelly) seconded to approve the ORIGINAL motion 'Approval'. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED. 5 - 0

New Business

43. Consideration of any matter not known about or which could not have been reasonably foreseen prior to the time of preparation of the agenda for the regularly scheduled meeting.

Mrs. Wade brought a change order for purchase order #3887 for worker's compensation in the amount of \$13,001.49 to make payment by Friday July 3.

Motion was made and seconded to approve the change order of purchase order # 3887 as presented.

Motion was made by Mrs. Stephanie Updike and seconded by Mrs. Cheryl Kelly. Upon a roll call vote being taken, the vote carried was: Yes: 5 No: 0 The motion CARRIED 5-0

Executive Session

44. Discussion, motion and vote on motion to go into executive session pursuant to Title 25, Section 307 B. 1 and 7. to discuss the evaluation of the interim superintendent of schools.

RECOMMENDATION: Approve

Agenda Item # 44 - Removed upon Formal Adoption of Agenda.

Return to Open Session

45. Vote to acknowledge return to open session. Statement by board clerk of executive session minutes.

RECOMMENDATION: Approve

Agenda Item #44 Executive Session was removed upon Formal Adoption of Agenda therefore item #45 also removed.

Adjourn

46. Adjournment

RECOMMENDATION: Approve

Motion was made and seconded to adjourn the meeting at 8:49 p.m.

ORIGINAL - Motion

Member (Mrs. Shari Wilkins) Moved, Member (Mr. Terry Stover) seconded to approve the ORIGINAL motion 'Approve'. Upon a roll call vote being taken, the vote was: Yes: 5 No: 0. The motion CARRIED.
5 - 0