

**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 24, 2019

The State Board of Education met in regular session at 9:34 a.m. on Thursday, January 24, 2019, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:20 a.m. on Wednesday, January 23, 2019.

The following were present:

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

Members of the State Board of Education present:

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

Members of the State Board of Education not present:

Ms. Cathryn Franks, Roosevelt

Others in attendance are shown as an attachment.

**CALL TO ORDER
AND
ROLL CALL**

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

**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

Recognition of Department Employee for the month of January

Superintendent Hofmeister recognized Michael Tamborski, Executive Director Data Quality & Research as employee for the month January.

**Recognition of Hailey Couch, Norman Public School District, winner
of Oklahoma's 2018 Milken Family Foundation Educator Award**

Superintendent Hofmeister recognized Hailey Couch on receiving the Milken Foundation Educator Award for 2018 and presented the Milken Obelisk trophy. Ms. Couch teaches kindergarten at Madison Elementary, Norman Public School District. In March 2019, she will attend the Milken Educator Forum in New Orleans to work with other state and federal officials on advancing educator effectiveness. Dr. Nick Migliorino, Superintendent and Dominic Barone, Principal accompanied Ms. Couch to the meeting.

Recognition of Donna Gradel, 2018 Teacher of the Year (TOY)

Superintendent Hofmeister announced Donna Gradel was selected as one of four finalists for the National Teacher of the Year award. Ms. Gradel received the news at Broken Arrow High School with Janet Dunlap, Superintendent and Governor Kevin Stitt. During Ms. Gradel's TOY reign her goal has been to visit school districts in all 77 Oklahoma Counties. Interview competitions for the national finalists, Oklahoma, Alaska, District of Columbia and Virginia, will be conducted in Washington, D.C. The winner will be announced at a White House ceremony scheduled for the spring 2019.

Superintendent Hofmeister presented a Proclamation declaring January 24 Donna Gradel Day for Public Education in Oklahoma.

Information from the State Superintendent

Superintendent Hofmeister updated on the Student Success Summit, January 21, 2019 for sharing best practices for student career planning and tools to implement the Individual Career Academic Planning (ICAP) program statewide; and a Trauma Summit continuation, February 18 at The Reed Center, Midwest City.

BOARD ADMINISTRATIVE

December 18, 2018 regular meeting minutes of the State Board of Education - Approved

Board member Price moved to approve the minutes of the December 18, 2018, regular meeting. Board member Ross seconded the motion. The motion carried with the following votes: General Baxter, abstain; Mr. Flanagan, yes; Mr. Ross, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

PUBLIC COMMENT (Item not on the Agenda)

Tiffany Peltier, University of Oklahoma, signed up to address Dyslexia and teacher knowledge survey of certified Oklahoma Teachers, PreK-6.

PUBLIC COMMENT

Individuals signed up to address the Langston Hughes Academy of Arts & Technology accreditation status included Raymond Cavely, parent and Judy Eason McIntyre (former Oklahoma Legislator) Tulsa resident.

CONSENT DOCKET - Approved

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2018-2019 school year and other requests:

- (e) Request approval on exceptions to State Board of Education Teacher certification regulations to permit issuance of emergency (provisional) certificates – **70 O. S. § 6-187**
- (f) Request approval of waiver requiring Grades 4-5 Computer Based Testing for Beaver Public School District and Watts Public School District – **70 O.S. § 1210.57**

Board member Ross moved to approve the Consent Docket. 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.

LEGAL SERVICES

Amended Rules Adoption Approved

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

- (1) Title 210. State Department of Education
Chapter 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-4. Test Security and validity [AMENDED]
- (2) Title 210. State Department of Education
Chapter 15. Curriculum and Instruction
Subchapter 13. Special Education
210:15-13-7. Lindsey Nicole Henry Scholarship for Students with Disabilities Program [AMENDED]
- (3) Title 210. State Department of Education
Chapter 20. Staff
Subchapter 9. Professional Standards: Teacher Education and Certification
Part 9. Teacher Certification
210:20-9-102. Paraprofessional credentials and career development program for paraprofessionals [AMENDED]
- (4) **210:20-9-9. Kinds, types, classes, and processing fees of certificates [AMENDED]**

210:20-9-91. Application for new certificates [AMENDED]

210:35-29-8. Requirements for alternative education programs [AMENDED]

Board member Ross moved to adopt the amended rules request. 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.

STATE BOARD OF EDUCATION OFFICE

Non-Accredit Langston Hughes Academy for Arts & Technology, Tulsa, Oklahoma - Approved

Brad Clark, General Counsel, State Board of Education, presented a recommendation requesting the non-accreditation of Langston Hughes Academy (LHA) for Arts and Technology to discontinue the disruptive services and lack of services; ongoing non-compliance of Accreditation and Special Education services, new and old; and establish/authorize a transition oversight team. Mr. Clark provided a 2015-2018

timeline overview of the school affairs, State Department of Education (SDE) investigations and findings.

(Board member Ross stepped out at 10:56 am-11:05 am and at 12:16 pm-12:31 pm)

Board members asked questions and discussed SDE investigations/findings, audits, accrediting non-compliances, Charter School Act requirements, non-accrediting options, and closure decisions/timeline.

Board member Ross moved to approve the recommendation request.

Superintendent Hofmeister asked to allow Langston Hughes Academy opportunity to respond to recommendations.

Board member Ross withdrew the motion to approve the request.

Mr. Clark recommended allowing school, representatives and community opportunity to address the SBE; and the option to 1). Withdraw accreditation today effective immediately; or 2) insert an effective date of June 30 but allow transition team to be developed by the State Superintendent and SDE with individuals identified for the process to develop with the June 30 date, however, if something expedites the closure, it could be sooner.

Presentation by Langston Hughes Academy of Arts & Technology

Senator Kevin Matthews addressed the board saying many of the LHA students are in his Senate District 11 in Tulsa. He attended Tulsa Public Schools and is a public school advocate but not one of charter schools. At least not until he learned more about them in the Legislature, and constituent inquiries. Senator Matthews reached out to the Langston University President regarding the disappointing previous LHA leadership/administration and current leadership he respects. He expressed his concerns with the SBE's school closure decision, how trauma affects underserved communities, and that he was not given an opportunity to be aware of the closure. Senator Matthews' requested the stakeholders and state Legislators be provided closure criteria, safety/dangerous notifications and measures taken, resources used for corrective actions vs closure, and be given an opportunity to ensure fairness. He also asked to be a transition team member, and recommended LHA be given an opportunity to address corrections and resolve them. If not, closure and de-certify LHA occur at the end of the year as not to disrupt current senior students.

Board member Price said corrective actions and timelines were introduced at the beginning of the year, and again a second time with a corrective action/timeline. The corrective actions and assurances of the school do not seem to have worked. The way going forward in many charter schools is to have outstanding administrations and systems, for instance KIPP. After the resolution of this issue is to look for a sponsor, a whole new administration such as those with better track records to get a new school started in your district that could be an outstanding school that brings excellence in education to the students. He commended any efforts to raise the standards of education in the community. This is the challenge going forward what can be done on a positive note.

Senator Matthews thanked the SBE and said the significance to him, as an African American, is the fact there was no African American University or school effectively involved. It would help to have community stakeholders involved with decisions of what will or will not happen in real time and to be comfortable they were treated fairly.

Superintendent Hofmeister clarified the SBE/SDE did not speak for the District Attorney nor make statements regarding his intentions or office. As a state agency, under the duty, oversight and regulatory powers, we answer for the schools chosen to accredit, and how they administer and deliver services for special education students. If the improvements and correction action plans are not followed, we as a state, will answer to the Office of Inspector General and United State Department of Education for things the agency allows to continue under its oversight.

William “Bill” Hickman, Attorney for Langston Hughes Academy, said it is hope the SBE decision is based on what is in the best interest of the students. He inquired if, nor did he think, board members had received student or parent complaints regarding the quality of education received at LHA. Recapped that parents and students attended previous SBE meeting; and LHA self-reported the former leadership’s wrongdoing to SDE staff which did not uncover Civil Rights violations, culture/climate, or safety. The LHA staff risked the bullish administration of the school and self-reported the right thing. Mr. Hickman asked the SBE to consider its message that if any school staff would report wrong actions how they may fear their school will be shut down.

Superintendent Hofmeister reiterated the timeline results of self-reporting led to collaboration and a corrective action plan but the plan was not met. In all fairness, categorizing it as a result of self-reporting brought us to the situation we find ourselves today. Instead because of that we have seen prolonged patience from the SBE.

Mr. Hickman said he was referencing the things from the prior administration that continue to be presented to the SBE and public as the basis of the closure.

Board member Baxter disagreed with Mr. Hickman’s point and stated that the basis of the closure was not in question. The SBE had cautiously dealt with LHA’s self-reporting and each time more time was granted as requested. The LHA problems and out-comes would be more useful.

On January 7, Mr. Hickman said LHA received the most recent letter which allowed less than two weeks to prepare/respond. An extension of time was requested to prepare the presentation for today, and an initial preliminary hearing to discuss formally or informally was requested but we were not afforded that opportunity preliminary. It is not understood that if SDE received the Sherriff’s report on December 22 and if there was a safety issue, as depicted in the December 17 memo, why no arrests were made. If true, it is not understood why Tulsa law enforcement notified SDE administration and not LHA.

Mr. Clark said his presentation comments were two fold 1.) Background check was required and the school admitted background check was not conducted. This is a violation of law and no dispute as to it; and 2). The 30 second review on OSCN would have revealed the prior history relating to the individual and would have led a reasonable person to further look into the matter prior to making a hiring decision.

Justin Daniels, Dean of Students (DOS), LHA said he was hired as a teacher in 2015 and became DOS November 1, 2018. Mr. Daniels detailed the three year exasperations of the previous administration, past administrator's reporting failures while continuously being accredited each year; and what led teachers to self-report inaccuracies at the same time in the midst of whistleblower lawsuits. The past administrator controlled every administrative function from the municipal accounting system, scheduling, and transcript recording to name a few. Accreditation was approved yearly but now is given seven months to correct things never seen or touched before by any staff.

Currently, LHA has a DOS and Assistant Principal under the direction of Dr. Adjei. Admittedly, since August mistakes have been made and corrections made as staff is learning the systems. Mr. Daniels reviewed the December 8-January 8 SDE visit, child count system process, issues, corrections, uncovered 3 year transcript backlog and releases; update discipline, student successes were reviewed, and requested a continuance of the school.

Tammy Ethelberth, Director/teacher of Special Education, reported on the 2015-2017 non-compliant student files; SDE Special Education correspondences, on-site assistance, WAVE system reporting failures, corrective action continuance; effects of three year noncompliance, reported allegations; and student assistance programs/services/reporting.

Todd Loftin, Executive Director, Special Education clarified the purpose/procedure of the Results Space Monitoring 2017 letter on LHA's 2016-2017 monitoring data, process, analysis, result levels and current reporting results.

Dr. Libby Adjei, Superintendent, Langston Hughes Academy, thanked the SBE and State Superintendent for the grace period to correct existing three year deficiencies. The allegations and safety concerns were important, made difficult and needed to be addressed however her decisions/convictions were based on her mantra that "Kids come first." Dr. Adjei reported on testing (ACT and SAT) results, concerns/statistics; student data collections/results, career initiatives; SDE site visits and recommendations; and school records and superintendent school safety duties/responsibilities; and sponsorship support efforts.

Board members asked questions and discussed Special Education training/guidance; capacity concerns; and charter school board/leader agreement.

Board member Price motioned to non-accredit Langston Hughes Academy of Arts & Technology June 1, 2019 and to immediately implement all recommendations with non-accreditation.

The motion was amended to non-accredit effective June 30, 2019, implement all recommendations presented, authorize SDE establishment of a transition team, subject to review and change at future SBE meeting

Board member Ross seconded the motion.

In response to Board member Flanagan's questions, Carmen Pettie, Board Chair LHA, confirmed problems regarding the Open Meetings Law were resolved. Board member Flanagan said progress is being made at the same time.

Board members asked questions and discussed recommended transition team leadership, expertise/leadership concerns; establish new charter; and Charter School Act transition team role/duties.

Board member Price motioned to amend the amendment to include designating the State Board of Education Chair-State Superintendent of Public Instruction or appointee to chair the recommended transition team.

Board member Baxter seconded the motion.

Mr. Hickman requested opportunity be given for the LHA Board Chair to rebut the information from the Sheriff's Office referenced in today's discussion. The Chair and LHA were not told they had a certain timeline, and apologized it had taken so long but for the record the opportunity to address those matters was important.

Ms. Pettie clarified the letter from Sheriff Vic Regalado, Tulsa County and their discussion regarding notification from the SRO Officer who was not contracted by LHA. The officer periodically worked with the LHA security staff and at times on request. Ms. Pettie addressed disgruntled employees issues, prior administration's use of student labor/work study, RAO corrections, student contraband; continued allegations; challenges and capacity building.

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

Resolve into Executive Session

pursuant to 25 O. S. §§ 307 (B) (4) to discuss pending litigation, *Midwest City-Del City Independent School District #52, et al., and Western Heights Independent School District #I-1 v. Oklahoma State Department of Education, Joy Hofmeister, State Superintendent of Public Instruction; and Oklahoma State Board of Education*, in the District Court of Oklahoma County, CV-2016-1965 and CJ-2016-4826

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Board member Ross moved to convene into Executive Session at 1:17 p.m. 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.

Brad Clark, General Counsel, Lori Murphy, Assistant General Counsel and Mithun Mansanghan, Solicitor General, Oklahoma Office of the Attorney General Office remained in the Executive Session.

Return to Open Session

Board member Flanagan moved to return to Open Session at 2:08 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.

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

ADJOURNMENT

Board member Baxter moved to adjourn the meeting at 2:10 p.m. Board member Ross seconded the motion. Board members unanimously agreed.

The next regular meeting of the State Board of Education will be held on Tuesday, February 28, 2019, 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