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Stover, Terry L

Sent: Fri 8/15/2008 11:02 AM

From: Stover, Terry L  
To: Updike, Stephanie  
Subject: FYI  
Attachments:  Version #2 of AGENDA ITEMS FOR BOARD MEETING OF AUGUST 11.doc(24KB)

FYI

Service to You,

Terry L. Stover, President  
Broken Arrow Public School Board of Education  
Zone 1 Representative

From: Doug Mann [mailto:dougmann@rfrlaw.com]  
Sent: Thu 8/14/2008 4:47 PM  
To: Stover, Terry L  
Subject: AGENDA ITEMS FOR BASD BOARD MEETING OF AUGUST 18, 2008

Mr. Stover, I neglected to copy you with this e-mail. My apology.

Doug Mann  
F. J. Stein, Fisk & Ringold  
525 S. Main Ste 700  
Tulsa, OK 74103  
(918) 585-9211  
(918) 583-5617 Fax

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*"Integrity without knowledge is weak and useless, and knowledge without integrity is dangerous and dreadful." --Samuel Johnson*

From: Doug Mann  
Sent: Thursday, August 14, 2008 4:46 PM  
To: 'afugitt@cfel.com'  
Cc: 'holmes@cfel.com'  
Subject: AGENDA ITEMS FOR BASD BOARD MEETING OF AUGUST 18, 2008

<<Version #2 of AGENDA ITEMS FOR BOARD MEETING OF AUGUST 11.doc>>

Andy,  
Thanks for taking my call today. As I understand it, Laura Holmes is out of town and Stephanie Mather is out of the office.

Attached in a Word format are the agenda items that I understand 3 Broken Arrow board members are interested in having placed on the August 18 agenda. Terry Stover should feel free to call Ms. Whelpley, Ms Wilkins and Ms. Flippo individually to verify with them that they want these items on the agenda.

As I indicated to you, in 3 separate conversations with the above ladies, I learned that because the superintendent and board president will not allow these ladies to have the board address at board meetings items that are of great import to them, none of the 3 will attend any Broken Arrow School Board meeting until they are guaranteed the right by the board president and superintendent to have agenda items on the board agendas. I know that each of these ladies regrets having to take this position but they see no other method for them to be able to carry out their duties as board members. They have been completely disenfranchised by the actions of one board member and the superintendent. Their position is that they are being disenfranchised by being at the meetings so why even attend?

As we discussed in our phone conversation, we do have Friday to resolve this issue without the necessity of this action. But, I can assure you that an acceptable resolution must be reached on this issue.

I look forward to hearing from you.

Doug Mann  
Rosenstein, Fist & Ringold  
525 S. Main Ste 700  
Tulsa, OK 74103  
(918) 585-9211  
(918) 583-5617 Fax

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"No man, who continues to add something to the material, intellectual and moral well-being of the place in which he lives, is left long without proper reward."  
--Booker T. Washington



**Sisney, Jim**

**From:** Steve Peters [speters@hmptsfirm.com]  
**Sent:** Wednesday, August 20, 2008 12:28 PM  
**To:** Sisney, Jim  
**Subject:** FW: BROKEN ARROW SCHOOL DISTRICT  
**Attachments:** AGENDA ITEMS FOR SPECIAL BOARD MEETING OF AUGUST 25.doc; Board Agendas.doc; Calling Board Meetings.doc

**From:** Doug Mann [mailto:dougmann@rflaw.com]  
**Sent:** Wednesday, August 20, 2008 12:06 PM  
**To:** Steve Peters  
**Subject:** BROKEN ARROW SCHOOL DISTRICT

<<AGENDA ITEMS FOR SPECIAL BOARD MEETING OF AUGUST 25.doc>> <<Board Agendas.doc>>  
 <<Calling Board Meetings.doc>>

Steve,

Attached above are 2 proposed policies and 2 agenda items by which the BA board can consider and vote on the policies. From speaking with Ms. Whelpley, Flippo and Wilkins, they each want a special board meeting set for next Monday night, August 25, 2008, at 6:00 p.m. with the only action items being the 2 items shown.

Please discuss these with Dr. Sisney. I am blind copying all board members with this e-mail. Dr. Sisney and Mr. Stover are respectfully requested to take all steps necessary to give notice of the special meeting in accordance with the Open Meeting Act. Also, Dr. Sisney or his staff should include these agenda items a part of a normal special meeting agenda and timely post the agenda as required by law. Please confirm with me no later than noon tomorrow [August 21] that the meeting has been scheduled. Also, I would like to see the agenda no later than close of business tomorrow, August 21.

Once these policies are approved in whatever final form,

assuming that happens, then 2 of the above mentioned ladies will be pleased to meet with you and Dr. Sisney and me to discuss how harmonious relations might be restored to the District. Each lady will decide on her own if she wants to participate in that meeting but no more than 2 will be present. I will let you know who decides to be at the meeting once the referenced board meeting is conducted. We can then schedule the meeting date, time and place.

Because time is of the essence on this matter, please reply asap to this proposed method of going forward.

Please reply that you received this e-mail.

Thank you.

**Doug Mann**  
**Rosenstein, Fist & Ringold**  
**525 S. Main Ste 700**  
**Tulsa, OK 74103**  
**(918) 585-9211**  
**(918) 583-5617 Fax**

"Good thoughts and sound decisions to you." *Porfiry Petrovich in Crime and Punishment.*

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**Flippo, Maryanne**

**From:** Doug Mann [dougmann@rflaw.com]

**Sent:** Fri 8/22/2008 3:40 AM

**To:** Flippo, Maryanne

**Cc:**

**Subject:** RE: BROKEN ARROW SCHOOL DISTRICT

**Attachments:**

Maryanne,  
Terrific job in laying out the issues. Very articulate and well reasoned. Of course, that will do no good for someone who does not want to listen or think.  
Best regards,  
Doug

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**From:** Flippo, Maryanne [mailto:mflippo@baschools.org]

**Sent:** Fri 8/22/2008 12:14 AM

**To:** Stover, Terry L

**Subject:** RE: BROKEN ARROW SCHOOL DISTRICT

Terry,

I hope you understand that your permission is not needed for any board meeting to be held, just as my permission as an individual board member is not needed. It is merely necessary to check schedules to determine whether a quorum of the board can be present to conduct board business. According to the law, if a quorum of elected board members is present, board business may be conducted. If the board president is not in attendance, the vice president may conduct the meeting. And in the absence of both the president and the vice president, the clerk may preside at the meeting. (Incidentally, this has happened here in Broken Arrow Schools at a special meeting).

In case you are not aware of board history, there have been numerous times over the years in which a quorum (meaning at least one person was absent) met to conduct district business at a special meeting. These meetings have been called for a variety of reasons, usually involving time-sensitive financial issues. In fact, when the board was hiring a superintendent (arguably its most important decision as a board), Mrs. Whelpley was out of the state for several weeks with a serious family emergency. The interview process was not halted due to her absence. We had more than one executive session without her. I believe she may have been back in town in time to vote on hiring Dr. Sisney.

I believe Mrs. Updike will be having a second grandchild soon. This is a wonderful time in her life. She told us months ago to expect her to miss board meetings in August and in September. I do not believe it would be appropriate for our board of education to refuse to do any board business until Mrs. Updike is through with all of her travels with the two new babies!

As board president, it is your job to call a meeting, NOT to prevent a meeting, when a majority of the board requests that a meeting be scheduled. State law requires the board to elect a president to perform particular necessary functions, such as to preside over meetings and to sign certain legal documents. Neither state law, nor Broken Arrow policy, grants the board president veto power over a request from the majority of the board members to schedule a meeting. Just as no individual board member has the power to veto an action by the majority of the board, no one board member has the power to prevent a possible board action by preventing a board meeting from taking place. This is precisely why the requested meeting should go forward. We need a policy to address this issue ASAP.

By the way, it is also your job as board president to sign contracts when they have been approved by the board. On Aug 12, you refused to do the job of the board president when you refused to sign the newly approved contract. If you do not wish to perform the expected functions of the board president in presiding over meetings or signing legal documents, perhaps you should consider resigning your position.

Respectfully,

**Sisney, Jim**

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**From:** Flippo, Maryanne  
**Sent:** Thursday, August 28, 2008 10:44 PM  
**To:** Stover, Terry L  
**Cc:** Sisney, Jim; dougm@rflaw.com

Dear Terry,

Since you are the board president, I am asking you to direct the superintendent to remove the board report dated Aug 18 from the district's website and replace it with the new board report from Aug 25. Because some of the board members seemed to think it so important for the board report to go up immediately that the report could not be eliminated, I am puzzled to see that it is not yet posted (8:45 p.m. Thursday, three days after the meeting).

I believe I copied you when I sent Mr. Isbell a reply to his questions about the board report, so there should be no more confusion. The new report needs to go up tomorrow, before the holiday weekend. I have had several calls from citizens interested in the exact wording of the motions that were made. If the board report is not going to be posted in a timely fashion, it serves no purpose.

I would also appreciate your assistance in getting answers to my questions about our internal processes and controls when fulfilling Open Records Requests. This information needs to come from the district administration, not the attorneys. It ought to be a simple matter for this administration to produce the necessary guidelines and send them to me. If we do not have processes in place, it would also be a simple matter to so inform me. If the guidelines do not exist, our board has a serious problem that will need to be addressed at the September 15 meeting. I would think all of the board members would want the answers to my questions, especially about the unauthorized copies of emails and the privacy issues. There is a lot of potential liability for the district if these Open Records Requests are not properly handled. The cost will also be a PR issue.

It is simply unacceptable for me to not have received answers to my questions by now. It is the board's right and responsibility to have the information I requested. It is your job as president to hold the superintendent accountable for getting necessary information to board members in a timely manner. By the way, any employee or board member of the district whose emails are requested should be given the answers to my questions. I would like the answers to all of my questions by close of business tomorrow, Friday, Aug. 29.

Thank you for checking on these two things.

Maryanne Flippo