

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

February 26, 2015

The State Board of Education met in regular session at 9:30 a.m. on Thursday, February 26, 2015, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:25 a.m. on Wednesday, February 25, 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 Hofmiester called the State Board of Education regular meeting to order at 9:30 a.m. and welcomed everyone to the meeting. Ms. Cheadle called the roll and ascertained there was a quorum.

Superintendent Hofmiester welcomed everyone to the meeting.

**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

**January 29, 2015 State Board of Education
Regular Meeting Minutes as Amended**

The Board considered the proposed regular meeting minutes. Board Member Price moved to amend the New Business section to note he moved for an agenda setting rule to be established, withdrew the motion and requested it be placed on the agenda of the next meeting.

Board Member Franks amended and clarified her request on the Consent Docket, page 4, should read “a notation of the congressional districts” and not “a map.”

Board Member Shdeed moved to approve the minutes of the January 29, 2015, regular State Board of Education meeting as amended. 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 Hofmeister, yes.

STATE SUPERINTENDENT

Information from the State Superintendent

Superintendent Hofmiester said it is her interest to have Board Members concerns, questions or items of interest to be considered for the agenda. There has been a long standing practice for the Chair to have a relationship, conversation and discuss with Board Members if they have concerns. That has actually started and has happened as that has been brought to my attention and we want to seek that. The practice that has been in place I believe should continue where just as an example, one of the Board Members called and requested a particular item on the agenda, the item was discussed and it became clear we were out of the ability in terms of a timeline that is set by statutory regulations to consider the Board Member’s particular item. The conversation can then continue if it can be placed, great; if we need to have further conversation we have that

Minutes of the Regular Meeting of
the State Board of Education
February 26, 2015

ability. As the State Superintendent we do have a unique board where the state elected office holder is the Chairman of the Board, and is an elected official with appointed Board Members.

Superintendent Hofmeister said it was important to her that Board Members have an ability to be heard and active in the direction of our board meetings. There will also be information members will not have in order to make the call as to whether or not something is going to be put on the agenda. Her desire is to hear from the members and to be within the department's set time frame, two weeks prior to a board meeting, for departments to provide information for the agenda. During that time period documents are collected in order to provide the information in a timely manner to Board Members for their thoughtful consideration. Circumstances will arise, as they have this week, where a drafted item had to be pulled. This occurs sometime for legal reasons, considered not appropriate for various reasons, or the document length not in consideration of board meeting schedule. There are many factors that go into this and I want to inform Board Members she wants to seek interested items they want on the meeting agenda, be sensitive to that, and to have a conversation and dialogue as has always been done. It is a courtesy and if the Board will deliberate thoughtfully to be a part of the important work of the State Board of Education you should have that opportunity. It is something I want to continue which has been the practice of this office from the beginning. I am hopeful I can provide what the board needs and what is important, and discuss things that can or cannot happen based on information the department possesses.

Superintendent Hofmeister introduced a new member of the cabinet and leadership team, Dr. Cindy Koss. It is her goal to have a smaller cabinet than what has been done in past administrations in order for greater efficiency within the department. Dr. Koss is working on the waiver as well as the areas of curriculum and instruction.

There are approximately 600 bills that are in some way related to education that are currently being tracked. Two bills of focus are about reducing testing and increasing time on instruction as well as solving the teacher shortage. Senate Bill 707 and House Bill 1272 will reduce the end-of-instruction (EOI) exams to a more research proven assessment that may have greater meaning after high school, and would save taxpayers millions of dollars every year. We are pleased that both bills passed through committee. The House legislation included the plan for five (5) additional days of instruction, and \$5000 over five (5) years for teachers also passed through. We are now beginning hard work within the department and with those on the House and Senate appropriation committee to find ways to bring money to the table for teacher compensation, as well as, as way to increase time on classroom instruction. We remain committed to meet the national average and instructional days as well as the regional average in teacher compensation within five (5) years.

Recommendations from the Teacher and Leader Effectiveness (TLE) Commission will be presented and they are intended to strengthen the evaluation system. The recommendations apply to the law and are in Senator Ford's bill which has passed through two (2) committees. One piece of the recommendation that is outside of the law that we are asking the State Board of Education (SBE) to address today is the research that was the impetus for this request and change. Dr. Andy Baxter from the Southern Regional Education Board (SREB) will present the research requested by my predecessor and presented to the TLE Commission.

Minutes of the Regular Meeting of
the State Board of Education
February 26, 2015

It is our plan to continue visiting with schools and communities, and schedule work with the Legislators at that same time. Everyone is invited to Ed Camp-#OklaEd held at South Moore High School, Saturday, February 28, 8:30 a.m. to 3:30 p.m. It is a free professional development made up of SDE employees and school personnel throughout the state and special guests are attending.

Board Member Baxter made two requests; one was an update on Okay Public Schools District's A-F grade they challenged after the implementation of the certification of the grade. A letter was crafted by Legal Services that explained the problems the SBE heard in the fall, was delivered to the school explaining some of the vendors mistakes and that the school district did not catch and was unable to provide them in time for consideration for a change. The second request was a consideration in the future to look at a way to address a change in the rules. We are consulting and have consulted with our legal department and when appropriate within the timeline will bring a way to make that change for the SBE to consider. Due to items taking a different timing today it was not included on the agenda simply because no action would be taken, and needed to be sensitive to time as General Baxter would not be present for the entire meeting.

The Office of Management and Enterprise Services State Surplus Program is offering schools various new and gently used Dell computer monitors, as is, to purchase at a discount of \$1.00 each. Interested parties should contact Michael Robinson.

**Report on recent State Department of Education (SDE)
Capacity Review conducted by the US Education Delivery Institute**

Superintendent Hofmeister said the capacity review was conducted and the summary reviewed of the SDEs strengths and opportunities for growth. It isolated different areas of the department that needs work starting with defining our aspirations, making a plan and engaging all department members. Communication within the department was the weakest area and increase communication outside the department in the field. There are some great things happening, one in which there were 112 individuals from outside and inside the department who were representing different stakeholder groups. The capacity review provider commented they had never been a part of a capacity review that had as much community support and interest in working alongside the department and the State Board of Education. It is exciting and we know that there is great momentum and eagerness to work together with you to accomplish great things. Monthly department meetings are being conducted to have a better understanding of what is happening and to better serve the needs of our school districts.

PUBLIC COMMENT

Amy Braun, and David Peak, Moore Public Schools signed up to address the Teacher and Leader Effectiveness Commission (TLE) Recommendations on February 19, 2015 to eliminate OAK menu and SLO/SOOs and study alternatives approved by the Board in March and April 2014.

Brenda Heigle, Oklahoma PTA; Molly Feigel, Jake Blevins, Missy Boatright, Edmond Memorial High School; Naomi Amana, American Heart Association; Sara Malone, Tulsa County Wellness Partnership; Michelle Carlton, Former Teacher/Parent; Sharon Howard, Retired School Nurse; Ann Cameron, Parent; Brian Hunter and Laurin Bixby, Edmond North; signed up to address Administrative Rule, Chapter 10. School Administration and Instructional Services, Subchapter 3. Child Nutrition Program, 210:10-3-112. Smart Snacks in School [NEW]

Board Member Baxter left the meeting at 10:28 a.m.

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) **Length of School Day - 70 O. S. § 1-109**
Caney Valley Public Schools, Washington County
- (b) 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 Ford made a motion to approve the Consent Docket. 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; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

ACCREDITATION

Report Updating the Board on the Status of the Alexis Rainbow Charter School Accreditation Audit, Including an Update on the Production of Reports/Records

Lynn Jones, Executive Director, Accreditation, presented an update that Alexis Rainbow Charter School financials have been turned over to the State Auditor and Inspector. The Accreditation Office will continue conducting investigations of all other issues. On January 21, 2015, SDE-Legal Services sent Alexis Rainbow a list of requested items or documentation by certified mail. The Accreditation Office was notified Friday, February 20, 2015 that a box of information was received. Inclement weather and other commitments to districts and various other incidences have prevented the Accreditation team from thoroughly separating and cataloging all the contents of the box. As soon as it is determined all requested documents were provided other departments will receive any needed documentation. The SDE received notification that teachers at Alexis Rainbow were not receiving compensation and understand the need for expediency.

Kimberly Richey, General Counsel, said recent submissions from Alexis Rainbow relates to the SBEs original request and action to withhold state funds in December 2014. Ms. Rainbow's attorney dropped the documents off on Thursday afternoon, January 19, 2015 but due to the weather and the documents have not been reviewed.

Ms. Jones said the team will be available this afternoon or Monday morning.

FINANCIAL SERVICES

Oklahoma Cost Accounting System (OCAS) Penalties for Districts in Noncompliance of the September 1 Submission Date Approved

Nancy Hughes, Executive Director, Financial Accounting, presented a request to waive Oklahoma Cost Accounting System (OCAS) penalties for 17 districts in noncompliance of the September 1 submission date.

All of the districts presented a letter of explanation as to the cause of the late submission and the district efforts to operate pursuant to the rules and regulation. Explanations consisted of revenue errors, no financial staff, software uploading issues/server crashes, staff turnovers, data lock failures, and coding errors. Ryal Public Schools had a prior year penalty and had hired a new superintendent and new business staff. The new staff in attempts to figure the previous staff information discovered several coding errors which took time to clear the errors. All the other school penalties occurred this year.

Board Member Price moved to approve waiver of the OCAS penalties for districts in noncompliance of the September 1 submission date. 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; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

ACADEMIC PERFORMANCE AND PLANNING

Report on Oklahoma Teacher and Leader Evaluation Systems: Focus Group Findings, November 2014

Superintendent Hofmeister introduced Dr. Andy Baxter, Guest Researcher, Southern Regional Education Board (SREB); and Jana Burk, TLE Executive Director Tulsa Public Schools, which is a part of the pilot.

Dr. Baxter reviewed the SREB Focus Group Findings presented to the Teacher and Leader Evaluation (TLE) Commission and pertinent to the State Board of Education. At the invite of the State Department of Education SREB conducted focus groups in 10 Oklahoma cities, September 22 through October 3, 2014. Educators, administrators, teachers and school district staff provided feedback on their experiences of the TLE system, design and implementation, how it could be made better, and what does the SDE need to hear from them.

Board Members discussed the report.

Superintendent Hofmeister instructed Dr. Baxter to expound on the findings related to the SLOs/SOOs and OAM, and inform where the SDE goes at this point. We know the quantitative in the Tulsa pilot is working and Jana Burke will present this one-year information.

Dr. Baxter said people were not familiar with SLOs/SOOs was the main idea. Training had not occurred, a rushed October implementation, and they were supposed to count this year. A lot of SLOs would be gained in the sense that people would do it in order to receive good marks, and they would not be rigorous or comparable across the districts. What was heard about the OAM was its use was widespread and most chose one other OAM that would be the same for every teacher. It was decided the OAMs were not working because people were not reporting anything except for people's capacity to gain the system. It may be something that can be done away with.

**Teacher and Leader Effectiveness Commission (TLE) Recommendations on
February 19, 2015 to Eliminate OAM Menu and SLO/SOOs and Study Alternatives
Approved by the Board in March and April 2014 Approved**

Superintendent Hofmeister advised Board Members there were layers of problems and one was the failed implementation. There was no understanding in advance of what was required and on how to implement. Secondly, there was an attempt to provide a proxy for Value Added which is what the SLO/SOOs research is working to describe. This piece is not an equal measure to the value added and value added is a part of the quantitative. However two months prior to the implementation, the schools had not been provided anything with the exception of Tulsa. Tulsa implemented TLE prior to the state requirements, dealt with the quantitative, worked with research, and had flexibility to adjust earlier assumptions/ work, and shifted into a successful plan.

Now that there is more research, TLE Commission addressed recommendations based on the SREB research on what is the alternative for them to be able to consider; and if the SBE would consider changing its recommendation that was not made by the TLE Commission. It is proving to be very useless and is not valid and reliable as a proxy.

Board members asked questions and discussed the recommendations.

Jana Burk presented information on Tulsa's TLE 2010 implementation, more quantitative measures and multi-measures research, quantitative and qualitative data collections, worked together with teachers to design rubric, evaluation procedures, described quantitative measures and use; gaming of SLOs, OAM gaming, uneven playing field with value added, feasibility, SREB report type feedback; reliable measures, comparable data, time demands/observations, student survey/data, multi-measure reporting, weight adjustments, scoring feedback and foundation of evaluation.

To get impact student achievement must focus on teachers and leaders' ability to instruct well, how well they reach students and what is the growth. It can be improved, continuously modified and issues can be addressed

Superintendent Hofmeister said SLOs and SOOs are unnecessary and ripe for corrupting the TLE quantitative reform.

Ms. Burk and Dr. Baxter concurred with the statement.

Superintendent Hofmeister corrected and clarified the SBE did act on a recommendation from the TLE Commission in February 2014 which was contrary to what she had been told.

(Amy Ford stepped out at 11:09 a.m. and returned at 11:12 a.m.)

She asked Ms. Burks based on one year additional data and what is successfully working and is not corrupting your system you have not had SLOs or SOOs.

Ms. Burk said correct.

**Superintendent Hofmeister recessed the State Board of Education
meeting at 11:53 a.m. and reconvened at 12:03 p.m.**

(Mr. Keating stepped out at 11:53 and returned at 12:04 p.m.;

Mr. Shdeed stepped out at 11:53 and returned at 12:10 p.m.)

Superintendent Hofmeister said the TLE proposed recommendations five of which must be addressed by the legislature and are being addressed. Eliminating recommendation number 6, OAM menu and SLO/SOOs study and make policy recommendations to local school districts regarding alternatives to OAMs as well use the reporting of quantitative measures.

The item before the Board is to reconsider action taken in February 2014 based on the TLE Commission recommendation.

State law currently requires OAMs and state law does not require SLOs or SOOs. The SLOs/SOOs were layered on and they do not strengthen the quantitative piece.

Kimberly Richey, General Counsel said the two recommendations number 6(a) and 6(b) approved by the SBE would be left that define other academic measures when removing the OAM menu. The OAM definition will remain in place and all the options will be removed. The quantitative system represents 50 percent of the evaluation and of that 50 percent 35 percent is based on student academic growth. The 35 percent for teachers in tested areas utilize the value added model (VAM) for the non-tested areas the SBE implemented some other type of option to measure student academic growth which is the SLOs/SOOs. The SLOs/SOOs represent the 35 percent of student academic growth for teachers in non-tested areas.

Ms. Richey said Senator Ford amended the TLE implementation timeline last year and therefore it was delayed. The SBE approval was delivered to the Legislature and the amendment said the 2014-2015 school year for purposes of establishing base line data districts will incorporate student academic growth and other academic measures. This is the year they are establishing the base line information.

Ms. Burk clarified the OAM was a creature of the SBE, OAMs themselves are a creature of statute, SLOs are solely of the SBE as a proxy for student academic growth that would otherwise be measured by value added and determines would be the measure for student academic growth in tested grades and subjects. A provision in law allows for the weights to be adjusted if there is no tested grade or subject.

Board Member Price moved to postpone the OAM menu and SLO/SOOs for this academic school year. Board Member Shdeed seconded the motion.

The Board discussed the motion.

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

**Report on the Steering Committee's Recommendation on the
Process for Developing New English Language Arts and
Mathematics Standards pursuant to 70 O.S. § 11-103.6a**

Amy Ford, Chair, Steering Committee, said she appreciated and thanked people who came out in the inclement weather to attend the meeting to hear national experts that were invited. There was beneficial information regarding state standards developed by other states; and discussed how Oklahoma is best served by examining the processes. The committee made minor changes since the meeting and the document process will be presented to the SBE. The Steering Committee will meet on March 25, 2015 and location will be announced at a later time.

Dr. William Radke, Executive Director, Steering Committee, presented the outline and considerations of the proposed process for developing new English-Language Arts and Mathematics standards and reviewed the proposed standards setting process, standards writing timeline, guidelines for the standards teams, and proposed guiding assumptions.

**Year 1 Advancement Via Individual Determination (AVID) Grants
pursuant to 70 O.S. § 3-104 et seq. Approved**

Lori Boyd, Director of Advanced Placement, presented nine (9) Year 1 Advancement Via Individual Determination (AVID) Grant requests to 8 school districts totaling \$360,000.

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

(Mr. Keating left the meeting at 12:55 p.m.)

**Year 2 Advancement Via Individual Determination (AVID) Grants
pursuant to 70 O.S. § 3-104 et seq. Approved**

Ms. Boyd presented nine (9) Year 2 Advancement Via Individual Determination (AVID) Grant requests to six (6) school district for a total of \$247,000.

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

**Year 3 Advancement Via Individual Determination (AVID) Grants
pursuant to 70 O.S. § 3-104 et seq. Approved**

Ms. Boyd presented twelve (12) Year 3 Advancement Via Individual Determination (AVID) Grants to nine (9) school districts for a total of \$230,000.

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

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 10. School Administration and Instructional Services
Subchapter 3. Child Nutrition Program
Part 11. Foods of Minimal Nutritional Value [REVOKED]
210:10-3-111. Restricting access to foods of minimal nutritional value [REVOKED]

Board Member Ford moved to approve revoking the rule and Board Member Franks seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Ms. Franks, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

- (2) Chapter 10. School Administration and Instructional Services
Subchapter 3. Child Nutrition Program
210:10-3-112. Smart Snacks in School [NEW]

The Board discussed concerns the proposed new rule.

Board Member Ford moved to approve the new rule and Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

- (3) Chapter 20. Staff
Subchapter 9. Professional Standards: Teacher Education and Certification
210.20-9-96. Requirements for renewal or reissuance of certificates [AMENDED]

Board Member Ford moved to approve the amended rule and Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Ms. Franks, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

- (4) Chapter 20. Staff
Subchapter 9. Professional Standards: Teacher Education and Certification
210:20-9-99. National Board certification [REVOKED]

Board Member Ford moved to approve revoking the rule and Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Ms. Franks, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

- (5) Chapter 25. Finance
Subchapter 3. Funding Criteria
210:25-3-2. Average daily attendance/membership [AMENDED]

Board Member Shdeed moved to approve the amended rule and Board Member Ford seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Ms. Franks, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

- (6) 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
210:35-3-47. School reports and records [AMENDED]

Board Members discussed the amended rule.

Board Member Price moved to approve the amended rule and Board Member Franks seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Ms. Franks, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

- (7) Chapter 40. Grants and Programs-in-Aid
Subchapter 87. Rules for Payments to Charter Schools
210:40-87-3. Guidelines for payment [AMENDED]

Board Member Ford moved to approve the amended rule and Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Ms. Franks, yes; Mr. Shdeed, yes; and Superintendent Hofmeister, yes.

CONSENT DOCKET – ACE APPEALS Approved

Recommendation: Action based upon verified evidence meeting the criteria for granting an exception to ACE graduation requirements - OKC14-0005

Board Member Ford moved to approve the recommendation of ACE appeal for OKC14-0005. Board Member Franks seconded the motion. The motion carried with the following votes: Mr. Shdeed, yes; Ms. Franks, yes; Mr. Price, yes; Ms. Ford, yes; and Superintendent Hofmeister, yes.

First-Year Superintendents

First-year superintendent(s) in attendance were Margaret Carlile, Rocky Mountain Public School; Shannon Grimes, Dover Public Schools; Jimmy Reynolds, Olive Public Schools; Bud Simmons, Colcord Public School; and Lori Simpson, Tonkawa Public Schools.

Minutes of the Regular Meeting of
the State Board of Education
February 26, 2015

ADJOURNMENT

There being no further business Superintendent Hofmeister adjourned the meeting at 1:40 p.m.

The next regular meeting of the State Board of Education will be held on Thursday, March 26, 2015, at 1:00 p.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