

**Minutes of the Regular Meeting of the
STATE BOARD OF EDUCATION
2500 NORTH LINCOLN BOULEVARD
STATE BOARD ROOM, SUITE 1-20
OKLAHOMA CITY, OKLAHOMA**

January 29, 2015

The State Board of Education met in regular session at 9:34 a.m. on Thursday, January 29, 2015, in the Senate Room 535 of the State Capitol at 2300 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:25 a.m. on Wednesday, January 28, 2015.

The following were present:

Ms. Terrie Cheadle, Secretary to the Board

Members of the State Board of Education present:

State Superintendent Joy Hofmeister, Chairperson of the Board
MG (R) Lee Baxter, Lawton
Ms. Cathryn Franks, Roosevelt
Ms. Amy Ford, Durant
Mr. Daniel Keating, Tulsa
Mr. William "Bill" Price, Oklahoma City
Mr. William "Bill" Shdeed, Oklahoma City

Others in attendance are shown as an attachment.

**CALL TO ORDER
AND
ROLL CALL**

State Superintendent Joy Hofmeister called the State Board of Education regular meeting to order at 9:34 a.m. and welcomed everyone to the meeting. Ms. Cheadle called the roll and ascertained there was a quorum.

Superintendent Hofmeister welcomed everyone to the meeting. This is the first Board meeting of 2015 and the start of a new day. Board Members introduced themselves, U.S. Congressional districts they serve, and providing opening comments.

**PLEDGE OF ALLEGIANCE, OKLAHOMA
FLAG SALUTE, AND MOMENT OF SILENCE**

Superintendent Hofmeister led Board Members and all present in the Pledge of Allegiance to the American Flag, a salute to the Oklahoma Flag, and a moment of silence.

BOARD ADMINISTRATIVE

**December 18, 2015 State Board of Education
Regular Meeting Minutes Approved**

Board Member Baxter made a motion to approve the minutes of the December 18, 2014, regular State Board of Education meeting. Board Member Ford seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

STATE SUPERINTENDENT

Information from the State Superintendent

Superintendent Hofmeister said in the first thirteen days of being in office much has happened and much has been accomplished. Updates on the proposals submitted at State Education Appropriations Senate Subcommittee hearing and forthcoming changes will be presented.

**Recognition of the Oklahoma State School Board Associations (OSSBA)
“All-State School Board Members” Honorees**

Superintendent Hofmeister said approximately 2700 school board members oversee governance of Oklahoma school districts. Local school board members are nominated and selected to represent the Oklahoma State School Board Association (OSSBA) All-State School Board. Nominees are evaluated by a committee on their leadership skills, boardmanship, decision making, planning, voting consistency, concern for school system and tax payers, and maintaining good working relationships with fellow board members. All-State Board of Education Members recognized OSSBA honorees Glen Cospers, Moore-Norman Technology Center; Ruth Ann Fate-Tulsa Public Schools; W Scott Abbott-Ft. Gibson Public Schools; Bobby Smith-Fairview Public Schools; Dr. Floyd Simon, Clinton Public Schools.

Employee Recognition

Superintendent Hofmeister presented Janet Felton, Compliance, Data Finance Specialist, Special Education, with a 35 year pin and Certificate of Accommodation for her service to the State of Oklahoma.

Superintendent Hofmeister said work has been busy on ensuring we are building a State Department of Education (SDE) that has the capacities for ever changing needs. In February a capacity review will be conducted in the SDE and is something I think is important to conduct regularly. This lets us know how we can meet the needs of school districts and students ultimately.

New members added to the SDE team are Dr. Robin Miller, Policy Research and Development and Teacher Quality Initiatives; Carolyn Thompson, Government Affairs; Tonya Pogue, Executive Assistant, State Superintendent.

Changes occurred since the approved 2016 budget request that included the loss of the waiver, the anticipated cost associated with the loss were removed, adjustments reflect a more conservative approach given the current climate of the state's economic conditions, reduced proposed budget \$70 million; five-year regional average teacher salary; increased instruction time, recommend five additional extra paid days of instruction, \$5000 increase over five-year period, teacher shortage crisis plan/roadmap and meeting challenges.

Mid-year adjustments are being dealt with in regard to the 1992 law that affects how ad valorem is calculated. A system was in place in 1996 to follow and implement the law. Today, at this point, we are in compliance and met statutory requirements January 15 mid-year adjustment report. Initial allocations of funds were distributed and withheld reserve funds to cover the remedy to assure school districts receive what they are entitled to this year according to the 1992 statute. When final and complete information has been received from the Oklahoma Tax commission and others allocations will be distributed at the end of January or first of February.

Board Members are invited to attend the Teacher and Leader Effectiveness (TLE) Commission meeting today at 3 p.m. in the board room. Commission members will review a report from the Southern Regional Education Board (SREB) regarding the current form of Oklahoma's teacher evaluation system.

Superintendent Hofmeister introduced David Kinney, Assistant Attorney General who will help with parliamentary procedures and compliance with the Open Meetings Act requirements and Kimberly Richey, General Counsel, SBE; and Sandy Garrett former Secretary of Education and former State Superintendent of Public Instruction; and former Secretary of Education, Phyllis Hudecki.

CONSENT DOCKET APPROVED

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2014-2015 school year and other requests:

- (a) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**
Okay Public Schools, Wagoner County

- (b) **Planning Period – OAC 210:35-7-41 and OAC 210-35-9-41**
Checotah Public Schools, McIntosh County
- (c) Request approval on exceptions to State Board of Education teacher certification regulations to permit issuance of emergency (provisional) certificates – 70 O. S. § 6-187

Board Member Price made a motion to approve the Consent Docket. Board Member Baxter seconded the motion. Board Member Franks requested a map of congressional districts be included with future consent agenda items.

The motion carried with the following votes: Superintendent Hofmeister, yes; Mr. Shdeed, yes; General Baxter, yes; Ms. Franks, yes; Mr. Keating, yes; Mr. Price, yes; and Ms. Ford, yes.

ACCREDITATION

Report updating the Board on the status of Alexis Rainbow Charter School accreditation audit, including an update on the production of reports/records

Shellie Gammill, Executive Director, Accreditation, presented a report updating Alexis Rainbow Charter School December 10, 2014, violations of state law and State Department of Education (SDE) rules and Charter School Law. The Office of Accreditation's investigation of the charter school's alleged improper activities discovered evidence of questionable conduct that requires review from other state agencies. A formal request for assistance was made to the State Auditor and Inspector to investigate the questionable operational practices of Alexis Rainbow Charter School to determine what, if any, corrective action is needed. The SDE will cooperate fully with the State Auditor and Inspector during the course of the investigation. At this time it is inappropriate to further comment regarding the investigation, and the Office of Accreditation will continue to provide appropriate updates to the State Board of Education (SBE), State Superintendent and in accordance with applicable state laws, rules and best practices for investigations of this type.

Superintendent Hofmeister advised Board Members the withholding of funding is unresolved and more information is needed.

Kimberly Richey, General Counsel, said the SBE has not withheld state funds enough to develop a specific procedure. The concern with restoring state aid primarily is we do not know where the money is going. Vendor and parent non-payment complaints reflect the source of the problem which is a money issue and puts us in unchartered territory. I recommend consulting with the State Auditor and Spector and allowing them to review what has submitted and make that recommendation to the SBE as to whether state aid should be reinstated. The correspondence I received from representatives a the Oklahoma State Regents for Higher Education particularly an attorney within the office that assists Langston University spoke with me January 28 to see if the Board needed any direct assistance from the university. I informed I would double check with Ms. Gammill to see what was needed at this point but as far as I knew the most we needed from Langston was assistance in getting the records and more information regarding where funds are being directed. Copies of the certified letters sent to the university and others were included in the board packets. I have not had a direct communication with any representative of Langston University and my communications have been directed to

Langston through attorneys that work for the Oklahoma State Regents of Higher Education. Board Members were provided previous compliance concerns and correspondence to Alexis Rainbow over the last three years. In 2012 it was determined the SBE did not have the authority to provide direct oversight to a charter school or direct authority to shut down a charter school. Contractual limitations is an issue between Langston University and Alexis Rainbow Charter School in which the university is determining their authority to remedy their contract agreement.

FINANCIAL SERVICES

Amend the FY16 State Board of Education Legislative Budget request approved by the Board on October 23, 2014 Approved

Nancy Hughes, Executive Director, Financial Accounting, presented a request to amend the Fiscal Year 2016 SDE budget request approved at the October 2014 SBE meeting. Due to the state's current budget climate Superintendent Hofmeister wanted to reprioritize and present a fiscally conservative budget to meet the most current critical needs of Oklahoma school districts and invest in our future.

The SDE proposed an overall decrease of \$75,851,000 to the previously approved budget. The previously approved financial support of schools budget increase request included five (5) additional instructional days to the school year and a \$2,500 pay increase for certified personnel. The new proposed budget change adds an additional two (2) instruction days to the school year and a \$2000 pay increase for certified personnel. In addition, a five-year plan was developed to increase teacher pay and also increase the number of instructional days to stay competitive with surrounding states. Funds for the anticipated cost of the nonrenewable No Child Left Behind (NCLB) waiver were included in the previous budget request. The waiver was granted and the additional funds are no longer needed.

The previous budget also requested an increase for the Rural Infant Stimulation Environment (RISE) program, Reading Sufficiency, Reading Readiness, Think Through Math, and SDE agency funds. The request restores the original fiscal year 15 appropriation funding of these five areas and provide additional professional development funding for teacher professional development training at the district level. The budget request is approximately \$2.7 billion which is a reduction of \$75 million from the previously approved budget.

All agencies were requested to cut budgets by 1.2 percent statewide and the SDE line items were cut. The first approved budget restored the line items to the original FY15 appropriation plus added \$50,000 to the RISE program. There were no records reflecting requests to increase \$50,000 nor increasing the Arts Institute, therefore, both were restored to the original appropriations.

Clarifications were made on the Reading Sufficiency Act (RSA) funding that passed through SDE to schools to implement RSA and Reading Readiness funding for departmental initiatives to implement the RSA provisions; all funding will now go directly for reading remediation, classroom instruction and RSA, and SDE will not withhold discretionary funding; \$75million reduction was the proposed \$2500 one year teacher pay increase; the new proposed teacher pay increase is a \$2000 one-time payment and \$500 per year, five-year plan and additional instructional days; charter school

incentive funding increase approved by SBE October 2014; and required standards development and implementation of Priority Academic Student Skills (PASS).

Superintendent Hofmeister informed Board Members 13 days prior to the meeting right after the Inauguration ceremony a date was delivered for agencies to make budget presentations on Monday, January 26. It was not her plan to provide board materials late but the request was made by the Senate and the SDE was happy to comply. I looked forward to having more than two weeks to roll out a budget with changes to the SBE, Governor and the Legislators who asked for agencies to make reductions. I look forward to providing my own budget proposal instead of one I must modify at the last minute and it will reflect priorities I believe are priorities of the Board as well as of this administration.

Board Member Baxter made a motion to approve the amended proposed budget request. Board Member Franks seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

**Report on the Calculation of the Mid-Year Adjustment computing
the Commercial, Personal and Agriculture personal property portion
of the valuations for certain counties at eleven percent (11%)**

Renee McWaters, Executive Director, State Aid, presented an update on the 2015 mid-year adjustment and a comparison report between the November 7, 2014 adjusted initial allocation and mid-year adjustment as of January 15, 2015. The statute directs that 1 ½ percent of the agency appropriations be withheld for the mid-year adjustment. This year the percentage amounts to approximately \$28 million. It is formulated on state funding calculations based on specified revenue sources/elements of the school districts; the equity of the formula considers monies from local/city, county, state dedicated and state appropriated. Local revenues are generated from ad valorem taxes and are then broken down into real, personal, and public service. The personal tax has been dealt difficult this year; when we receive the information from the estimate of needs that is reported to the SDE from the districts, and what is reported is a total amount and not delineated by the sources. In 1990, the statute was amended and effective in 1991 for any school district in any county that has an assessment ratio in excess of 11 percent, the commercial and agricultural portion of the personal property be capped at 11 percent. The Oklahoma Tax Commission, per the statute, was to provide this information to the SDE but had not collected any data regarding school districts until 1996. The SDE has been working with the Oklahoma Tax Commission to rectify the problem collecting and calculating the data from several sources and we are close to completing.

The statutory deadline to issue mid-year adjustments is January 15, and to follow the statute a tentative mid-year adjustment was completed and \$20 million was retained of the \$28 million to adjust for the personal property cap. A total of \$8 million was distributed and state aid factors decreased because of the adjustment. Local revenues will decrease in 350 districts and an increase in state aid. Approximately 49 counties are above the 11 percent assessment ratio and six counties have 15 percent assessment ratio.

We hope to finalize the adjustment in the next few days, make the payment and all school districts will be at 54 percent of their final mid-year adjustment. Board Members will be provided an update on how the adjustments are affecting school districts.

Superintendent Hofmiester recessed the State Board of Education meeting at 10:45 a.m. and reconvened at 11:01 a.m.

First-Year Superintendents

First-year superintendent(s) attending the meeting were Rodney Calhoun, Granite Public School; Jason Goostree, Sentinel Public Schools; Jason James, Alex Public Schools; Joey McBride, Milburn Public School; Larry Parrish, Canute Public Schools; Kyle Reynolds, Woodward Public Schools; Larry Case, Dickson Public Schools; and Ron Whipkey, Kingston Public School.

ACADEMIC AFFAIRS

Advanced Placement First Time Materials and Equipment Grants Pursuant to 70 O.S. § 1210.701-703 Approved

Lori Boyd, Director of Advanced Placement, presented 45 Advanced Placement (AP) First Time Materials and Equipment Grant requests to 21 school districts totaling \$217,653.

Board Member Baxter made a motion to approve the requests. Board Member Ford seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; and Superintendent Hofmiester, yes.

Board Member Shdeed was not present for discussion, leaving at 11:07 a.m. and returning at 11:10 a.m.

Advanced Placement Second Time Materials and Equipment Grants Pursuant to 70 O.S. § 1210.701-703 Approved

Ms. Boyd presented 34 AP Second Time Materials and Equipment Grant requests to 24 school districts totaling \$80,861.

Board Member Franks made a motion to approve the requests. Board Member Baxter seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; Mr. Shdeed, yes; and Superintendent Hofmiester, yes.

Advanced Placement Training Grants Pursuant to 70 O.S. § 1210.701-703 Approved

Ms. Boyd presented two (2) AP Training Grant requests to two (2) school districts totaling \$34,835.

Board Member Ford made a motion to approve the requests. Board Member Franks seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

**Advanced Placement Vertical Team Grants
Pursuant 70 O.S. §1210.701-703 Approved**

Ms. Boyd presented 6 AP Vertical Team Grant requests to 6 school districts totaling \$125,175.

Board Member Baxter made a motion to approve the requests. Board Member Ford seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

**Presentation on the 2015-2016 Oklahoma
Math and Science Partnership Grant**

Levi Patrick, Director, Secondary Mathematics, introduced grant program team members Gloria Bayouth, Executive Director, Federal Programs; Jennifer Lamb, Director, Elementary Mathematics; and Tiffany Neill, Director, Science.

Mr. Patrick said the grant program focus is to turn federal Title IIA funds into improved content knowledge and pedagogical practices how teachers they math and science content across all grade levels. Board Members were provided an overview of the math and science partnership grant eligibility, application requirements, timelines, school district high-needs criteria, and higher education partnership; and 2015-2016 awards.

**Replace a member of the Steering Committee, as previously approved
by the State Board of Education on August 27, 2014, to assist the State Board
of Education in implementing provisions of House Bill 3399 Approved**

Superintendent Hofmeister reviewed the SBE approval to form the Steering Committee on August 27, 2014. At that same meeting the SBE voted/approved three members to the committee that included Amy Ford, Chairman; Bill Price and General Lee Baxter. Superintendent Hofmeister requested to be a part of the Steering Committee and standards writing process.

Board Members discussed who would step down from the Steering Committee. Mr. Price stepped down from the committee so Superintendent Hofmeister could be appointed.

Board Member Price made a motion for Superintendent Joy Hofmeister to replace him on the Steering Committee. Board Member Ford seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

**Adopt a Transparency Policy for meetings involving
members of the Steering Committee as previously approved
by the State Board of Education Approved**

Superintendent Hofmeister presented a proposed set of transparency policies for meetings involving members of the Steering Committee and were proposed by the Governor's office. Board members reviewed meeting requirements of the Open Meetings Act and compliance; SBE member attendance/options; and audio recordings.

Board Member Baxter made a motion to approve and Board Member Ford seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

**Steering Committee recommendation to appoint an Executive Director
to assist members of the Steering Committee as previously approved
by the State Board of Education on August 27, 2014 Approved**

Amy Ford, Chair, Steering Committee presented the Steering Committee's recommendation to appoint Dr. William (Bill) K. Radke as Executive Director.

Dr. Radke said he appreciated the opportunity make a difference in the state of Oklahoma and give back to the state that has been generous and supportive of me over the years. Transparency is critically important, we want to work hard to have exactly the right people on the committee and most importantly it is about students. Let's never ever forget that is what we are here for.

Board Member Baxter made a motion to accept the Steering Committee recommendation request of Dr. William K. Radke as the Executive Director and reports to the Steering Committee and the SBE. Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

**Development of the process to be utilized by the State Board of Education
to adopt revised English Language Arts/Mathematics state subject matter
standards pursuant to the provisions of House Bill 3399**

Ms. Ford said in accordance to comply with the transparency policy the Steering Committee has set February 16 and 17 to have several nationwide experts to present their process, development, and utilization of their state standards. The meeting is tentatively scheduled in the Governor's large conference room at 9:00 a.m. Other locations are being looked into to accommodate a larger audience.

LEGAL SERVICES

Administrative Rules Approved

Lori Murphy, Assistant General Counsel, presented the following administrative rules pursuant to Administrative Procedures Act, 75 O.S. 250, *et. Seq*:

- (1) Chapter 25. Finance
Subchapter 5. Budgeting and Business Management
Section 210:25-5-4. Accounting [AMENDED]

Board Member Baxter made a motion to approve and Board Member Shdeed seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

- (2) Chapter 25. Finance
Subchapter 5. Budgeting and Business Management
Section 210:25-5-5. Auditing [AMENDED]

Board Member Franks made a motion to approve and Board Member Ford seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

- (3) Chapter 35. Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools
Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools
Section 210:35-3-86. Qualifications: personnel records [AMENDED]

Board Member Ford made a motion to approve the request. Board Member Franks seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

Emergency Suspension of Teaching Certification and Certificate Number of Sean L. Catron – Approved

Yolanda Downing, Assistant General Counsel, presented an emergency suspension request of teaching certification and certificate number 212957 for Sean L. Catron. Neither Mr. Catron nor his representative was present.

Superintendent Hofmeister said the recommendation to suspend is with student safety in mind under the Board's authority to take emergency action, and provided in this manner because of limitations that revocation would require additional review and timeline the SDE could not support at this time.

Board Members had concerns with Mr. Catron's current employment status.

Board Member Price made a motion to approve the suspension request effectively immediately. Board Member Shdeed seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

Revocation of Teaching Certification and Certificate Number of Eric W. Mowery Approved

Ms. Downing presented a revocation request of the teaching certification and certificate number 301571 for Eric W. Mowery. Mr. Mowery has received a 10-year and 5-year suspended sentences. He did not respond to SDE hearing notification nor made a request for a hearing, and he or his representative are not present today.

Board Member Shdeed made a motion to approve the revocation request. Board Member Ford seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Ms. Franks, yes; General Baxter, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

NEW BUSINESS

Board Members discussed concerns regarding policy for board agenda input, material mail out, Superintendent Hofmeister input/communication, and Attorney General Open Meeting's directions/compliance.

ADJOURNMENT

There being no further business Superintendent Hofmeister adjourned the meeting at 12:24 p.m.

The next regular meeting of the State Board of Education will be held on Thursday, February 26, 2015, at 9:30 a.m. The meeting will convene at the State Department of Education-State Board Room, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma.

Joy Hofmeister, Chairperson of the Board

Terrie Cheadle, Secretary to the Board