

PRESS RELEASES

School Board resolution says taxpayer letter is 'legally defective'

The Broken Arrow Board of Education has unanimously approved a resolution calling for no additional action from the Broken Arrow School District regarding a taxpayer letter because among other things, “the notice lacks a sufficient number of taxpayers to make any demand on the District due to a withdrawal of four taxpayers from their involvement with the notice letter” and because “on its face, the taxpayers notice is legally defective under the law.”

The full resolution approved by a 5-0 vote by the School Board reads as follows:

“I (as read by Broken Arrow School Board member Shari Wilkins) move that the Board of Education adopt the following Resolution:

1. On Jan. 13, 2009, the Board of Education received a written demand dated Jan. 13, 2009 from a lawyer claiming to represent ten (10) taxpayers of the District alleging allegations of wrongdoing.
2. On Jan. 14, 2009, the Board of Education authorized and directed the District’s legal counsel to make a written demand on the lawyer for the taxpayers as well as the taxpayers whose names appear in the notice letter.
3. The written demand to the taxpayers and the taxpayers’ lawyer set a deadline to provide the evidence to the District’s legal counsel within 30 days from receipt of the demand.
4. The written demand was made in order to obtain all evidence which the lawyer for the taxpayers and the taxpayers claim exists in support of each allegation contained in their notice letter so that the Board could initiate an investigation of the taxpayers’ allegations and take any action on the taxpayers’ allegations that might be necessary.
5. The taxpayers’ lawyer has now advised the District’s legal counsel that he and the taxpayers are refusing to provide any evidence to the District in support of the taxpayers’ allegations.
6. As a result of a recent audit by the District’s independent auditors, no evidence was provided to the Board that would provide any basis for the filing of a lawsuit with regard to any of the taxpayers’ allegations.
7. In the absence of any evidence to substantiate any of the taxpayers’ allegations, the Board of Education has no factual or legal basis to file suit against any person or entity to recoup any money or property. Filing a lawsuit without a factual or legal basis to do so could subject the District and individual board members to monetary sanctions from the court.

8. The Board has received written notice that 4 of the 10 taxpayers have withdrawn their names from any involvement with the taxpayers' notice letter. Therefore, the notice lacks a sufficient number of taxpayers to make any demand on the District. Further, on its face, the taxpayers' notice is legally defective under the law.

Accordingly, due to (1) the failure of the taxpayers to provide any evidence to the Board in support of their allegations of wrongdoing, (2) the taxpayers' failure to cooperate with the Board in the investigation of their allegations, (3) the fact that the notice lacks a sufficient number of taxpayers to make any demand on the District due to the withdrawal of 4 taxpayers from their involvement with the notice letter and (4) the legal defects in the taxpayers' notice, the Board directs the superintendent and District's lawyer to take no further action with regard to the taxpayers' allegations at this time. Further, the Board states that should any evidence of intentional wrongdoing against the District involving District personnel or third parties become available to the Board in the future, the Board will review this action." (Resolution approved by Broken Arrow School Board by a 5-0 vote).