

**MINUTES**

**SPECIAL MEETING  
COMMERCE BOARD OF EDUCATION  
JUNE 2, 2011  
6:30 P.M.  
BOARD OF EDUCATION BUILDING  
217 COMMERCE STREET  
COMMERCE, OKLAHOMA**

1. President Steve Hartman called the meeting to order at 6:30 p.m. Those present were Hartman, Gene Langston, Jim Cossairt, Kevin Reading, and Kenny Smith. Superintendent Jim Haynes was also present.
2. The invocation was given by Cossairt.
3. Due process hearing for Raye Anne Barnes:
  - a. Hartman made the following statement: The reason for this meeting is to conduct a hearing on the proposed nonreemployment of **Raye Ann Barnes** from her employment with the **Commerce School District**. The order of the hearing has been established by rules adopted by the State Department of Education. Those rules provide that both the administration and the teacher are given the opportunity to make an opening statement; the administration will then call its witnesses, with the teacher having the opportunity for cross-examination; the teacher will then call her witnesses which are subject to cross-examination; both sides will be allowed to call rebuttal witnesses; and then both sides will have time to make closing arguments to the board.

The board will then convene in executive session to discuss the evidence presented and will return to open session to vote to accept or reject the superintendent's recommendation for the nonreemployment of Ms. Barnes. The Board will also recite the findings of fact upon which the decision is based.

The State Board Rules also provide that this hearing is to be an informal administrative hearing that will not be governed by strict rules of evidence such as would be used in a court proceeding. Thus, the board may hear hearsay evidence that it finds to have some merit in establishing facts. According to the State Board Rules, the president of the board is to make any rulings needed regarding testimony. The State Board Rules also provide that only witnesses and legal counsel or other representatives, if any, will be addressing the board, and thus no statements from anyone in the audience will be heard. The Rules also state that either side may require that those being called as witnesses leave the hearing until they are called to testify. Witnesses are also to be sworn to tell the truth during the testimony, which oath will be administered by the minutes clerk. If witnesses are asked to leave the room, the teacher and superintendent and their designees will not have to leave since the superintendent is the one required by law to submit a recommendation and the teacher is the one affected by that recommendation.

Do the parties desire to have the witnesses leave the room during this hearing?

Raye Anne Barnes or her designee or representative was not present. Attorney Bryan Drummond representative for the superintendent did not desire to have the witness leave the room.

- b. Attorney Bryan Drummond representative for the superintendent waved his Opening statement.
- c. Ms. Barnes or her designee or representative was not present to make an Opening statement.

- d. Minutes clerk Trish Price administered the following oath to middle school principal, Jack Kelley: Do you swear or affirm that your testimony during this hearing will be the truth, the whole truth and nothing but the truth? Kelley responded, "I do."

Attorney Bryan Drummond representative for the superintendent presented an exhibit book (attachment #1) and proceeded to go through the book with the witness, principal Jack Kelley, verifying the authenticity of the contents.

Ms. Barnes or her designee or representative was not present to cross-examine the witness.

- e. There were no questions by board members.
  - f. Ms. Barnes or her designee or representative was not present to present evidence.
  - g. There were no questions by board members.
  - h. There were no rebuttal and surrebuttal evidence presented.
  - i. Attorney Bryan Drummond representative for the superintendent presented a closing argument.
  - j. Ms. Barnes or her designee or representative was not present to present a closing argument.
  - k. Motion by Cossairt, second by Reading, to go into executive session pursuant to OKLA. STAT. tit. 25, § 307(B) (1) & (7) to deliberate on the reemployment or nonreemployment of Raye Anne Barnes. Vote: Cossairt-yes, Reading-yes, Hartman-yes, Langston-yes, Smith-yes Time: 6:52 p.m.
  - l. Motion by Reading, second by Cossairt, to acknowledge return to open session. Vote: Reading-yes, Cossairt-yes, Hartman-yes, Langston-yes, Smith-yes Time: 6:58 p.m.
  - m. Hartman stated, "While in executive session, the Board deliberated on the reemployment or nonreemployment of Raye Anne Barnes pursuant to Oklahoma Statutes, title 25, Section 307(B)(1) & (7). No other matters were discussed and no votes were taken."
  - n. Motion by Langston, second by Reading, to accept the superintendent's recommendation for the nonreemployment of Raye Ann Barnes and recitation of findings of fact upon which the decision is based. (Attachment #2) Vote: Langston-yes, Reading-yes, Hartman-yes, Cossairt-yes, Smith-yes
- 4. No action was taken on accepting any resignations tendered since the posting of the Agenda.
  - 5. Non action was taken on ten (10) Minute Recess
  - 6. No action was taken on reconvening meeting
  - 7. Proposed executive session to discuss the employment of teacher/coaches for the 2011-2012 school year so that the board can return to open session and vote to employ or not employ teacher/coaches for the 2011-2012 school year. 25 O.S. § 307(B)(1).
  - 8. Motion by Langston, second by Reading, to convene in executive session. Vote: Langston-yes, Reading-yes, Hartman-yes, Cossairt-yes, Smith-yes Time: 7:01 p.m.
  - 9. Motion by Cossairt, second by Langston, to acknowledge the board's return to open session. Vote: Cossairt-yes, Langston-yes, Hartman-yes, Reading-yes, Smith-yes Time: 7:23 p.m.

- 10. Hartman announced, "Only the item listed on the executive session agenda was discussed and no votes were taken. Those present in executive session were the five board members and Mr. Haynes."
- 11. Motion by Reading, second by Langston, to employ Bobby Crawford as a high school social studies teacher/head high school girls' basketball coach and Sam Schaper as a high school science teacher/head high school baseball coach for the 2011-2012 school year as recommended by Haynes. Vote: Reading-yes, Langston-yes, Hartman-yes, Cossairt-yes, Smith-yes
- 12. Motion by Langston, second by Smith, to adjourn. Vote: Langston-yes, Smith-yes, Hartman-yes, Cossairt-yes, Reading-yes Time: 7:25 p.m.

The agenda was posted on the inside of the front door (visible from outside the building) of the Board of Education building at 3:30 p.m. on the 31<sup>st</sup> day of May, 2011, by Jim Haynes, Superintendent of Schools, and notice of this special meeting was given in writing to the Ottawa County Clerk at least forty-eight (48) hours prior to said meeting by Jim Haynes, Superintendent of Schools.

(ATTEST)

  
 \_\_\_\_\_  
 President-Board of Education

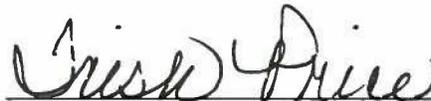
\_\_\_\_\_  
 Deputy Clerk

  
 \_\_\_\_\_  
 Vice-President

  
 \_\_\_\_\_  
 Member

  
 \_\_\_\_\_  
 Clerk

Date: 06/13/2011

  
 \_\_\_\_\_  
 Minutes Clerk

Date: 6-13-11

