

**Flippo, Maryanne**

**From:** Stover, Terry L  
**To:** Flippo, Maryanne  
**Cc:**  
**Subject:** Your Question  
**Attachments:**

**Sent:** Thu 9/4/2008 7:58 AM

Here is the response that I received from Laura per your request on Tues. night. Sorry I was not able to get back with you last night, but it was family night:

As we discussed this morning, I have obtained the attached copy of Dr. Sisney's lawsuit which was filed this morning against Mike and Narissa Rampey, Douglas J. Hudkins, and three (3) unnamed co-conspirators. The lawsuit alleges causes of action for defamation, injurious falsehood, invasion of privacy, tortious interference with a business contract, and intentional infliction of emotional distress.

It is my understanding that Ms. Flippo desires to discuss and possibly take action on the suspension of Dr. Sisney. Oklahoma law provides some conditions for the suspension of a certified administrator such as Dr. Sisney. The law states as follows:

"Whenever the local board of education or the administration of a school district has reason to believe that cause exists for the dismissal of an administrator, and when they are of the opinion that the immediate suspension of an administrator would be in the best interests of the children in the district, the local board of education ... may suspend the administrator without notice or hearing. However, the suspension of the administrator shall not deprive the administrator of any compensation or other benefits ... Within ten (10) days' time after such suspension becomes effective, the local board of education shall initiate proceedings ... to have the administrator dismissed." 70 O.S. §6-101.14.

Thus, any suspension would be with full pay and benefits. In order to suspend the superintendent, the Board would need to vote that it believes cause exists for Dr. Sisney's dismissal and that suspension is in the best interests of the children of the District. Lastly, within ten (10) days, the Board would need to begin the process of terminating Dr. Sisney by voting that reasons exist for his termination, providing a list of reasons for his termination, and notifying him of his right to a hearing.

With respect to possible reasons for Dr. Sisney's termination, I would strongly advise against using the filing of the lawsuit as a reason for termination. The law recognizes a right to bring a lawsuit and any action taken in retaliation for exercising that right could be a basis for a lawsuit against the District and/or the Board members. Additionally, when considering whether cause exists for dismissal, there must generally be some nexus between the alleged misconduct and the employee's job.

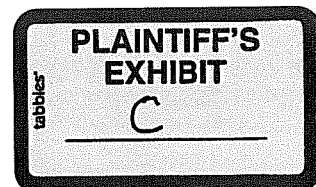
Please contact me if you have any questions.

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In Service to You,

Terry L. Stover, President



Broken Arrow Public School Board of Education  
Zone 1 Representative