

MINUTES

**REGULAR MEETING
COMMERCE BOARD OF EDUCATION
SEPTEMBER 15, 2015
6:30 P.M.
BOARD OF EDUCATION BUILDING
217 COMMERCE STREET
COMMERCE, OKLAHOMA**

1. President Kenny Smith called the meeting to order at 6:30 p.m. Those present were Smith, Misty Hailey, Jamie Johnston, and Kevin Reading. Herb Logan was absent. Superintendent Jim Haynes was also present.
2. The invocation was given by Hailey.
3. Consent Agenda:

All of the following items, which concern reports and items of a routine nature normally approved at board meetings, will be approved by one vote unless any board member desires to have a separate vote on any or all of these items. The consent agenda consists of the discussion, consideration, and approval of the following items:

- a. Minutes of the August 11, 2015 regular board meeting.
- b. Approval of the monthly financial report of activity funds. (Attachment #1)
- c. Approval of the monthly treasurer's report. (Attachment #2)
- d. Approval of the list of General Fund warrants for FY 2015 encumbrances. (Attachment #3)
- e. Approval of the list of General Fund encumbrances for August payroll. (Attachment #4)
- f. Approval of the list of General Fund warrants for August payroll (\$164,128.71). (Attachment #5)
- g. Approval of the list of General Fund encumbrances for August-September. (Attachment #6)
- h. Approval of the list of General Fund warrants for August-September bills. (Attachment #7)
- i. Approval of the list of Cooperative Fund encumbrances for August-September. (Attachment #8)
- j. Approval of the list of Cooperative Fund warrants for August-September bills. (Attachment #9)
- k. Approval of the list of Building Fund encumbrances for August-September. (Attachment #10)
- l. Approval of the list of Building Fund warrants for August-September bills. (Attachment #11)
- m. Approval of the list of Child Nutrition Fund encumbrances for August-September. (Attachment #12)
- n. Approval of the list of Child Nutrition Fund warrants for August-September bills. (Attachment #13)
- o. Approval of the additional list of substitute teachers for SY 2015-2016. (Attachment #14)
- p. Approval of the additional list of fundraisers for SY 2015-2016. (Attachment #15)

Motion by Reading, second by Smith, to approve consent agenda items "a" through "o" as recommended by Haynes. Vote: Reading-yes, Smith-yes, Hailey-yes, Johnston-yes, Hailey-yes, Logan-absent

Motion by Reading, second by Johnston, to approve item "p" as revised and recommended by Haynes. Vote: Reading-yes, Johnston-yes, Smith-yes, Hailey-yes, Logan-absent

4. Smith welcomed and thanked the guests for attending. (Attachment #16)

Logan arrived at 6:50 p.m.

5. Administrator's Reports:
 - f. Dana Garard, Opaal Food Management Inc., Director of Nutrition Services, Report – Dana Garard our new Director of Nutrition Services reported that she is really proud of our cooks, health department

inspections went great, the kitchens received a \$300 safety bonus from last year, and the breakfast count is up.

- a. Superintendent's Report – Haynes presented an expenditure summary report, revenue comparison/projection report, and a financial statement report.
 - i. Haynes presented the 2015-2016 Accreditation Status Report. (Attachment #17)
 - ii. Facilities Report – A discussion was held concerning the scheduling of a special meeting. A consensus was reached to schedule a special meeting for Wednesday, September 30 at 6:30 p.m. and to ask the architect to attend the meeting.
 - iii. Resignations
 - (a) Haynes informed the board of the resignation of Dulce Prado – high school bilingual teacher's assistant.
 - b. Elementary Principal's Report – Elementary Principal Kevin Wade reported on flooding during the last big rain, red wheel fundraiser started today, book fair, parent-teacher conference, and grade cards will be going out on October 20.
 - c. Middle School Principal's Report – Middle School Principal Jack Kelley reported that school is going good, the softball team is 14-1, the football team list its first game in two years, their pulled-pork fundraiser is on the 18th, and the enrollment is up to 200.
 - d. High School Principal's Report – High School Principal Jim Buttram reported they have received new student desks, the football team has new uniforms, ACT scores are up, and new homecoming rules.
 - i. Buttram presented the ACT College Readiness Letter to the board.
14. Motion by Smith, second by Reading, to hire Mark Rains as the Board of Education's Legal Counsel. Vote: Smith-yes, Reading-yes, Hailey-yes, Logan-yes, Johnston-yes
15. Student Suspension from Extra-Curricular Activities Due Process Appeal Hearing for Student "A."
- a. The Board President will ask the parents/student whether they wish the hearing to be in open session or in executive session. If the parents/student wish the hearing to be in executive session, then the Board will consider and vote to go into executive session pursuant to OKLA. STAT. tit. 25, § 307(B)(5) to hear evidence and to discuss the suspension of the student in question. Also, the Board can consider and vote to go into executive session pursuant to OKLA. STAT. tit. 25, § 307(B)(7) at any time during this hearing where disclosure of information would violate confidentiality requirements of state or federal law.

The parent of Student "A" wished the hearing to be in executive session.

Motion by Reading, second by Hailey, to convene in executive session. Vote: Reading-yes, Hailey-yes, Smith-yes, Logan-yes, Johnston-yes Time: 7:13 p.m.

- b. Opening statement by administration or its designee.
- c. Opening statement by parents/student or their designees.
- d. Presentation of all the administration's evidence subject to cross-examination and questions from the Board of Education.
- e. Presentation of parents'/student's evidence subject to cross-examination and questions from the Board of Education.
- f. Presentation of rebuttal evidence and surrebuttal evidence, if any, with cross-examination and questions from the Board of Education.
- g. Closing statement by parents/student or their designees.
- h. Closing statement by administration or its designee.
- i. Deliberation by Board of Education. [If the hearing is not held in executive session, then the Board may vote at this time to go into executive session, pursuant to OKLA. STAT. tit. 25, § 307(B)(5) & (7) to discuss and deliberate on the suspension of Student "A" since disclosure of information would violate confidentiality requirements of state or federal law.]

- j. Board president Smith announced the end of executive session and the board's return to open session at 9:37 p.m.
- k. Statement of executive session minutes.

Only the items listed on the executive session agenda were discussed and no votes were taken. Those present in executive session were the five board members, Mark Rains, attorney for the board, Superintendent Jim Haynes, Bryan Drummond, attorney for the administration, Student "A", parent of Student "A", Student "A"'s attorney, and Steve Moss, Head Football Coach.

- l. Based on the presentations tonight, Smith moved that the Board adopt the following Findings of Fact:
 - 1. Student "A" was enrolled in the Commerce School District at all times relevant to these proceedings and participates and/or is enrolled in extracurricular activities.
 - 2. The District has a policy entitled "Policy and Guidelines for Off-Campus Conduct by Student Engaged in Extracurricular Activities" (the "Policy") which prohibits any student in extracurricular activities from engaging in any activity, whether on or off campus, which violates the criminal laws of the State of Oklahoma or any other State or Federal government.
 - 3. During 2015, Student "A" engaged in activity, off campus, which violates the policy, was subsequently suspended from all extracurricular activities until Student "A" is exonerated from the criminal charges. Student "A" appealed this suspension from extracurricular activities to the Board of Education.
 - 4. Student "A" is guilty of violating the Policy and Student "A"'s suspension from all extracurricular activities starting 9/16 and ending 10/11/15 is reasonable and the Superintendent's recommendation as modified is upheld.

Reading seconded the motion. Vote: Smith-yes, Reading-yes, Hailey-yes, Logan-yes, Johnston-yes

- m. Based on the Findings of Fact adopted tonight, Reading moved that Student "A" is guilty of violating the policy entitled "Policy and Guidelines for Off-Campus Conduct by Student Engaged in Extracurricular Activities"; that the suspension of Student "A" from all extracurricular activities shall start 9/16/15 and end October 11, 2015 is affirmed. Second by Smith. Vote: Reading-yes, Smith-yes, Hailey-yes, Logan-yes, Johnston-yes
- 16. No action was taken on application of the superintendent and by a two-thirds (2/3) vote, finds that the circumstances are such that the suspension should be ordered during the appeal.
- 5. Administrator's Reports: (Continued) Time: 9:49 p.m.
 - e. Athletic Directors Report – Athletic Director Rusty Barker passed out an athletic calendar.
 - 6. Motion by Smith, second by Hailey, to approve the School District 2015-2016 Estimate of Needs and Financial Statement of the Fiscal Year 2014-2015 as recommended by Haynes. Vote: Smith-yes, Hailey-yes, Logan-yes, Johnston-yes, Reading-yes
 - 7. A public hearing for the purpose of taking public comment on financial matters, including past and future expenditures, of the district was held. (70 O.S. §5-134.1) There were no public comments.
 - 8. Motion by Reading, second by Logan, to approve the Alternative Education Plan as recommended by Haynes. Vote: Reading-yes, Logan-yes, Smith-yes, Hailey-yes, Johnston-yes
 - 9. Motion by Reading, second by Hailey, to approve Gifted Educational Plan as recommended by Haynes. Vote: Reading-yes, Hailey-yes, Smith-yes, Logan-yes, Johnston-yes
 - 10. Motion by Smith, second by Johnston, to approve Michelle Moore as Kylee Bunch's mentor teacher and Linsey

Cass as LaChrista Earll's mentor teacher as recommended by Haynes. Vote: Smith-yes, Johnston-yes, Hailey-yes, Logan-yes, Reading-yes

11. Motion by Reading, second by Hailey to close the Class of 2015 Activity Fund subaccount and transfer the \$98.85 balance to the General Fund Activity Fund subaccount as recommended by Haynes. Vote: Reading-yes, Hailey-yes, Smith-yes, Logan-yes, Johnston-yes
12. Motion by Logan, second by Hailey, to approve Crisis Team Members for School Year 2015-2016 as recommended by Haynes. (Attachment #18) Vote: Logan-yes, Hailey-yes, Smith-yes, Johnston-yes, Reading-yes
13. Motion by Reading, second by Hailey, to approve Professional Development Committee Members for School Year 2015-2016 as recommended by Haynes. (Attachment #19) Vote: Reading-yes, Hailey-yes, Smith-yes, Logan-yes, Johnston-yes
17. Proposed executive session to discuss:
 - a. discuss the employment of a new custodian so the Board can return to open session and vote to hire or not hire a new custodian. 25 O.S. § 307(B)(1).
 - b. discuss the employment of a new bi-lingual teacher's assistant so the Board can return to open session and vote to hire or not hire a new bi-lingual teacher's assistant. 25 O.S. § 307(B)(1).
 - c. discuss the employment of a new high school boys and girls' assistant soccer coach for SY 2015-2016 so the Board can return to open session and vote to employ or not employ a new high school boys and girls' assistant soccer coach for SY 2015-2016. 25 O.S. § 307(B)(1).
 - d. status of current negotiations with the Commerce Association of Classroom Teachers with no resulting vote to be made. 25 O.S. § 307(B)(2).
 - e. employing, hiring, appointing, promoting, demoting, disciplining, or receiving the resignation of an employee, with no resulting vote to be made. 25 O.S. § (307)(B)(1).
18. Motion by Reading, second by Johnston, to convene in executive session. Vote: Reading-yes, Johnston-yes, Smith-yes, Hailey-yes, Logan-yes Time: 9:58 p.m.
19. Board president Smith announced the end of executive session and the board's return to open session at 10:47 p.m.
20. Smith stated, "Only the items listed on the executive session agenda were discussed and no votes were taken. Those present in executive session were the five board members and Mr. Haynes."
21. Motion by Smith, second by Hailey, to table the hiring of a new custodian. Vote: Smith-yes, Hailey-yes, Logan-yes, Johnston-yes, Reading-yes
22. Motion by Reading, second by Johnston, to hire Flavia Ybarra as a new bi-lingual teacher's assistant as recommended by Haynes. Vote: Reading-yes, Johnston-yes, Smith-yes, Hailey-yes, Logan-yes
23. Motion by Hailey, second by Reading, to employ Dave Bates as a new high school boys and girls assistant soccer coach for SY 2015-2016 as recommended by Haynes. Vote: Hailey-yes, Reading-yes, Smith-yes, Logan-yes, Johnston-yes
24. There was no new business.
25. Motion by Reading, second by Hailey, to adjourn. Vote: Reading-yes, Hailey-yes, Smith-yes, Logan-yes, Johnston-yes Time: 10:49 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 4:45 p.m. on the 11th day of September, 2015 by Jimmy R. Haynes Ed. S., Superintendent of Schools, notice of this regular meeting was given to the Ottawa County Clerk prior to December 15, 2014 by Jimmy R. Haynes Ed. S., Superintendent of Schools, and notice of the change of date of this regular meeting was given to the Ottawa County Clerk on June 8, 2015.

(ATTEST)

Kenny Smith
President-Board of Education

Janice M. [Signature]
Deputy Clerk

Misty Huelig
Vice-President

Karin Beachy
Member

Heidi Lay
Clerk

Date: 10/13/2015

Irish Price
Minutes Clerk

Date: 10-13-15,

