

**Minutes of the Regular Meeting of the**

**STATE BOARD OF EDUCATION  
2500 NORTH LINCOLN BOULEVARD  
STATE BOARD ROOM, SUITE 1-20  
OKLAHOMA CITY, OKLAHOMA**

**January 26, 2017**

The State Board of Education met in regular session at 9:35 a.m. on Thursday, January 26, 2017, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:00 a.m. on Wednesday, January 25, 2017.

The following were present:

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

Members of the State Board of Education present:

State Superintendent Joy Hofmeister, Chairperson of the Board  
MG (R) Lee Baxter, Lawton  
Mr. Daniel Keating, Tulsa  
Mr. William "Bill" Flanagan, Claremore  
Ms. Cathryn Franks, Roosevelt  
Mr. William "Bill" Price, Oklahoma City  
Mr. Robert J. Ross, Oklahoma City

Others in attendance are shown as an attachment.

**CALL TO ORDER  
AND  
ROLL CALL**

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

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

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

**STATE SUPERINTENDENT**

**Information from the State Superintendent**

Superintendent Hofmeister gave updates on the State Department of Education \$2 million 3-year grant award from the JP Morgan Chase \$75 million initiative “New Skills for Youth Grant.” This year high school juniors have the option to take the ACT or SAT career and college readiness tool at no charge. Amanda Raupe, a first grade teacher Hilldale Elementary School, Putnam City School District, received a National Milken Education Award. The 2017 Student Advisory Council met at the Capitol to discuss several topics.

**Recognition of Department Employee  
for the Month of January**

Superintendent Hofmeister introduced Mr. Adam Theil, Printing Services Coordinator, Purchasing Division, as the employee for the month January.

**Employee Service Recognitions**

Superintendent Hofmeister recognized State Department of Education employees JoAnn Eike, Service Coordinator-Sooner Start, 25 years; Renee Zinck, Resource Coordinator-Sooner Start, 25 years; and Donna Mattox, School Program Coordinator, Child Nutrition, 35 years of service to the state of Oklahoma.

**Oklahoma 2016 National Blue Ribbon Schools**

Booker T. Washington High School, Tulsa Public Schools; L. Mendel Rivers Elementary Schools, Altus Public Schools; Northwood Elementary School, Piedmont Public Schools; and Sadler Arts Academy, Muskogee Public Schools received national recognition for their student achievement excellence.

**2016 Terrel H. Bell Award for Outstanding School Leadership**

Ms. Robbie Holder received the Terrel H. Bell Award that recognizes outstanding school principals and their role guiding students and schools to excellence. Ms. Holder is the Principal at L. Mendel Rivers Elementary School, Altus Public Schools.

## **First-Year Superintendents**

First-year superintendents attending the meeting were Brent Meeks, Agra Public Schools; Jerime Parker, Amber-Pocasset Public Schools; Barbara Regier, Deer Creek-Lamont Public Schools.

### **BOARD ADMINISTRATIVE**

#### **December 15, 2016 Regular Meeting Minutes of the State Board of Education Approved**

Board member Price moved to approve the minutes of the December 15, 2016, regular meeting. Board member Keating seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Keating, yes; Mr. Ross, yes; Mr. Flanagan, yes; Ms. Franks, abstain; General Baxter, abstain; and Superintendent Hofmeister, yes.

#### **Presentation of “ELEVATE”**

Phil Bacharach, Senior Policy Advisor highlighted Norman Public Schools initiative that improves self-discipline and focus skills through the Bal-A-Vis-X program; and the Bethel Public Schools now offering the High School Stem Club program as a year round elective. The SDE “ShapeED My Life” social media programming is now featured on the Discover Oklahoma program, Tulsa TV news stations and radio outlets.

### **PUBLIC COMMENT**

Signed up to address the Academy of Seminole charter school sponsorship appeal included Linda Goeller, Daniel Wyatt, Stephanie Taylor, Jack Mattingly, Academy of Seminole; Brent Bushey, Oklahoma Public School Resource Center; Chuck Mills, Mills Machine Company; and Marilynn Rainwater, Seminole resident.

### **CONSENT DOCKET Approved**

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2016-2017 school year and other requests:

- (a) Request approval on exceptions to State Board of Education teacher certification regulations to permit issuance of emergency (provisional) certificates – **70 O. S. § 6-187**
- (b) Request approval for St. John’s Lutheran School, an accredited private school, to participate in the Lindsey Nicole Henry Scholarships for Students with Disabilities program - **70 O. S. 13-101.2**

Board member Ross moved to approve the Consent Docket. Board member Franks seconded the motion. The motion carried with the following votes: General Baxter, yes; Ms. Franks, yes; Mr. Flanagan, yes; Mr. Ross, yes; Mr. Keating, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

## **STATE BOARD OF EDUCATION OFFICE**

### **Adopt policies and practices consistent with principles and standards for charter school sponsorship 70 O.S. § 3-134 - Approved**

Brad Clark, General Counsel, State Board of Education advised it is clearly delineated that the agenda item is not tied to other items for the SBEs consideration and discussion today. Mr. Clark said the 2015 Oklahoma Charter School Act was amended requiring charter school sponsors adopt policies and procedures that are consistent with principles and standards recognized by the SBE. The State Board of Education recognizes and declares by Resolution three (3) principals and five (5) high standards.

The charter school sponsors who collaborated and crafted the policies and practices included Tulsa Public Schools, Mark Motorson, Sam Duell, Oklahoma Public School Resource Center, Oklahoma City Public Schools, and Dr. Becky Wilkerson, Executive Director, Oklahoma Statewide Virtual Charter School Board.

Board member Baxter moved to adopt the charter school sponsorship policies and practices. Board member Franks seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Keating, yes; Mr. Ross, yes; Mr. Flanagan, yes; Ms. Franks, yes; General Baxter, yes: and Superintendent Hofmeister, yes.

### **Accept or deny the appeal for charter school sponsorship submitted by the Academy of Seminole 70 O. S. § 3-132(8), 70 O. S. § 3-134 and OAC 210:40-87-8 - Approved**

Board member Baxter asked for Point of Order for instruction on the order of presentations and discussion.

General Counsel Clark said presentation order was at the pleasure of the SBE. Superintendent Hofmeister called for the presentation by Academy of Seminole followed by discussion.

Lee Denney, Advanced Rural Education board member and former State Representative from Cushing, Oklahoma, said she worked through the legislature on charter schools and importance for school choice in Oklahoma. Ms. Denney thanked SBE for hearing the appeal and considerations. Ms. Denney presented the purpose of Advanced Rural Education, and the Academy of Seminole design and purpose.

Bill Hickman, Attorney for Academy of Seminole presented response to the charter school sponsorship application denial by Seminole Public Schools; Oklahoma Charter Schools Act, sponsorship requirements, school organization and governing board membership.

Paul Campbell, Seminole aerospace company CEO addressed existing problems of recruiting employees to Seminole, school district performance and community support.

Board members asked questions and discussed local board member selection process; partnership/sponsorship; and financial expectations with Mr. Hickman.

Alfred Gaches, Superintendent, Seminole Public Schools presented the Seminole Public School District/board evaluations, comparisons, and seven (7) justifications for rejecting the Academy of Seminole charter school sponsorship applications.

Seminole School Board members attending the meeting included Claudia Willis-Clerk, Amie Colclazier-Vice President, Jack Cadenhead-President; and Steve Osborn, Principal, Seminole High School.

Board members asked questions and discussed bond failures, school buildings, ACT comparison, resident support, transfer options and curriculum.

Laura Holmes, Center for Education Law and Attorney for Seminole School District said the three factors the SBE were to consider did not include whether Seminole had a new high school.

General Counsel Clark advised board members and Attorney Holmes that questions were admissible regarding information not contained in materials prepared by counsel/school district.

Jack Cadenhead, Seminole School Board, President responded to questions regarding hiring/qualifications of interim superintendent and condition of current high school.

Attorney Hickman concluded with the bond election voting results, school research models and comparisons.

(Mr. Ross stepped out at 12:09 p.m. and returned at 12:12 p.m.)

Board member Flanagan requested Attorney Holmes re-enter the three (3) issues presented to the SBE today; and respond to school comparisons and low performances (ACT).

Board member Ross moved to accept the appeal for charter school sponsorship submitted by the Academy of Seminole. Board member Price seconded the motion. The motion carried with the following votes: General Baxter, yes; Ms. Franks, yes; Mr. Flanagan, yes; Mr. Ross, yes; Mr. Keating, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

(Superintendent Hofmeister recessed at 12:22 p.m. and returned at 12:50 p.m.)

**Affirm, reverse or remand the Appeal of Termination  
of charter contract of Able Charter School**

**70 O. S. § 3-145.3 and OAC 777:10-3-3(f) - Affirmed**

Joy Hofmeister, State Superintendent of Public Instruction, Board Chair of the Oklahoma State Board of Education (SBE) and Presiding Officer for the Hearing commenced the Individual Proceeding for case number 2016-42 at 12:50 p.m., January 26, 2017 to affirm, reverse or remind the Appeal of Termination of the ABLE Charter School charter contract.

Superintendent Hofmeister said SBE members Bill Flanagan, Bob Ross, Dan Keating, Bill Price, General Lee Baxter and Cathryn Franks affirmed a quorum of the SBE; and that the SBE had jurisdiction to hear the case.

All SBE members answered in the negative to any reasons they were unable to provide a fair and impartial hearing.

David Kinney, General Counsel, State Department of Education acted as temporary advisor to the SBE.

Michael Furlong, Attorney, represented the Appellant ABLE Charter Schools and introduced Dr. Ken Kuczynski, Superintendent, ABLE Charter School and Tina Barker, Finance Administrator, ABLE Charter School, appearing today.

Marie Schuble, Assistant Attorney General, represented the Appellee Statewide Virtual Charter School Board and introduced Dr. Rebecca Wilkinson, Executive Director, Statewide Virtual Charter School Board appearing today.

Superintendent Hofmeister explained the procedure for conducting the Hearing, Chair supervision; administrative rules/objections/motions; Board deliberations/decision; and official record of the hearing.

The Appellee Statewide Virtual Charter School Board filed a pending Motion in Limine. The Appellant ABLE Charter School filed its Objection. Superintendent Hofmeister ruled to grant the Appellee's Motion in Limine; this is an appeal of an individual proceeding pursuant to 75 Oklahoma Statutes Section 321; the Appellee's proposed rulemaking had no bearing or authority on the appeal until rules are permanent; and Appellee declared the Appellant's current school year challenges versus first year were not introduced as evidence at trial hearing dates on September 13 and October 6, 2016.

There being no other matters and motions pending in the case, Superintendent Hofmeister instructed time allowances for both sides for presentations; and board member questions and answers.

Michael Furlong, Attorney, ABLE Charter Schools presented the Appeal of the decision of the Statewide Virtual Charter School Board to terminate ABLE Charter School contract. Attorney Furlong reviewed three appeal issues that included termination of procedural characterization, violations of Oklahoma Administrative Procedures Act, and adverse findings of fact violations.

Board members asked questions and discussed termination process and timeline.

Marie Schuble, Assistant Attorney General, representing SVCSB made a request to affirm the Order to Terminate the ABLE Charter School sponsorship contract. Pursuant Title 70 § 3-145.3, the SVCSB has sole oversight authority for Oklahoma virtual charter schools; and authority to terminate sponsorship contracts per the Oklahoma Charter School Act, Administrative Rules, and contract terms. Ms. Schuble presented the evidence provided in the Certified Record of the SVCSB Hearing supporting the findings of fact and Conclusions of Law issued.

Superintendent Hofmeister upheld an objection regarding evidence not in the record.

Board members asked questions and discussed contract and law differentiations, required compliances, school year audit, officer/board notifications, charter sponsor responsibilities, application violation, Open Meetings Act violations, annual review/report, finance inconsistency, state accounting system violations; student enrollment, school budget, and funding penalties.

General Counsel Kinney advised if further finance considerations were needed the SBE had the option to send back to SVCSB. Therefore, SBEs option today is how the decision by SVCSB can be upheld, overturned or reminded back; and limited to the Certified Record.

Attorney Furlong concluded there were no Oklahoma Cost Accounting System (OCAS) violations in the findings of fact and conclusions of law. Testimony by Dr. Wilkinson explained the issue with quarterly reporting. Other testimonies made no findings of fact adverse to ABLE Charter School regarding OCAS compliance; meeting request responses; intervention responses; Open Meetings Act compliance; board change notification evidence, contract termination and statute/regulation.

General Counsel Kinney advised the SBE must find by clear and convincing evidence the SVCSB findings of fact and conclusions of law are correct.

Superintendent Hofmeister said that the SVCSB rule authorizes if they sponsor ABLE Charter School again, and today they are stating to terminate sponsorship.

Attorney Furlong, responding to SBE questions regarding the school treasurer serving as the encumbrance clerk, said the SVCSB decided there were no findings of fact or conclusion of law adverse to ABLE Charter School.

Board member Ross moved to affirm the Appeal of Termination of the charter sponsorship contract of ABLE Charter School.

Board member Ross amended the motion and moved it has been found by clear and convincing evidence that the finds of Fact and Conclusions of Law of the Oklahoma Statewide Virtual Charter School Board in this matter are true and the Final Order to terminate the contract between the Board and the ABLE Charter School should be upheld.

Board member Franks seconded the motion.

Board member Flanagan requested time to review ABLE Charter School financial exhibits and the critical issues involved in the previous (Academy of Seminole) case needed to be better understood as of right now.

Board member Price said he was inclined to vote “aye” because the SVCSB will not renew the contract there is no reason to continue. ABLE Charter School seemed to be disorganized, did not properly plan for a charter school, and technical violations. Financial issues came after the technical violations and could not discuss today.

General Counsel Kinney said the Appeal was based on what was presented at that time to the SVCSB.

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

**(Board member Keating left at 2:10 p.m.)**

## FINANCIAL SERVICES

### **OCAS late penalty for noncompliant school districts not meeting the September 1 submission deadline - Approved**

Nancy Hughes, Executive Director, Financial Accounting/OCAS presented penalty waiver request for 27 school districts that failed to meet the OCAS revenue and expenditures submission deadline September 1. School Districts include Allen-Bowden, Belfonte, Crescent, Drummond, Fort Towson, Glover, Goodwell, Grandview, Haworth, Henryetta, Hugo/Grant, Peavine, Peckham, Pleasant Grove, South Rock Creek, Stonewall, Terral, Texhoma, Tulsa School of Arts and Science, Tuskahoma, Wanette, Westville, White Rock, Whitesboro, Wynona and Balko.

School District's with first-year penalties were Allen-Bowden, Balko, Belfonte, Crescent, Drummond, Freedom, Glover, Goodwell, Grandview, Haworth, Hugo/Grant, Peckham, Pleasant Grove, Stonewall, Texhoma, Tulsa School of Arts and Science, Tuskahoma, Wanette, Westville, Whitesboro and Wynona.

Board members asked questions and discussed OCAS deadlines, compliancy and penalty affects.

Board member Franks moved to waive penalties for schools in first year of noncompliance and other penalties upheld. Board member Ross seconded the motion.

Board members discussed inclusion of South Rock Creek and White Rock Schools.

Board member Price amended the motion to waive penalties for schools in first year of noncompliance to include South Rock Creek and White Rock. Board member Ross amended second. The motion carried with the following votes: General Baxter, yes; Ms. Franks, yes; Mr. Flanagan, yes; Mr. Ross, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

**(Superintendent Hofmeister recessed at 2:21 p.m. and returned at 2:40 p.m.)  
(Board member Franks left at 2:21 p.m.)**

## LEGAL SERVICES

### **Amended Rules Adoption Approved**

Lori Murphy, Assistant General Counsel, Legal Services, presented a request to adopt the following rule amendments:

- (1) **210:1-5-6.** Suspension and/or revocation of certificates  
**[AMENDED]**
- (2) **210:20-9-98.** Administrative requirements of teacher certification **[AMENDED]**
- (3) **210:20-9-110.** Alternative placement teaching certificate  
**[AMENDED]**
- (4) **210:30-5-8.** School bus driver certification **[AMENDED]**



Board member Ross moved to approve the amended rules 1 through 4. Board member Flanagan seconded the motion. The motion carried with the following votes: General Baxter, yes; Mr. Flanagan, yes; Mr. Ross, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

### **STATE BOARD OF EDUCATION OFFICE**

**Resolve into Executive Session pursuant to 25 O. S. §§ 307 (B) (7) and (8) for the purpose of discussing possible action to issue emergency orders summarily suspending the teacher certificate and certificate number of Janice Anderson - Approved**

**Resolve into Executive Session pursuant to 25 O. S. §§ 307 (B) (7) and (8) for the purpose of discussing possible action to accept the Hearing Officer's recommended proposed Orders to revoke the teaching certificates of Jeffery Riles, Derek Holland and Thomas Marsey pursuant OAC 210:1-5-6; 75 O. S. § 314, and Oklahoma Statutes 70 O. S. § 3-104 - Approved**

Board member Price moved to convene into Executive Session at 2:49 p.m. Board member Ross seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Ross, yes; Mr. Flanagan, yes; General Baxter, yes; and Superintendent Hofmeister, yes.

Brad Clark, General Counsel, State Board of Education remained in the Executive Session.

### **Return to Open Session**

Board member Flanagan moved to return to Open Session at 2:51 p.m. Board member Ross seconded the motion. The motion carried with the following votes: General Baxter, yes; Mr. Flanagan, yes; Mr. Ross, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

Superintendent Hofmeister said no decisions were made on the matters discussed in the Executive Session.

Board member Ross moved to issue emergency orders summarily suspending the teacher certificate and certificate number of **Janice Anderson** pending individual proceedings for revocation. Board member Price seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Ross, yes; Mr. Flanagan, yes; General Baxter, yes and Superintendent Hofmeister, yes.

Board member Ross moved to accept the Hearing Officer recommended proposed orders to revoke the teaching certificates of **Jeffery Riles, Derek Holland and Thomas Marsey**.

Board member Price seconded the motion. The motion carried with the following votes: General Baxter, yes; Mr. Flanagan, yes; Mr. Ross, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

## **ADJOURNMENT**

Board member Price moved to adjourn the meeting at 2:54 p.m. Board member Flanagan seconded the motion. Board members unanimously agreed.

The next regular meeting of the State Board of Education will be held on Thursday, February 23, 2017, 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.

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Joy Hofmeister, Chairperson of the Board

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Terrie Cheadle, Chief Executive Secretary