

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

March 25, 2020

The State Board of Education met in special session at 9:35 p.m. on Wednesday, March 25, 2020, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, and conducted via teleconferencing and via videoconferencing. The final agenda was posted at 9:30 a.m. on Tuesday, March 24, 2020.

The following were present at meeting site:

Mr. Brad Clark, General Counsel
Ms. Terrie Cheadle, Chief Executive Secretary

Members of the State Board of Education present at meeting site:

State Superintendent Joy Hofmeister, Chairperson of the Board
Mrs. Estela Hernandez, Oklahoma City
Mrs. Jennifer Monies, Oklahoma City

Members of the State Board of Education present at remote locations via Zoom videoconference:

Mr. Barry “Kurt” Bollenbach, Kingfisher
Mrs. Carlisha Williams Bradley, Tulsa
Mr. Brian Bobek, Oklahoma City
Mr. William “Bill” Flanagan, Claremore

**CALL TO ORDER
AND
ROLL CALL**

State Superintendent Joy Hofmeister called the State Board of Education special meeting to order at 9:31 a.m., and welcomed everyone joining the meeting via digital platform, virtually following live streaming.

Ms. Cheadle called the roll and ascertained there was a quorum.

STATE SUPERINTENDENT

Information from the State Superintendent

Superintendent Hofmeister announced the meeting accessible by teleconference, video conference, Oliver Hodge Education Building meeting site; and Facebook/oklasde.

Superintendent provided updates on statewide Coronavirus/Covid-19 cases, Governor Stitt enforcing “Safer at Home” restrictions through Apr 30 including closure of non-essential businesses; “Call to Action” supporting medical supply donations; Federal waiver approvals, United States Department of Education (USDE), Secretary DeVoss support, waiver submission/approvals, suspended ESEA assessment requirements/flexibility grades 3-8 and high school, 2020 Oklahoma School Report Card suspended; United States Department of Agriculture (USDA) waivers for school meal distribution and delivery and “Meals to You” weekly meal delivery program; OSDE School Design and Innovation leadership/team distance learning frameworks/resources/guidance; school support request to release existing state and federal dollars; history maker of first time virtual State Board meeting; offensively moving forward to keep students learning and growing beginning April 6.

**Minutes of the February 23, 2020 Regular
State Board of Education meeting - Approved**

Board member Monies motioned to approve the February 27, 2020, State Board of Education regular meeting minutes. Board member Hernandez seconded the motion. The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, abstain; Ms. Williams Bradley, yes; Mr. Flanagan, abstain; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

**Amend the March 16, 2020 State Board of Education order of mandatory
statewide cessation of operations for the public schools of the State of Oklahoma
due to the Coronavirus/Covid-19 Global Pandemic – Approved**

Brad Clark, General Counsel, Legal Services/State Board advised the item is to reconsider and amend the State Board of Education’s March 16, 2020 Order that mandatorily ordered the cessation of operations in the public schools. The recommended order modification was read by Mr. Clark (attachment).

Board members commended OSDE leadership, asked questions and discussed Governor's Executive Order: Safer at Home; United States Department of Education (USDE) Secretary DeVoss concern/instruction, Individual Education Plan (IEP) amendments and school district determinations, USDE guidance on IDEA assurances/compliance, district/constituent concerns/responses; OSDE support/leadership, distance learning equity gaps, capabilities and access, community support, OETA-Polly Anderson, Executive Director and PBS participation, assistance and programming; flexibility for high school grads; acknowledge virtual/charter schools capability; graduation ceremonies creativity; Department of Human Services (DHS) student safety at school, school counselor assistance, OSDE continued superintendent advisory virtual conference meetings; school closure date, curriculum needs, personnel support, NO early closure options, and district calendar flexibility and continuations; Secretary of State and State Secretary of Education digital connectivity vendor resources/options, tools; district needs surveys Friday, March 26 deadline; consequences of COVID-19 and additional supports; Project Echo Tele-Ed program and Telemedicine OU and OSU medical partners, health care parents and providers concerns/plans; graduation ceremony flexibilities, higher education transitions; school submission of assurances.

State Board of Education members thanked and appreciated constituents reaching out statewide, voicing concerns and hearing their understanding, optimism and support.

Board member Williams Bradley moved to approve the recommended order for school closure for the remainder of the school year. Board member Bobek seconded the motion. The motion carried with the following votes: Ms. Hernandez, yes; Mr. Bollenbach, yes; Ms. Williams Bradley, yes; Mr. Flanagan, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

LEGAL SERVICES/STATE BOARD OF EDUCATION OFFICE

Deregulation applications, statutory waivers, and exemptions for the 2019-2020 school year

Mr. Clark advised the authority in the Constitution of the State of Oklahoma and Oklahoma Statutes authorizes the granting of waivers and deregulation by the State Board of Education (SBE) as set forth on Agenda item 3. (a) (1) through (18). Waiver request recommendations were provided as follows:

School Calendar – Less than a Full Term 70 O.S. § 1-109 –Approved

Statute requires the school session and classroom instruction be offered 180 days or 1080 hours. Requirement may be waived if conditions beyond the control of local authority warrant the waiver. Recommend granting the waiver per current circumstances previously discussed.

Board member Monies moved to approve the waiver request for the school calendar. Board member Flanagan seconded the motion. The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan, yes. Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

Flexibility on Use of Textbook Funds - 70 O.S. § 16-114a – Approved

Statute require school districts to apply for waiver flexibility authorization to use of state appropriated textbook funding. Local school boards may expend allocations related to support and maintenance of the school district. Recommend granting uniform flexibility in use of textbook funds for support but not for maintenance of school district facilities.

Board members Monies moved to approve flexibility on use of textbook funds waiver. Board member Williams Bradley seconded the motion. The motion pass with the following votes: Ms. Hernandez; yes; Mr. Bollenbach, yes; Ms. Williams Bradley, yes; Mr. Flanagan, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

Reading Sufficiency Act – 70 O.S. § 1210.508C – Tabled

Recommended tabling the item due to school districts receiving appropriate guidance with reading teams and on flexibilities to use funds.

Reading Assessment for Driver License or Permit – 70 O.S. §1210.515 – Tabled (provided in the Emergency Rule)

Recommended tabling waiver pursuant the enrollment and reading assessment statute requirements, Department of Public Safety rules, and pending SBE emergency rule exemptions.

Audit acknowledgement – 70 O.S. § 22-111-Approved

Oklahoma law require an annual audit of school districts by local school boards and submission of the OSDE Audit Acknowledgment form for funds in excess of \$750,000 prior to March 31 and April 30 if less than \$750,000. Recommending to waive required audit acknowledgement forms and proceed with the submitting audits.

Board member Hernandez moved to approve the audit acknowledge waiver request. Board member Monies seconded the motion. The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan, yes. Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

Instructional day of six (6) hours – 70 O.S. § 1-111-Approved

Statute requires the school instructional day consist of not less than 6 hours devoted to school activities. Waiver recommended to provide flexibility to school districts.

Board member Monies moved to approve waiver request flexibility of 6 hour instruction day. Board member Hernandez seconded the motion. The motion carried with the following votes: Ms. Hernandez; yes; Mr. Bollenbach, yes; Ms. Williams Bradley, yes; Mr. Flanagan, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

**FY2019 General Fund Balance Penalty and Waiver Requests -
70 O.S. §§ 1-117(G) and 18.200.1(G)-Approved**

Statutes provide school districts allowances of the operational fund accounts that general fund balances cannot exceed two (2) consecutive years in which a penalty(s) is imposed by April 1. Approximately, 19 school districts exceeded general fund allowable amounts, and submitted required waiver appeals to the OSDE prior to the September 1 deadline. Recommendation to grant waiver requests to the 19 school districts.

Board member Bobek moved to approve the waiver request for General Fund Balance Penalty. Board member Monies seconded the motion. The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan, yes. Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

**School board member continuing education
70 O.S. § 5-110 - Tabled**

Recommended tabling the item due to school districts receiving appropriate guidance.

**Cooperative Agreements for Alternative Education Programs –
70 O.S. § 1210.568-Approved**

Statute require school districts serving less than 10 students for alternative education to enter into a cooperative agreement with another school district. As previously presented, CDC guidelines deem it appropriate to waive the requirement.

Board member Monies moved to approve the cooperative agreement for alternative education programs waiver request. Board member Williams Bradley seconded the motion. The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan, yes; Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

Library Media Services – OAC 210:35-5-71 and 210:35-9-71-Approved

Administrative rule requirements consist of library media staffing per student. Waiver recommended to provide flexibility to school districts.

Board member Monies moved to approve the Library Media services waiver request. Board member Flanagan seconded the motion. The motion carried with the following votes: Ms. Hernandez, yes; Mr. Bollenbach, yes; Ms. Williams Bradley, yes; Mr. Flanagan, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

Teacher Leader Effectiveness – 70 O.S. § 6-101.10 et seq. - Approved

Statute require local school boards adopt Teacher Leader Effectiveness (TLE) policy and conduct annual evaluation review of professional staff. Waiver recommended to provide school districts flexibility to move to distance learning to continually serving students.

Board member Monies moved to approve the TLE waiver request. Board member Hernandez seconded the motion. The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan, yes. Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

Cardiopulmonary Resuscitation (CPR) - 70 O.S. § 1210.199 - Approved

Statue relates to graduation requirements for students offered cardiopulmonary resuscitation (CPR) and course completion prior to graduation. Recommend deregulation of CPR requirements and provide school districts waiver flexibility moving into distance learning for students.

Board member Monies moved to approve the CPR deregulation waiver request. Board member Williams Bradley seconded the motion. The motion carried with the following votes: Ms. Hernandez, yes; Mr. Bollenbach, yes; Ms. Williams Bradley, yes; Mr. Flanagan, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

Physical education 70 O.S. §11-103.9-Approved

Statue relates to graduation requirements for students offered physical education and course completion prior to graduation. Waiver recommended to provide school districts flexibility move to distance learning to continue serving students.

Board member Monies moved to approve the physical education waiver request. Board member Bobek seconded the motion. The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan, yes. Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

**Abbreviated School Day (Alternative Education) –
OAC 210:35-29-2 and 210:35-3-46-Approved**

Statute authorizes SBE to define length of school day for alternative education programs at 756 hour minimum. Waiver recommended to provide flexibility to school districts.

Board member Monies moved to approve the Abbreviated School Day waiver request. Board member Williams Bradley seconded the motion. The motion carried with the following votes: Ms. Hernandez, yes; Mr. Bollenbach, yes; Ms. Williams Bradley, yes; Mr. Flanagan, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

**Exceptions to State Board of Education teacher certification
regulations to permit issuance of emergency (provisional)
certificates - 70 O.S. § 6-187-Approved**

Statues authorize the SBE granting emergency certification of the individuals who submitted waiver request and recommend approval. Lori Murphy, Assistant Legal Counsel will further discuss emergency exemption on Agenda item 3. (b)(1) Emergency rule.

Board member Hernandez moved to approve the emergency exception waiver request. Board member Bobek seconded the motion.

The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan, yes. Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

**School district and school site accreditation recommendations
- 70 O.S. §§ 3-104.3 – 3-104.4; OAC 210:35-3-201 - Approved**

Statute authorizes the SBE to issue accreditation to Oklahoma public schools. Recommend pausing on site compliance review visits with the caveat the recommendation includes should situation present itself and becomes necessary the SBE shall reopen, reexamine and modify the recommendation. Regional Accreditation Officers (RAO) will remain in continuous contact and provide support with all school districts.

Board member Monies moved to approve the accreditation waiver recommendations. Board member Bollenbach seconded the motion. The motion carried with the following votes: Ms. Hernandez; yes; Mr. Bollenbach, yes; Ms. Williams Bradley, yes; Mr. Flanagan, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

**Determine the time period in which to calculate certified and legal
average daily attendance (ADA) – 70 O.S. §§10-103.1, 10-104
and 18-107 - Approved**

Statutes specifies the time period in which to calculate the certified and legal Average Daily Attendance (ADA) is the average number of students present in a school district during a school year or as the school year is otherwise specified by the SBE. The attendance situation moved forward, March 12 and March 16, into distance learning which will vary greatly. Suggest for stability purposes recommend resetting the legal and certified time ADA period at March 12 as the ending point for the year.

Board member Monies moved to approve the waiver ADA time period recommendation request. Board member Bobek seconded the motion. The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan, yes. Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

**Determine the time period in which to calculate average
daily membership (ADM) – 70 O.S. § 18-107 - Approved**

Similarly to the ADA, statutes specifies the time period in which to calculate the Average Daily Membership (ADM) is the number students present in a school district during a school year or as the school year is otherwise specified by the SBE. Statues allow provisions for school districts to remove students from roster or enrollment. Suggest for stability purposes recommend resetting the ADM period through March 12 as the ending point for the year. The recommendation does not affect or impact public school funding.

Board member Monies moved to approve the ADM recommendation. Board member Williams Bradley seconded the motion. The motion carried with the following votes: Ms. Hernandez; yes; Mr. Bollenbach, yes; Ms. Williams Bradley, yes; Mr. Flanagan, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

Emergency Rules Adoption - Approved

Lori Murphy, Assistant General Counsel presented a request to adopt the following emergency rules:

- (1) Title 210. State Department of Education
Chapter 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-23. Emergency exemptions from assessments required by the Oklahoma School Testing Program [AMENDED]
- (2) Title 210. State Department of Education
Chapter 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-25. Determination of the chronic absenteeism indicator [NEW]
- (3) Title 210. State Department of Education
Chapter 20. Staff
Subchapter 9. Professional Standards: Teacher Education and Certification
210:20-9-94. Period of validity of certificates [AMENDED]

Board member Hernandez moved to approve the emergency rule requests. Board member Monies seconded the motion. The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan, yes. Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

Permanent Rules Adoption - Approved

Lori Murphy, Assistant General Counsel presented a request to adopt the following permanent rules:

- (1) Title 210. State Department of Education
Chapter 10. School Administration and Instructional Services
Subchapter 1. General Provisions
210:10-1-16. Oklahoma Academic Scholar Recognition [AMENDED]
- (2) Title 210. State Department of Education
Chapter 15. Curriculum and Instruction
Subchapter 13. Special Education
210:15-13-9. Guidelines for minimizing seclusion and restraint of students [NEW]
- (3) Title 210. State Department of Education
Chapter 15. Curriculum and Instruction
Subchapter 27. Reading Sufficiency Act
210:15-27-1. Reading Sufficiency Plans and Summer Academy Reading [AMENDED]
210:15-27-2. Good cause exemptions for promotion under the

Reading Sufficiency Act [AMENDED]
210:15-27-3. Standards for mid-year promotion under the
Reading Sufficiency Act [AMENDED]
210:15-27-4. Program of reading instruction [AMENDED]

- (4) Title 210. State Department of Education
Chapter 40. Grants and Programs-In-Aid
Subchapter 87. Charter Schools
210:40-87-7. Charter school contracts [AMENDED]

Board member Hernandez moved to approve the permanent rule requests. Board member Bollenbach seconded the motion. The motion carried with the following votes: Ms. Hernandez, yes; Mr. Bollenbach, yes; Ms. Williams Bradley, yes; Mr. Flanagan, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

Mr. Clark made clear that the approved amended SBE order of mandatory statewide cessation of operations for the public schools will be monitored, updated accordingly and amended if needed. School districts should comply in adherence to the Center for Disease Control (CDC) guidelines, which may change, and recommend the safety of students, staff and community be the number one priority.

ADJOURNMENT

Board member Monies moved to adjourn the meeting at 11:37 a.m. Board member Bobek seconded the motion. Board members unanimously agreed. Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan, yes. Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

The next regular meeting of the State Board of Education will be held on Thursday, April 23, 2020, at 9:30 a.m. The meeting will convene at the State Department of Education-State Board Room, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma.

Joy Hofmeister, Chairperson of the Board

Terrie Cheadle, Chief Executive Secretary