

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

**December 19, 2012**

The State Board of Education met in regular session at 9:35 a.m. on Wednesday, December 19, 2012, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:30 a.m. on Tuesday, December 18, 2012.

The following were present:

Ms. Connie Holland, Chief Executive Secretary  
Ms. Terrie Cheadle, Administrative Assistant

Members of the State Board of Education present:

State Superintendent Janet Barresi, Chairperson of the Board  
Ms. Amy Ford, Durant  
Mr. Brian Hayden, Enid  
Ms. Joy Hofmeister, Tulsa  
Mr. William "Bill" Price, Oklahoma City  
Mr. William "Bill" Shdeed, Oklahoma City

Members of the State Board of Education not present:

MG (R) Lee Baxter, Lawton

Others in attendance are shown as an attachment.

**CALL TO ORDER  
AND  
ROLL CALL**

Superintendent Barresi called the State Board of Education regular meeting to order at 9:35 a.m. and welcomed everyone to the meeting. Ms. Holland called the roll and ascertained there was a quorum.

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

Superintendent Barresi 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.

**NOVEMBER 15, 2012 REGULAR BOARD OF  
EDUCATION MEETING MINUTES APPROVED**

Board Member Ford made a motion to approve the minutes of the November 15, 2012, regular State Board of Education meeting. Board Member Hofmeister seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister yes; Mr. Shdeed, yes; and Mr. Price, yes.

**STATE SUPERINTENDENT**

**Information from the State Superintendent**

Superintendent Barresi – Because of last Friday’s tragedy in Connecticut, there has been a great deal of discussion and questions asked about Oklahoma and the safety of our students. Every school district has a policy on how to deal with intruders on the grounds of school campuses and inside school buildings. Every school is required to have drills with lockdowns twice a year. We have begun to work with the Oklahoma State School Boards Association and ask that each school board in the state review all of their policies to assure they are up to date and focused on student safety. This situation needs to be dealt with at each district. With the unique geography of the state of Oklahoma, some of our districts are very proximal to first responders and other districts are quite remote. There have been questions as to whether we should develop one state policy, one procedure, and one mandate. No, we all know the most important ingredients to make sure children are safe, and we are asking each district to consider this and review all of their procedures and policies. We also have asked districts to look at issues including everything from bullying to working with parents who have concerns and how they will communicate with parents, family members, and the public. It is absolutely critical that teachers know their role if a situation like this should occur. It is important that every educator including classroom teachers understand the necessity of making sure they work closely with their principals and school administration. We are moved by the courage of the teachers in that school, but the first thing I thought of was that it is naturally the inclination of every single teacher in the country. My prayer is that as a nation, we take a strong look at what it means for the safety of our children, how we can go forward as a nation and focus on what we are doing to assure we are raising kids that

are in a safe environment where they can focus on learning and teachers can focus on teaching.

I appreciate the comments from educators across the state. Their input is being taken to heart. We will do everything we can to support any district as they move forward to assure that children are safe.

Board Members, thank you for coming in at this special meeting time. I appreciate you all being here and working with us on the tight schedule through the holiday season.

**Recognition of Coweta Public Schools, Wagoner County,  
as a 2012 Advanced Placement Honor Roll District**

Superintendent Barresi presented a certificate of recognition to Coweta Public Schools as the only Oklahoma recipient of the 2012 Advanced Placement Honor Roll District, as well as for their excellent scores on the Advanced Placement (AP) examinations. Approximately 539 school districts are recognized throughout the United States and selected for this top honor. Coweta Public Schools is being praised for their AP students' scores, increase in the number of students who scored three or higher on the AP exam, and a 25 percent increase in the total number of students who took the AP exam this year. Congratulations.

**Recognition of Jimmy Y. Wu, a senior, and Jessica Ohrlein,  
a graduate, Oklahoma School of Science and Mathematics,  
as 2012 Oklahoma Advanced Placement Scholars**

Superintendent Barresi presented certificates of recognition to Jimmy Wu and Jessica Ohrlein as 2012 Oklahoma Advanced Placement Scholars. Mr. Wu is a senior and Ms. Ohrlein a graduate from the Oklahoma School of Science and Mathematics. Superintendent Barresi introduced Mr. Frank Wang who is the new president of the Oklahoma School of Science and Mathematics.

**Recognition of the Botball/Robotics Team  
from Norman Public Schools, Cleveland County**

Superintendent Barresi recognized students from Norman North and Norman High School, Norman Public Schools Botball/Robotics team, and congratulated them on winning the world championship and South Central Regionals another year. The team is led by David Askey, Adam Lifsis, and Kevin Warren all teachers from Norman Public Schools. A brief video on the history and competition activity of Botball at Norman Public Schools was presented.

Superintendent Barresi invited Board Members to attend a competition; it is so exciting and amazing to see the work that all the students have done and their dedication.

**First-Year Superintendents**

First-year superintendent(s) attending the meeting were Mr. Roger Carter, Superintendent, Tulsa Cascia Hall; Mr. Casey Reed, Superintendent, Sweetwater Public Schools; Mr. Jay Thomas, Superintendent, Agra Public Schools; Mr. Craig Wall,

Superintendent, Valliant Public Schools; Ms. Jeannette Smith, Superintendent, Eufaula Public Schools; and Ms. Cindy Hackney, Superintendent, Anadarko Public Schools.

### **CONSENT DOCKET APPROVED**

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2012-2013 school years, and other requests:

- (a) **Allow Two School Days in a 24-Hour Period – 70 O. S. § 1-111**  
Quinton Public Schools, Pittsburg County  
Shady Point Public School, LeFlore County  
Wanette Public Schools, Pottawatomie County  
Whitesboro Public Schools, LeFlore County
- (b) **Length of School Day - 70 O. S. § 1-109**  
Jay Public Schools, Delaware County  
Sterling Public Schools, Comanche County
- (c) **Library Media Specialist Exemption – 70 O. S. § 3-126**  
Ardmore Public Schools, Charles Evans Elementary School, Carter County  
Yukon Public Schools, Independence Elementary School, Canadian County
- (d) **Planning Period – OAC 210:35-9-41 and OAC 210:35-7-41**  
Ardmore Public Schools, Carter County  
Colbert Public Schools, Bryan County  
Dewar Public Schools, Okmulgee County  
Guymon Public Schools, Texas County
- (e) **Abbreviated School Day – OAC 210:35-29-2 and OAC 210:35-3-46**  
Blackwell Public Schools, Kay County  
Hobart Public Schools, Kiowa County  
Kellyville Public Schools, Creek County  
Wynnewood Public Schools, Garvin County
- (f) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**  
Jones Public Schools, Middle School, Oklahoma County  
McLoud Public Schools, Pottawatomie County  
Swink Public School, Choctaw County
- (g) Request approval on recommendations from the Teacher Competency Review Panel for applicants to receive a license - 70 O. S. § 6-202
- (h) Request approval on exceptions to State Board of Education regulations concerning teacher certification – 70 O. S. § 6-187
- (i) Request approval of sponsorship/donation from Magnuson Hotel and Meridian Convention Center for future State Department of Education training and events – 70 O. S. § 3-104 (12)

Board Member Hayden made a motion to approve the Consent Docket. Board Member Ford seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

## **ACADEMIC AFFAIRS**

### **Statutory Waiver Request to Allow Two Days in a 24-hour Period and a Deregulation Request to Allow Less than a Four-hour Less Day for the Alternative Education Program by Oklahoma City Public Schools, Douglass High School Approved**

Ms. Melissa White, Executive Director, Counseling/ACE – I present Douglass High School's plan to assure students are on track to graduate with their cohort of students. In working with Oklahoma City Public Schools, one of the options briefly discussed at the last State Board of Education meeting was to implement an alternative education program in Douglass High School, which is the road we have taken. One of the statutory waivers requested is a component of alternative education to offer a three-hour night school that will waive the four hours and 12 minutes during that evening time. I emphasize it is just a component of the alternative education program. The program is also going to be during intersessions, Saturdays, and through the summer.

Board Member Ford – Is the four hours and 12 minutes a requirement under something we are waiving?

Ms. White – Yes, we are waiving the four hours and 12 minutes component under the alternative education program for the night school. Students attending the night school will also be enrolled as fulltime students during the regularly scheduled school day. They will actually be attending school for 10 hours, which goes to the deregulation request for them to have the ability to have two-school days within a 24-hour time limit.

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

Superintendent Barresi – We are continuing to work very closely with Oklahoma City Public Schools on their plans to assist the junior and senior students to graduate on time. Ms. White is very involved in working with the district and is beginning audits of the sophomore and freshman classes. The junior class audits have been completed, and those student schedules are being changed to meet the needs of the students. We found a similar level of difficulty of the junior students with their scheduling and with their transcripts. Ms. White will begin staff training requested by Oklahoma City Public Schools to conduct audits of all the district high schools. We will report to the SBE on the progress.

## **TEACHER CERTIFICATION**

### **Teacher Certification Production Report**

Superintendent Barresi - Mr. Jeff Smith, Executive Director, Teacher Certification, is present to answer questions from the Board, if needed.

## **ACADEMIC AFFAIRS**

### **Office of Educational Support**

#### **Update on the Teacher and Leader Effectiveness Evaluation System, (TLE) Implementation**

Ms. Laura McGee, Executive Director, Teacher and Leader Effectiveness – I have 11 years of teaching experience both in non-tested and tested grades and subjects. The subject of building teachers and leaders who are effective and able to affect our students is very important to me. I look forward to working with the SBE. Ms. Kerri White will present an update on the work of working group #1 who met and submitted recommendations to the TLE Commission for the other academic measures, which makes up 15 percent of the quantitative portion of the TLE. The Commission approved their recommendations, and we were excited to be able to involve so many stakeholders in this process. I am scheduling a working group #2 to work on collaborating as we look at the quantitative portion of the TLE for non-tested grades and subjects and for teachers who did not have a teaching assignment. The first video conference is scheduled for January 9, 2013, at 1:30 p.m. At the video conference we will explain what the working group will be doing and will invite all participation.

A meeting will be scheduled for early January to work with SDE staff that are building the data system for roster verification and finalizing the details needed to coordinate with Battelle for Kids. This spring we will have a no stakes, voluntary, district participation and roster verification so that districts can become familiar with this process and begin gathering data for the purpose of informing instruction.

Value added models for tested subjects will be discussed at the next TLE Commission. We are encouraging all TLE Commission members to attend as it is incredibly important for us to have a quorum in order to make decisions and move forward.

My personal goal is to provide a great deal of professional development to our teachers and districts. I believe communication is key as we move forward in training teachers and helping them to understand that value added is really a tool for them. It helps them to understand that the qualitative portion of the TLE is not punitive in any way, but for the first time we truly have an evaluation system that allows teachers to receive feedback that will help them grow as professionals. I will be working to develop webinars, video conferences, online training for teachers and leaders, and going into the districts offering any professional development needs they may have.

#### **Recommendations Regarding Other Academic Measures Policies for the Oklahoma Teacher and Leader Effectiveness Evaluation System Approved**

Ms. Kerri White, Assistant State Superintendent, Educational Support – The other academic measures is the body of the recommendations brought to the Board today. The other academic measures are 15 percent of the overall TLE Evaluation System. The 50 percent qualitative is moving along very well in schools this year during the pilot phase. We will be discussing the 35 percent quantitative pieces in the early spring moving forward.

Minutes of the Regular Meeting of  
the State Board of Education  
December 19, 2012

The 15 percent other academic measures recommendations presented today begin with #6 from the TLE Commission because last December recommendations 1 through 5 were presented.

From the TLE Commission recommendations 6a and 6b are definitions of other academic measures:

Recommendation 6a – Other Academic Measures (OAMs) are additional alternative instruments ensuring a robust teacher evaluation, capturing unique facets of effective teaching and reflecting student academic performance impacted by the teacher.

Recommendation 6b – is the same definition for leaders.

Recommendation 7a – discusses a process that would be used in implementing other academic measures:

Recommendation 7a – The TLE Commission recommends that the teacher make the annual selection of the Other Academic Measure from a list approved by the Oklahoma State Board of Education that has also been approved by the local board of education so that each teacher has at least two options that are grade level appropriate.

Recommendation 7b – the same definition for leaders.

Originally, the Commission had planned to have the list approved by the State Board, and questions were raised about some of the measures that may be approved by the State Board but may not be readily accessible in some districts or for some teachers. The Commission thought it made more sense to allow the local board to review the list approved by the State Board and determine which are readily available in the district so the district is not accruing costs that they might not otherwise have. They wanted to make sure an individual teacher or an individual leader has at least two options that are appropriate for that educator on the list.

Recommendation 8 is to approve that list of other academic measures. The list is divided into several categories and within each category, there are specific measures. The categories include state assessments, value added model scores, off-the-shelf assessments, A through F report card components, perceptions surveys that have been validated, student competitions, and a miscellaneous, which are those few assessments that did not fit into any of the other categories. We wanted to make sure there were appropriate measures for both tested and non-tested grades and subjects and for teachers without teaching assignments. Nurses, counselors, and librarians fall under the definition of teacher. The working group and Commission discussed extensively that if the Board chooses to approve the recommendation and list today, that does not mean that the list cannot be modified in the future. Additions can be made to the list as we become aware of other assessments that make sense for educators at different stages.

Recommendation 9 gives guidance to districts about what they need to include in their evaluation policies related to other academic measures. There are five components to Recommendation 9:

1. Follow the guidelines adopted by the Oklahoma State Board of Education based on recommendations of the TLE Commission.
2. Only allow for use of OAMs that meet the definition adopted by the Oklahoma State Board of Education based on recommendations of the TLE Commission.
3. Require teachers and leaders to select an OAM that is relevant to the job duties of those educators and can provide actionable feedback.
4. If there are at least two options of OAMs listed on the Approved Other Academic Measures List that are relevant to the job duties of a teacher or leader, that educator must select one of the options on the list. If there are not at least two options of OAMs listed on the Approved Other Academic Measures List that are relevant to the job duties of a teacher or leader, the local school board must provide at least two relevant options that meet the definition of Other Academic Measure adopted by the Oklahoma State Board of Education.
5. Create an OAM evaluation rating for each teacher and each leader on a 5-point scale where 5 is Superior, 4 is Highly Effective, 3 is Effective, 2 is Needs Improvement, and 1 is Ineffective.

Recommendation 10 provides suggestions that give guidance to districts about establishing their policies. The components included in recommendation 10 are:

1. Districts may consult with a consortium of districts (such as their local REAC<sup>3</sup>H Network) or regional committees to provide consistency from district to district on the development and implementation of local OAM policies.
2. District OAM evaluation policies should consider the following:
  - a. Determining timelines and processes for selection of OAMs, end of year scoring of OAMs, and inclusion of OAM results into the final evaluation score. (Recommended procedures for this component are provided as Recommendation #11. Some of the language used throughout this section is based on the recommended procedures and may not be relevant to all district OAM policies.)
  - b. Offering as many OAM choices as possible to teachers and leaders, ensuring that no fewer than two appropriate options are available for each teacher or leader. (For teachers and leaders of multiple subjects and/or multiple grade levels, a total of at least two OAM options must be available. It is not the intent of the TLE Commission that teachers and leaders have at least two options available for each subject and/or grade level taught. Nor is it the intent of the TLE Commission that teachers and leaders of multiple subjects and/or multiple grades would be required to select an OAM for each subject or grade taught.)
  - c. Determining whether a teacher or leader may select more than one OAM. If a district policy allows for more than one OAM, the policy will also need to include how the multiple measures will result in an OAM evaluation rating of 1-5. It is suggested that no more than two OAMs be chosen in a given year by a teacher or leader, and that if two are chosen that the scores attained be averaged together.
  - d. Allowing those teachers who receive an individual Value Added Model (VAM) score because they teach in a grade and subject that has state tests used for calculating individual VAM scores to substitute their VAM score (on a 5-point scale) for the OAM if they choose.



- e. Establishing a process for teachers and leaders to collaboratively develop SMART goals and 5-point rating scales with peers.
- f. Establishing a mediation process in the cases where teachers or leaders and their respective evaluators cannot agree on a SMART goal or 5-point rating scale.
- g. Providing processes for teachers or leaders who encounter extenuating circumstances (such as extended illness, acceptance of a student teacher, natural disaster, flu epidemic, or those situations that materially impact the achievement of the teacher or leader's students) after initial agreement of SMART goals and 5-point rating scales. This process might include development of a high quality reflective analysis of their student performance and factors that contributed to the teacher or leader's inability to reach expected targets.

Recommendation 11 includes forms for recommended procedures for evaluation processes discussed in Recommendation 9, Section 2a, and the following components:

1. During the first nine weeks of school, each teacher and each leader shall do each of the following:
  - a. Determine an academic area of focus for the teacher or leader's students that will guide the OAM for the teacher or leader.
  - b. Administer a pre-assessment or locate data that can be used as a pre-assessment of the academic area of focus.
  - c. Select an OAM that will be used to measure the performance of the academic area of focus at the end of the year (or after instruction for the academic area of focus is complete). See "Approved Other Academic Measures List."
  - d. Establish a SMART goal for the academic area of focus as measured by the OAM. SMART goals are Specific, Measurable, Attainable and Ambitious, Results-driven, and Time-bound. SMART goals should be established based on pre-assessment data.
  - e. Establish a 5-point rating scale for the SMART goal, where 5 is Superior, 4 is Highly Effective, 3 is Effective, 2 is Needs Improvement, and 1 is Ineffective.
  - f. By way of signature, receive agreement from the evaluator on the SMART goal and 5-point rating scale. Additional consultation may be necessary in order to reach agreement.
2. At the end of the school year (or after instruction for the academic area of focus is complete), all teachers and leaders shall consult with their respective evaluators to determine if the SMART goal was reached and what score will be assigned based on the previously agreed upon 5-point rating scale for the OAM. Documentation of student performance should be provided.
3. Because the results of many OAMs are unavailable until after evaluations must be completed for re-employment decisions, OAM results will be calculated as 15 percent of teacher and leader evaluations during the year following their attainment.

Examples of Terms and Processes Described in Section 1.a through 1.f

- a. Examples of "academic areas of focus" include but are not limited to:
  - Mathematical problem solving skills
  - Reading on grade level
  - Reading sight-music fluently
  - Understanding verb conjugation in world languages

- b. Examples of “pre-assessments of the academic area of focus” include but are not limited to:
  - Fourth grade state math test scores of current fifth grade students
  - Student results from reading screener administered in the first weeks of school
  - Beginning of year benchmark (baseline) assessments
  - Selections from “Approved Other Academic Measures List”
- c. Examples of “Other Academic Measures” are provided in “Approved Other Academic Measures List.”
- d. Examples of “SMART goals for the academic area of focus” include but are not limited to:
  - All students below proficient on the state math test will improve scores by one performance level, and all students scoring proficient or advanced will remain above proficient or improve by one performance level.
  - 95% of students will reach grade level on the state reading test.
  - Scores of a 3, 4, or 5 on the U.S. History Advanced Placement exam will increase by 20%.
  - Students will earn the highest score possible on site-reading at contest from at least one judge.
- e. Examples of “5-point rating scales for the SMART goals” include but are not limited to:
  - SMART goal: 95% of students will reach grade level on the state reading test, as measured by Proficient and Advanced scores.
    - 5 – 100% of students score Proficient or Advanced
    - 4 – 95% of students score Proficient or Advanced
    - 3 – 90% of students score Proficient or Advanced
    - 2 – 75% of students score Proficient or Advanced
    - 1 – less than 75% of students score Proficient or Advanced
  - SMART goal: 15% more students will pass the \_\_\_\_\_ (off-the-shelf assessment) for eighth grade this year than passed the same assessment for seventh grade last year.
    - 5 – 20% increase in passing rate
    - 4 – 15% increase in passing rate
    - 3 – 10% increase in passing rate
    - 2 – 5% increase in passing rate
    - 1 – less than 5% increase in passing rate

During this process one of the concerns of Commission members is making sure that no matter what other academic measures are approved, either on our list or at the local level, that they really do meet those definitions of other academic measure that are Recommendations 6a and 6b. The timeline of implementation has been a concern, and in working with legislators on the timeline for the whole system, we do believe if adopted today it is possible to move forward with the timeline for other academic measures specified in law. We would be collecting information next school year that would be used the following school year in the evaluation. Teachers of non-tested grades and subjects and teachers without teaching assignments have been part of the concern and we want to make sure no groups are left out.

Board Member Ford – How are you going to address the first concern?

Ms. Kerri White – The working group went through the list to make the recommendation and determined that each of those do meet that definition. If we do ensure that at the local level, those are selected based on an individual teacher or leader's job duties and not chosen at random. Approval is requested for Recommendations 6a, 6b, 7a, 7b, 8, 9, 10, and 11.

Board Member Ford made a motion to approve the recommendations. Board Member Hayden seconded the motion.

Board Member Hofmeister – How will you be addressing the gathering of information about what was selected on some of the options? Is there oversight or a report?

Ms. White – According to the statute, there are pieces of information for the evaluation system that will be collected for the TLE Commission to provide that oversight as it is implemented. We will be doing that in a number of ways. Some pieces will be sent to us from each school and each district. We may look for some pieces more on a monitoring component where a certain percentage of schools are selected each year to look at their policies and procedures to make sure we are following the overall adopted policies throughout the state. That will be part of the overall implementation monitoring process which will begin next year on the qualitative side and then continue on the quantitative components as those get fully implemented.

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

### **Achieving Classroom Excellence (ACE) Exceptions and Exemptions for End-of-Course Projects Approved**

Ms. Melissa White, Executive Director, Counseling/ACE – The end-of-course projects is something we are pushing for schools to use as an alternative method for students to demonstrate proficiency on the end-of-instruction (EOI) assessments. In the spring of 2011, the State Board approved the Algebra II EOI as an alternate to the Algebra I EOI and the same for English III for the English II. The benefit would be for those students who moved into Oklahoma and had already received instruction in Algebra I, or maybe during their Algebra I year, it was not as clear to them, but entering Algebra II they were able to understand better and were successful, and it would count for the other subject as well. Algebra I and English II are the required two of the four to meet ACE standards. We are requesting that the end-of-course projects could also be in that list of approved. If a student demonstrates proficiency on the Algebra II project, it would also count for the Algebra I project.

Board Member Ford made a motion to approve.

Board Member Hofmeister – Is the focus different with English II as opposed to English III. Is the focus for one more literary and the focus for the other more writing? Is it truly a building process?

Ms. Melissa White – It is building. The projects are very similar. English III is literature components and a bit more writing. If a student demonstrates proficiency on that level, they have actually done a bit more.

Board Member Hayden seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister yes; Mr. Shdeed, yes; and Mr. Price, yes.

**Achieving Classroom Excellence (ACE)  
Exceptions and Exemptions – PLAN Approved**

Ms. Melissa White – The PLAN assessment is an approved assessment for Algebra I and biology on the alternative list. The PLAN assessment is typically given during the student's sophomore year. All students in Oklahoma have the opportunity to take that assessment during their sophomore year, and it is paid for by the Oklahoma State Regents for Higher Education. The PLAN assessment is currently used in all grades and is a local decision if students take the assessment in their junior or senior year, but the Regents only pay for the sophomore year. For the PLAN assessment to be used for ACE, we are requesting that it has to be given during that window the Regents offer that assessment. The PLAN is not like the ACT, and when students receive their score report, they are given an item analysis. For the validity of this assessment and for all students to be given a fair opportunity to demonstrate proficiency without any additional assistance, it is requested that it can only be offered at that time to count for the ACE graduation requirements.

Board Member Hofmeister – Is the concern that by taking the test in the junior year there is a problem with . . . I do not understand the problem.

Ms. Melissa White – There is potential that the validity could be in question. It is the same test, and once the test is given for the academic year, the school is provided a student report that breaks down the assessment by subjects and gives an item analysis.

Board Member Ford – Is the concern students taking the same test more than once during an academic year?

Ms. Melissa White – Yes, and using it for demonstration of proficiency for ACE.

Board Member Ford – So the issue is not taking the test the junior year instead of the sophomore year, but the number of times a student takes the test during the year.

Ms. Melissa White – Yes.

Board Member Hofmeister – So are you suggesting students cannot take the test their junior year?

Ms. Melissa White – No. The test needs to be administered during the open testing window provided by the Regents of each academic year.

Board Member Price – Is there also problems with one student taking the test and giving another student the answers.

Ms. Melissa White – There is that potential, and that is why we are requesting that all students must be assessed during that window.

Board Member Ford – You are asking for the validity of the test to only count towards the EOI if it is taken in the Regent's window.

Ms. Melissa White – Yes. That window is usually in the early fall.

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

Board Member Ford – The ACT test can be used in lieu of some of the EOI requirements. When would that qualify?

Ms. Melissa White – For a student who has received instruction outside of that school, already completed instruction in Algebra I, and has an ACT score that is high enough, can use the ACT score for demonstration of proficiency. If a student moves into a school in the middle of the school year and they are currently enrolled in that class, they must take the EOI assessment first before applying the alternate score.

Board Member Ford – Shifting the EOI requirements towards the ACT shifts the cost towards the student.

Ms. Melissa White – Yes.

Board Member Hayden – If a student does not pass Algebra I, does the ACT serve as an alternative for Algebra I?

Ms. Melissa White – Yes. The cost to take the ACT is \$35, but if using the writing component, which a student must have to replace the English EOIs, the cost is \$50. There are scholarships available, but the school must apply for those.

Superintendent Barresi – Maridyth McBee, Assistant State Superintendent, Accountability and Assessments, can provide information she compiled on a side-by-side comparison between the ACT and the state exams. State exams cost approximately \$9 per student per test. The ACT is a norm-referenced test, and the state tests are criterion reference tests, so it is an apple and oranges component. Using the ACT does not satisfy federal government reporting requirements under accountability for English and mathematics.

Board Member Ford – One of the bills filed talked about 18 and moving to 14 and that is a huge concern of mine.

Board Member Hofmeister – There is also the issue of graduation and planning to be admitted into a college. I think that is another discussion.

Superintendent Barresi – If the ACT is taken during the senior year, there is no time for remediation of the student in any one of the subjects. We will get that comparison information to Board members.

### **Oklahoma Advisory Council on Indian Education Annual Report for 2012**

Mr. Dwight Pickering, Director, American Indian Education – The Oklahoma Advisory Council on Indian Education was established through House Bill 2929. Their purpose is to make recommendations to the State Superintendent of Public Instruction

Minutes of the Regular Meeting of  
the State Board of Education  
December 19, 2012

and the Department of Education on education matters pertaining to Native American students in Oklahoma. I would like to introduce Mr. Ray Rodgers, Chairman of the Oklahoma Advisory Council on Indian Education, Director of Indian Education for Sapulpa Public Schools, and a member of the Seneca-Cayuga Nation.

Mr. Ray Rodgers – The Advisory Council has 18 Council members that are a cross section of Indian country in Oklahoma. One of the concerns presented to Governor Fallin is that there are still some vacancies on the Council. There are some nominations that have been presented to the Governor's office, and we hope those will be approved soon.

One of the current issues is the Bureau of Indian Education (BIE). Most of the Indian Education programs funded in Oklahoma come through two components. One is the United States Department of Education through Title VII programs and the Johnson O'Malley Program. There is the possibility these offices will be taken out of Oklahoma, and that is a concern. We have been in consultation with tribal members and the National Indian Education Association asking that they have consultation hearings throughout the nation, but especially in Oklahoma. Oklahoma has over 130,000 Native American students.

There has been much discussion regarding the school report cards among Council members that representation during the consultation process of the formula has been neglected, and we would like to see if there will be any more discussion on that issue. Another concern is the rural schools. In some of those schools, the Indian population is 90 to 95 percent.

Regarding Native American Language certification, we are very pleased with the SDE and the partnership they have with formed with the Advisory Council and other members in Indian Country with the tribal nations and finding ways how to get tribal languages recognized as a component of graduation requirements. The only state test for certification is in the Cherokee language. Each tribal government has a language department. There is language speakers designated as the certified individual to teach the language in those tribal areas. Being able to teach in a public school is a concern because the person must be certified in that area. Two Advisory Council members serve on the Native American Language Certification Competency Setting Committee with Ms. Desa Dawson, Director of World Languages, at the SDE. One of the problems is that most of the fluent language speakers in the tribes are elderly or being able to obtain a college degree. Tribal languages are being lost across the country at an alarming rate. There are over 549 federally recognized tribes. Oklahoma has 39 tribes, and 37 of them are federally recognized.

An outside entity took the lead on an interim study regarding funding for the SDE Indian Education office. A copy of the interim study was provided to Representative Ann Coody. We hope there will be funding to help the SDE Indian Education office tackle some goals and objectives set by the Advisory Council for the state of Oklahoma regarding Indian education. In 2010, the tribal governments presented Oklahoma over \$120 million dollars with a portion intended to go to education. We would like to see a Native American higher education liaison working directly with the colleges. Also part of the interim study was a comprehensive plan for Indian education curriculum that would help with providing professional development, relative lessons, and addressing Indian education, and having the Indian Education office at the SDE serve as a clearinghouse on Indian education issues would be ideal.

Recommendations were presented regarding the social studies component. Examples and resources are areas we would like to see built upon. The American Indian viewpoint is relevant to what we are doing in Oklahoma especially the partnership through the SDE. At this time, the Council does not think the story is being told in the schools, and it is a story that needs to be told. The code talkers are very briefly mentioned.

The charges and duties given to the Advisory Council by the state legislature include identifying strategies for developing the effective and reliable process of communication between Oklahoma education entities, educators, tribal organizations, and other interested parties and identifying and disseminating research-based measurable criteria both behavioral and academic, by which the success and efficiency of this education process is offered to Native American students can be measured. This task is beyond the scope of a volunteer organization through the Advisory Council and should come through the SDE Indian Education office.

Board Member Price – Where is the one tribal charter school located in Oklahoma, and how successful is the school? Does a tribe charter the school?

Mr. Rodgers – The school is completely funded through the Cherokee Nation and is located in Tahlequah. It is an immersion school, and the Cherokee language is the only language spoken in the school. The school is in its sixth year and is doing very well.

Board Member Price – If the provision on population was not in place, would you envision more charter schools chartered by tribes?

Mr. Rodgers – That would open the charter school option to tribes.

Mr. Pickering – I have been in contact with a number of tribes across the state that have interest in charter schools. They must be part of a Bureau of Indian Education boarding school.

This was a report only and no action was required.

**Presentation on the College Board Student  
Achievement Report of the SAT, PSAT/NMSQT, and  
Advanced Placement Results for the 2011-2012 Academic Year**

Ms. Cathy Seward, Executive Director, Advanced Placement/Gifted and Talented Education – Last year funding in the amount of \$2.1 million dollars was received from the legislature for Advanced Placement (AP) and netted students and parents in Oklahoma over \$4.1 million dollars in tuition savings. There was an increase in public school students who scored a three or higher with over 11,000 students. There were increases across the board for Black students. There was almost a 20 percent increase in students who did not respond when asked about ethnicity. We are providing technical assistance and teacher training including an online component College Board offers, and we are paying the registration fee. Advanced Placement summer institutes will be offered this summer. We have been training districts to use AP Potential, which is a computerized program that College Board provides based on PSAT data, and it can predict what score a student will make on an AP exam. Forty-seven percent of students

Minutes of the Regular Meeting of  
the State Board of Education  
December 19, 2012

scored a three or higher on their AP exam. The national average dropped from 59 percent to 57 percent.

Almost 300 more students took the PSAT. The results for the PSAT are for sophomores and juniors. There are fee waivers for the PSAT to any student qualifying for free and reduced lunch. In many instances, the student will apply for the fee waiver but not show up to take the test.

Not as many Oklahoma students take the SAT as the ACT even though it is accepted at all our universities. From 2007, the number of students taking the SAT has dropped by approximately 1,000. One reason for the drop is the introduction of the mandatory writing portion of the SAT. Unfortunately, scores have dropped across the state across the board, but Oklahoma scores are higher than the national average. Studies indicate that students who take the PSAT two or more times score higher on the SAT.

Board Member Price – I was so impressed a few months ago with the Northrop Grumman Program and the Midwest City and Lawton Public Schools experience. The number of students taking and passing AP tests was transformed. How could that be replicated? If it could be replicated statewide, the numbers on AP would go through the roof. We need to have a public relations campaign about that.

Ms. Seward – That is a National Math/Science initiative. We initially visited Altus and Enid to determine if those school districts qualified for that initiative because if a district qualifies, there is no cost involved. A district is interested. National Math/Science has found half of the funds and work continues on the other half.

Board Member Price – Is both AP training and the \$100 stipend for students and teachers?

Ms. Seward – Yes, there are incentives for the students and for the teachers. Schools can participate, and there is a cost involved. Professional development for the teachers, as well as follow-up to the professional development throughout the year, is provided.

Board Member Price – Would it be helpful if the legislature, for instance, next year appropriated either a matching fund for businesses that decide to participate or finance the program?

Superintendent Barresi – Our funding request to the legislature has an increase of \$1 million dollars to the AP program to increase teacher training. Currently \$650,000 a year is spent in scholarships for students in AP, and that does not meet the demand of students who are qualified to receive the stipend. The increased request for funding in aid to schools would allow more districts to consider scholarships on the PSAT and providing it more often. We have also requested \$2.7 million dollars for the establishment of a competitive grant pool. We have a robust Science, Technology, Engineering and Math (STEM) strategic plan.

This was a report only and no action was required.



**Office of Accountability and Assessments**

**District Annual A through F Report Cards**

Ms. Maridyth McBee, Assistant State Superintendent, Accountability and Assessments – Earlier this month the district and state report cards were released. The same three components used for the district and state report cards were used for the site report cards. The whole school achievement portion of the state and district report cards included all the reading, English II, English III, math, Algebra I, Algebra II, and geometry, etc., for all students in grades three through the high school tests. In some cases, the Nsize for the districts allowed more reporting than for the individual sites when the numbers of students reporting were small. That was especially true on the growth component. The growth component includes only the reading pieces for grades three through eight, English II, math, and Algebra I. In some districts, there were not enough students in the bottom 25 percent to have a grade, but at the district level there might have been. The rules state that if there are not enough students to have 30 in the bottom 25 percent, then the entire growth grade is based on all students. If there were not 30 students at the site level and there might have been at the district, there might be a different way in which the grade was calculated.

Board Member Hofmeister – Was the Nsize the same for the district level as it was when applied to each individual school?

Ms. McBee – Yes, the definitions used at the site level were applied in exactly the same way at the district and state level. There was not a unique set of requirements for districts that would be different from the sites. The whole school performance component for the PK through eight districts was based on what would have been middle school criteria for a site. For the PK through 12 districts the whole school performance was the high school component. This will have some implications as we look at how the site report cards might look if averaged or took just the district report card. For the K through 12 districts the high school criteria was used just like for the site report cards that included graduation rates, advanced coursework participation, the AP/IB exam performance, advanced coursework performance, college entrance exam performance and participation, and the five-year graduation rate. There were opportunities for bonuses in the climate survey, parent and community engagement, ACE graduation participation, and college remediation. The way these were calculated was if half or more of the schools received bonus points, then the district received bonus points. District grades may be higher or lower than the average of the site grades. This occurred sometimes to the district's benefit and sometimes not to their benefit. The challenge came, for example, when an elementary school earned a C in performance or did not do well in the top one-third performance but earned an A in attendance. Together those grades came out to a B. Maybe the high school did well in performance and did not do well on graduation rate and the other criteria, and the grade averaged out to a B, but when the district criteria was used and all the performance, including low performance, together and used the high school criteria the grade would have been a C. This is part of the definition and did cause some consternation.

For the student achievement piece in reading, English II and III the state made an overall grade of C. For math, Algebra I, II, and geometry the state has an overall grade of B. For science and Biology I the overall grade is an A, for social studies topics a grade of B, writing a grade of B, and overall all school academic performance a grade of B. The reading and English portion for growth earned 82 points resulting in a grade of B. As

Minutes of the Regular Meeting of  
the State Board of Education  
December 19, 2012

was the case for many districts in the bottom 25 percent of students, we did not show the growth that we would like to see. That is an area of focus as a state of how can we help districts and schools be able to better reach those students that are currently unsatisfactory or limited knowledge so we can increase their performance.

Board Member Hayden – That was a low B at 81.

Ms. McBee – Yes, a low B. In whole school performance as a state, the grade for graduation rate was a B, advanced coursework participation a grade of D, AP/IB performance a grade of D, college entrance exam participation a grade of B, college entrance exam performance was a grade of C, and the five-year graduation rate a grade of B. The overall whole school performance grade was a B, which at the state gives an overall grade of C.

A demographic page and report card will be posted to the SDE Web site. The demographic page will show the enrollment of the school, percent of students in each ethnic group, students with an IEP, students in poverty, and highly qualified teachers. There have been recent discussions about easier ways to collect data. There will be meetings with stakeholders to discuss and determine if we need to tweak any definitions or make any other changes in the way the report card is done for the future, and is the action steps being put together to address the needs that this diagnosis of where we stand in the state currently shows we are.

Board Member Price – I have a hard time figuring out how we can be an A in advanced coursework performance and a D in AP.

Ms. McBee – The reason is because there is more than AP and advanced coursework. There is also concurrent enrollment, which probably has more students than other categories.

Board Member Price - How do you know if a teacher is highly qualified?

Ms. McBee – There is a current definition for highly qualified teachers that the TLE Commission will expand and make more explicit.

Ms. Kerri White – A teacher's designation of being highly qualified does have to do with the certifications they have received and coursework they have completed in college.

Board Member Price – That is quite different from highly effective teachers. The highly effective teacher would be ultimately a much more important determining factor than highly qualified they are.

Ms. Kerri White – We are still required by the USDE to report highly qualified teacher status. Once the TLE system is fully up and running, we will be able to request from USDE to report effectiveness information as opposed to highly qualified information.

Board Member Ford – I would like to know who is participating in the conversations with districts and stakeholders.

Minutes of the Regular Meeting of  
the State Board of Education  
December 19, 2012

Superintendent Barresi – I am having many one-on-one visits with superintendents, and I do my listening tour throughout the state on the Raise the Grade Together Tour. I have visited with board members, superintendents, teachers, and principals. I have met with the PTA Executive Committee. We meet with Leadership Advisory Council and developed a working group that day which was helpful.

Board Member Ford – Are those that expressed that they were not part of the process taking steps to make sure . . .

Superintendent Barresi – Most have been participating. We made a point of making sure we did everything we could to communicate that we are taking ideas. I would describe the participation as robust.

Board Member Price – I would like to commend Superintendent Barresi for reaching out. During the presentations it was mentioned of having more participation regarding the EOIs in the process. I blanch every time I hear that because there has been tremendous participation, and it is creating a false narrative that this has not been.

Superintendent Barresi – We are doing everything we can. We are going to move forward not only on that but also on all of our policy implementation. We make the Leadership Advisory Council meetings focused on spending enough time going deep into a subject around policy and policy development from the SDE.

Board Member Ford – Is concurrent enrollment addressed?

Ms. McBee – The performance on concurrent enrollment and AP/IB is separate. One avenue to take might be to combine those two so we have an overall advanced course participation regardless of the venue for advanced course work and then an overall performance. That would keep schools that have many students in concurrent enrollment but none in AP from receiving a low grade.

This was a report and no action was required.

### **C<sup>3</sup> SCHOOLS**

#### **State Board of Education Sponsorship of Sequoyah Charter School Postponed**

Mr. Richard Caram, Director, C<sup>3</sup> Schools – Presented an application from Sequoyah Enterprises to run a charter school in conjunction with the Office of Juvenile Affairs (OJA). The legislature gave the OJA the opportunity to have a charter school for this specific population of young people who seem to be falling through the cracks. The OJA would better serve these children with a more consistent education system that would follow the students in the difficult process they are in when they are assigned to OJA. The charter school will have one site but will operate wherever the children are assigned in the system.

Board Member Ford – They will have to be in the system.

Minutes of the Regular Meeting of  
the State Board of Education  
December 19, 2012

Mr. Caram – Yes, the group situations will not have more than nine children at any given time. This is individualized instruction. Sequoyah Enterprises has 300 professionals that work with them.

Board Member Ford – Are there other charters like this?

Mr. Caram – No, this will be the first.

Board Member Ford – I understand we are sponsoring this charter school. The students have to be under the care of OJA, but the application states that they will not discriminate against any student desiring to enroll and will allow any student that is a legal resident of the state. Does that take away the requirement to be . . .

Kim Richey, General Counsel – To my knowledge I am not aware that the State Board of Education has ever received a direct application to sponsor a charter school. The State Board is given the authority under the State Charter Schools Act to sponsor a charter school with the OJA or a contractor of the OJA who has entered into a contract with OJA to service students in certain types of homes. That is the authority under which we are working and goes to the qualifications of the applicant seeking to enter into partnership with the State Board for a charter school. In the Charter School Act, there is language with regard to admission of who can actually attend the charter school. There has been somewhat of an internal miscommunication. Mr. Caram has been working with Sequoyah since the beginning of December. He was under the impression I had seen a copy of the application and I had not. The language that concerned me was the language in the Charter School Act that states if it is the OJA, the admission policy must be limited to those students who are in custody of the OJA. Historically the SDE has read that as including OJA and any contractor. There was discussion regarding postponing this item for action today until we had the chance to review and make sure these little issues are cleared up and would give the Board the opportunity to review the application and submit any questions before the January 31, 2013, Board meeting. Federal law is implicated, and under certain federal law, entrance into a charter school cannot be limited.

Board Member Hofmeister – Who is now meeting this need? How are the students now being educated?

Mr. Caram – Introduced Mr. Michael Woods, Superintendent, Drummond Public Schools, and James Harris Office of Juvenile Affairs.

Mr. Woods – I became involved because of a desire to work with foster children in general and meet some of the needs they have. As these students move about the system, sometimes records and credits do not follow, and the students reach a point of frustration and stop attending school. Through that process, I met representatives from Sequoyah, and we embarked on this charter school mission to serve the specific students that are in the care and custody of the state of Oklahoma through a contract with Sequoyah Enterprises. Currently, the way students are served is the responsibility of the local school district. The challenge would be difficult for Drummond Public Schools to do because we do not have the resources to send four highly qualified teachers daily. The purpose is to address a differentiated type of instruction by using virtual instruction in a blended classroom method where students can receive short bites of individual instruction from morning to evening. The students are currently being served by the school districts in which the facility is located.

Board Member Ford – If a child that was part of this charter school was no longer in the custody of the state, do they leave that situation and return to the public school?

Mr. Woods – It depends. If a student turns 18, they sign themselves out and are done. We started a 501(c)3 called Next Step Tech with the idea of being able to provide the students with technology that would allow them to stay engaged with Sequoyah Charter School. The first opportunity a student has to leave residential home, they do so. We want to provide a method of delivery for the instruction that they can still be a part of even when they do leave Sequoyah Enterprises facilities or the Department of Human Services in general.

Board Member Ford – So you will have a plan.

Mr. Woods – Yes. This is a new concept. We hope we have identified a need and have a solution that fits those children. The reason for the questions regarding enrollment is that Sequoyah Enterprises is not OJA. There is an immediate for these students right now and a potential need for the state.

Board Member Price – This is a great idea. Including the definition of in the custody of the state of Oklahoma, how many students would be involved?

Mr. Woods – This started much broader, but we narrowed it down because of the difficulty of working with all the different individuals that would have to be involved. I am not sure there is an exact number being served because that is a very fluid number. We have chosen the flipped classroom model because the point of frustration is not listening to a lecture and not gathering the resources, but when the student sits down to do the assignment. Sequoyah has been very innovative in the way they manage the students.

Board Member Ford made a motion to postpone this item until the January 31, 2013, Board meeting. Board Member Hofmeister seconded the motion.

Superintendent Barresi – If this occurs in the future, the Board will see a first reading opportunity so you have a chance to voice questions and discuss and then on a second reading possibly take action. The applications are unique, and we want the Board to have plenty of time to consider and ask questions.

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

## **FINANCIAL SERVICES**

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

Ms. Nancy Hughes, Executive Director, Executive Director, Financial Accounting  
– Twelve school districts did not meet the September 1 submission deadline.

Board Member Ford – ADPC seemed to be mentioned frequently as a reason why some things had not happened.

Ms. Hughes – That is the software vendor for some school districts. If the school district chooses, that software vendor will upload their data for them, but it is still the school district's responsibility to check, re-certify, and lock the data, which is our signal the data is correct and ready for review.

Board Member Ford – Is this a continual problem for any of these school districts?

Ms. Hughes – Going back to 2006, there were only a few schools that did not meet the deadline.

Board Member Ford made a motion to waive the penalty for the listed schools. Board Member Shdeed seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

### **School Districts Who Did Not Meet the Administrative Cost Criteria for the 2011-2012 School Year Postponed**

Ms. Hughes – Three school districts exceeded administrative costs. For Cameron and Thackerville Public Schools, the reason was a mutual superintendent buyout. Farris Public School exceeded administrative costs.

If a school district has an enrollment over 1,500 students, the district can spend five percent of their allocation towards administrative costs. Administrative costs are the staff of the board of education, the secretary/clerk of the board of education, staff relations, negotiations staff, immediate staff of the superintendent, any superintendent, elementary superintendent, any assistant superintendent, any employee employed as a director, coordinator, supervisor, any one responsible for administrative function of the school district, or any consultant hired by the school district. When school districts code to those particular areas, that is calculated into their administrative costs. If enrollment is over 1,500 students, a district can only have five percent, 500-1,500 students a district can have seven percent, and below 500 students, a district can have eight percent administrative costs.

Board Member Shdeed – Has Farris Public School previously exceeded administrative costs?

Ms. Hughes – Since 2006, Farris Public School exceeded administrative costs in 2006, 2007, and 2012.

Board Member Ford – The average daily attendance at Farris is 69.89.

Ms. Hughes – Yes.

Superintendent Barresi – The amount exceeded for Cameron and Thackerville had to do with a buyout. Please give us more information about Farris Public School.

Ms. Hughes – They spent too much money on administrative costs.

Board Member Ford – What is the Board being asked to do?

Superintendent Barresi – The Board is being asked to waive the penalty.

Ms. Hughes – The amount exceeded is the amount of the penalty.

Superintendent Barresi – We need more details regarding Farris.

Ms. Hughes – Administrative costs were exceeded at Farris mainly because of the superintendent's salary.

Board Member Ford – What is the superintendent's salary?

Ms. Hughes - \$100,000. The superintendent's salary is broken out into principal and only 40 percent of the superintendent's salary can go towards other administrative duties. Sixty percent of the superintendent's salary must be coded to superintendent.

Board Member Ford – The penalty for Farris is \$68,000. Can we get a breakdown of the administrative costs for Farris?

Board Member Price – What was the amount of the buyout for Cameron and Thackerville Public Schools?

Ms. Hughes – It was difficult to determine. I reviewed the contracts. At one of the schools, the contract was changed two times. If the schools had not had a buyout, they would not have exceeded administrative costs.

Superintendent Barresi – The contracts were changed several times. Was that within one fiscal year and with board approval?

Ms. Hughes – Yes.

Board Member Ford made a motion to postpone agenda item 11b until the January 31, 2013, Board meeting. Board Member Hayden seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Mr. Shdeed, yes; and Mr. Price, yes.

## **SPECIAL EDUCATION SERVICES**

### **Request from Sperry Public Schools, Tulsa County, for Reimbursement of Individuals with Disabilities Education Act (IDEA) Part B Late Claim Approved**

Ms. Renee Axtell, Assistant State Superintendent, Special Education Services – Dr. Brian Beagles, Superintendent, Sperry Public Schools, notified the SDE through email requesting payment of late claims. The procedure for late claims includes a timeline for when late claims can be paid but also states that if a superintendent believes they have extenuating circumstances that information should be presented to the State Board. Department staff reviewed the financial records of Sperry Public Schools to determine if reporting was done within the timeframes dictated by procedure or were there ongoing issues with lateness. It was determined that information provided by Sperry Public Schools was within the timelines set.

Dr. Beagles – State Board rules state that the deadline to submit a federal reimbursement claim is August 1. Flow through money for IDEA is commonly referred to as 621 money. We all know that educating students with disabilities is an expensive endeavor. The 621 money is provided to districts to help offset the cost of educating students with disabilities. This particular case is a claim that runs January through June of last school year. The money in Sperry Public Schools was used to pay five special education teachers. There are state and federal rules about how to expend the money and a process to claim the money. The application was properly submitted, the money spent on certified teachers, and services provided to students with disabilities. Sperry Public Schools fell short on following through. In the transition of people, sometimes there is a learning curve. I was assured the claim had been submitted in July. In November, it was brought to my attention there was an issue with the claim. The issue has been addressed locally, and one of the individuals involved is no longer employed at Sperry.

Board Member Price – Will the federal government accept the claim?

Dr. Beagles – Yes.

Ms. Axtell – With the IDEA funds, it is a reimbursement situation. Schools have to expend the money and then submit the claims, and we allow the money to flow back to the district. If not corrected before the end of the month, this cannot be paid.

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

## **LEGAL SERVICES**

### **Report and Overview of the Upcoming Permanent Rulemaking Schedule**

Ms. Kim Richey, General Counsel – We have identified 15 rules needing amendments, updating, or just basic clean up. The only possible new rule that will be drafted is a potential rule to implement Senate Bill 1816, which was passed last year. That bill established the statewide virtual online charter school. There is a challenge to the implementation of that law.

There are three tracks to the rule schedule for this session. The State Board of Education is required to file a notice of intended rulemaking with the Secretary of State. The notice is published in the Oklahoma *Register* and the public comment period starts and ends with a hearing. The rule is amended and brought to the Board for consideration.

The first public hearing is set for February 15, 2013, and the first set of four rules will be brought to the Board for action at the February 28, 2013, Board meeting.

The second public hearing is set for March 6, 2013, and that set of rules will be brought to the Board for action at the March 28, 2013, Board meeting.

The third public hearing is set for March 25, 2013, and that set of rules will be brought to the Board for action at the March 28, 2013, Board meeting.



Board Member Price – What is the legal basis for the challenge to House Bill 1816?

Ms. Richey – If you recall during the last couple of days of session, there was confusion with regard to the \$33 million dollar appropriation to public schools for the purpose of textbooks. On the final consideration of that bill in the House, an amendment was made that provided clarification on that appropriation. An attorney has filed a lawsuit to stop implementation of that bill claiming it violates the logrolling prohibition in the Constitution.

### **INFORMATION TO THE BOARD**

Information was presented to the Board regarding the 2013 Math and Science Partnership Program.

Board Member Ford – If a student is being bullied in school can that student move to another district?

Superintendent Barresi – We have noticed an increase in the number of calls regarding bullying. We are teaming with the Department of Mental Health, sharing resources, and have hired an individual at the SDE to deal directly with bullying issues. Each district should have a bullying policy. Our first suggestion to parents is to go back to the classroom teacher and then the principal.

Board Member Ford – But failure on all those levels . . .

Ms. Richey – There is currently not a provision within state law to allow a transfer simply because of bullying. What would apply is the emergency transfer provision that is available to students if both the sending and receiving districts agree. Otherwise, the student would have to wait until the open transfer window that is from April to August. Two legislators are looking at creating a provision in law that would allow a victim of bullying, harassment, or intimidation to transfer.

Board Member Price – Representative Nelson is looking to include a provision on bullying in the Lindsey Nicole Henry Scholarship. In addition to special needs, a victim of bullying could apply for a scholarship. Are the receiving districts turning down those transfer applications?

Board Member Ford – Yes.

### **PUBLIC COMMENT**

Ms. Julia Seay, Restore Oklahoma Public Education (ROPE), Yukon, Oklahoma – Restore Oklahoma Public Education has done extensive research on common core state standards. We along with many taxpaying Oklahomans are finding many flaws with that system. Thank you for your leadership regarding the school shooting. I feel very confident Oklahoma will do the right thing to take care of our children. Through their introduction into states through the Race To the Top Grant incentive, common core state standards represents the largest takeover of education since the first Elementary and Secondary Education Act introduced by LBJ in 1964. Though often billed as voluntary

states eagerly signed on to get a piece of the RTT grant funds often times tying themselves to the program by putting them into state law in order to get higher points on their grant applications. Once adopted state school boards lose control of their ability to modify the common core state standards because the standards do not come from their board, their district, their country, or their state, but from a group of individuals scattered across the United States. Apparently few states read the fine print, which said that once implemented states could only add to the standards up to 15 percent but were unable to modify them further. If a school board cannot affect the course of curricula by changing the district's standards, what then is the purpose of the school board and how can parents affect the change in the program if they are dissatisfied? Because of free enterprise, ancillary and textbook supply companies have been scrambling to add the common core to their materials to sell to a broader audience. How will home schools and private schools find study materials not including the influence of the common core, like it or not? In fact, just yesterday the Homeschool Legal Defense Association came out with a statement against the common core for that and other reasons. The SATs and ACTs are being modified to fit the standards, and the common core state standards will be tested using expensive high bandwidth requiring computer tests a number of times during the year. Truly, there is no way in which public schools or private and home schools as well will be able to escape the reach of the common core if we let it stand. We truly believe that if we do not stop this program now it will become America's next Medicare or Social Security, and millions of children will be lost inside of a one size fits all system that will not bring the change the reformers have insisted.

#### **ADJOURNMENT**

Board Member Hayden made a motion to adjourn at 12:50 p.m. and Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Mr. Shdeed, yes; and Mr. Price, yes.

The next regular meeting of the State Board of Education will be held on Thursday, January 31, 2013, at 1:00 p.m. The meeting will convene at Howe High Public Schools, Howe, Oklahoma.

---

Janet Barresi, Chairperson of the Board

---

Connie Holland, Chief Executive Secretary