

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

November 27, 2018

The State Board of Education met in regular session at 9:32 a.m. on Tuesday, November 27, 2018, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:15 a.m. on Monday, November 26, 2018.

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
Mr. William "Bill" Flanagan, Claremore
Ms. Cathryn Franks, Roosevelt
Mr. William "Bill" Price, Oklahoma City
Mr. Robert J. Ross, Oklahoma City

Members of the State Board of Education not present:

MG (R) Lee Baxter, Lawton
Mr. Daniel Keating, Tulsa

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 9:32 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 said it was with a heavy heart to bring sad news of Board member Dan Keating passing on Saturday, November 24 in Tulsa at age 74. Mr. Keating replaced her on the State Board of Education in 2013 representing District 1. His continued service to name a few included Oklahoma Wesleyan University Foundation Board of Directors; President George W. Bush 2002 appointee to the Board of Advisors on Tribal Colleges and Universities; United States Marine Corps; Vice Chair of Summit Consolidated Group; Chair of the Oklahoma Historical Society Board; Oklahoma State Chamber Board of Directors; and Salvation Army Board.

Dan is survived by his wife Kathy; sons Mathew and Bryan; brothers Martin and his twin former Governor Frank Keating

Board members shared their thoughts, memories of his service and dedication, and condolences on the loss of a friend and colleague.

BOARD ADMINISTRATIVE

**October 25 2018 regular meeting minutes
of the State Board of Education - Approved**

Board member Ross moved to approve the minutes of the October 25, 2018, regular meeting. Board member Franks seconded the motion. The motion carried with the following votes: Ms. Franks, yes; Mr. Flanagan, yes; Mr. Ross, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

First-Year Superintendents

Superintendent Hofmeister introduced first-year superintendent Erik Puckett, Hilldale Public Schools on attending the meeting.

PUBLIC COMMENT

Individuals signed up to address the Langston Hughes Academy of Arts & Technology accreditation status included Tammy Ethelberth, Adilene Pew, Raymond Cavely and Diana Cavely who were academy staff, students, and parents/community.

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:

- (a) **Abbreviated School Day – OAC 210:35-29-2 and 210:35-3-46**
Bridge Creek Public Schools, Grady County

3 Year Request
Blanchard Public Schools, McClain County
- (b) **Cooperative Agreements for Alternative Education Programs – 70 O.S. § 1210.568**
Central Public Schools, Stephens County
- (c) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**
Lookeba-Sickels Public Schools, Caddo County
Fox Public Schools, Carter County
Swink Public Schools, Choctaw County
Weatherford Public Schools, Custer County
Shidler Public Schools, Osage County
Asher Public Schools, Pottawatomie County
Earlsboro Public Schools, Pottawatomie County
Wewoka Public Schools, Seminole County

3 Year Request
Stringtown Public Schools, Atoka County
Arkoma Public Schools, LeFlore County
Cameron Public Schools, LeFlore County
Hardesty Public Schools, Texas County
- (d) **Library Media Specialist Certificate Exemption – 70 O.S. § 3-126**
Mid-Del Public Schools, Oklahoma County
**(Del City ES, Pleasant Hill ES, Del City HS,
Carl Albert HS, Midwest City HS)**
Leedey Public Schools, Roger Mills County
Konawa Public Schools, Seminole County

3 Year Request

Guthrie Public Schools, Logan County
(Guthrie Upper Elementary)

- (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) Edmond Public Schools Textbook waiver request – **70 O.S. § 16-114a**

Board member Ross moved to approve the Consent Docket. Board member Price seconded the motion.

Board member Flanagan questioned the purpose of item 6 (f) Edmond Public Schools Textbook waiver request was an available option.

Matt Holder, Deputy Superintendent, Finance and Federal Programs clarified the purpose of the waiver is for all school districts that have passed bonds to purchase text books in previous years, and have adequate funding. It allows for using general fund monies as they see fit.

Board member Franks appreciated the detailed, clearly written request that described what is being done.

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

ACCREDITATION STANDARDS DIVISION

Accreditation status of Langston Hughes Academy for Arts & Technology, Tulsa, Oklahoma - Tabled

Jason Pittenger, Executive Director, Accreditation Standards, presented a recommendation to move Langston Hughes Academy for Arts and Technology (LHA) from accreditation with probation status to a non-accredited status based on non-compliance of State law, administrative rules, and accreditation standards, including but not limited to conditions of probationary status, corrective actions received from OSDE investigation reports dated 6/18/18, and non-compliance with academic, operational, and governance requirements.

Todd Loftin, Executive Director, Special Education provided information on a special education compliance report dated 6/28/18, as well as, special education compliance monitoring processes, corrective actions required but not completed; federal law and guidance, requirements and reporting; and professional development training offered to LHA.

Board members asked questions and discussed accrediting non-compliances and State Board role and discretions.

Dr. Kent Smith, President, Langston University and charter school sponsoring authority, said he did not have a specific recommendation but as a former middle and high school teacher, former school board member he did not take the situation very lightly. Langston University wholeheartedly made numerous attempts to work with the LHA. There is no doubt the academy has affected young people and some in a very positive way. It is not often parents attend venues such as today to voice their pleasure, typically it is complaints. While he did not have a recommendation, he could not stand before the SBE and say with all good faith effort, he had reason to believe the board would see tremendous improvement. Problems have been consistent over time, which are not the students fault, the reality is that things linger and continue. As the sponsoring authority he did not feel and see the effort taken on all the items required to be addressed. The Department has been fair in giving opportunities to address these, but operations are the real concern. It is the operation, not the students or parents; a clean operation has to be run.

Dr. Smith concluded he did not have the benefit of knowing the precedence of the SBE historically and felt he was not in a position to say yea or nay. Clearly it is understood that going to non-accrediting status meant in essence the closure of this particular school. If the children are to be put first and Board moves to a non-accredited status he asked consideration be given to afford the school an opportunity to at least complete the remainder of the school year providing students, parents as well as employees time to make plans and arrangements to do something different.

Students, parents and staff who remained at the school had the full belief the school would do everything necessary and remain open. Although the SBEs good intentions and efforts made to make people aware, a closure at this time would be a shock.

Superintendent Hofmeister thanked Dr. Smith and assured that during the summer plans were contemplated to not disrupt the school year because of the students and their academic performance were important. The SBE considerations gave a November 1 deadline to afford the school opportunities to correct, conduct placement discussions and transfer arrangements to Tulsa Public Schools.

Board member Franks asked if a response was received to Langston University's (Dr. Marsha Herron) correspondence that clearly laid out what needed to be done in different areas.

Dr. Marsha Herron, Acting Dean, Langston University, said a response was received, however, not all were addressed, especially the request for a plan should the school close. A state law based framework was provided to address the issues but only selected ones were addressed.

Dr. Carmen Pettie, Board President, LHA, said the data SBE received was from last May and April. In the midst of preparing, process and compiling the SBE responses the school experienced many hindrances, setbacks, roadblocks, staffing and technical issues and reductions-in-force (RIF). Ms. Pettie apologized the written documents were not available due to technical failures; and not providing the SBE assurances was an oversight.

Ms. Pettie stated that the school board diligently worked to ensure the school had adequate teachers that best served the students. The work is done thanks to assistance from Oral Roberts University (ORU), retired certified teachers and teacher coaches. It may not be done as required but they could have certainly used more help.

Dr. Libby Adjih, Superintendent, Langston Hughes Academy, said academy student, Carmel Bigelow, recently scored 25 on ACT, attends Tulsa Technology, and currently applying for admission to Tulsa Community College. When accepting the position on September 4, she knew there were challenges and difficulties and even at that same time was made aware the academy was out of compliance on everything. When visiting with the SDE departments/staff she knew the academy was out of compliance for 3 years, and faced with a November 1 SBE deadline to get into compliance.

Carmel Bigelow, Junior, Debate Team Captain, addressed how he has excelled since enrolling as a freshman, school compliance issues and how school and staff positively affects all students.

Dr. Adjih reviewed complications with the Wengage system, organization of student records/files, transcript audits, special ed specialist engagement, document retrieval issues; and addressed morning meetings, student values, special ed corrective action submittal; Sophomore ACT prep, Junior/Senior ACT testing & achievements, and data collections.

Board members asked questions and discussed Langston Hughes Academy accreditation.

Dr. Smith cautioned that being heavily focused on ACT and SAT scores are not good predictors of the likelihood of success particularly in college for minority students. The travesty of them is that not all students start at the same starting line and yet are expected to pass the test at the same finish line; and that is unfair. It is also unfair to schools like Langston Hughes Academy because the students accepted have deficits from the get-go and being brought up to speed. The best predictor of the likelihood of success for young minority students, in particular African American students, is the high school grade point average (GPA). It is the number one indicator of the likelihood of success, and Oklahoma research universities are graduating African Americans at a 50% or lower six-year graduation rate which includes the higher ACT/SAT student performers. Often times educators need comparisons but should compare apples to apples and like students to like students. Langston Hughes Academy efforts are in that vein of bringing students up to par from long term deficits.

In response to Board member Price's question of other comparable statistics showing student success measures, William "Bill" Hickman, Attorney for Langston Hughes Academy, said there were none because it is the academy's first year of graduating seniors.

Mr. Hickman commended the LHA educators on their fire, passion and care of the students and teaching profession which is the type of leaders we all want. The LHA is a minority school for disadvantaged students, and the perimeters and standards that are in other districts do not really apply, which makes the school unique in challenges and opportunities. Board members were asked to remember in caution on the action taken.

The academy self-reported in April 2018 because of the issues at that time with Dr. Clark and others which started the process; worked with SDE through the process to turn the school around and address the challenges; received the SDE report June 2018; and July/August 2018 submitted approximate 1000 page document response. Every box may

not have been checked, however, in response to the November two-week notice and holiday schedule, it was a good faith response and attempt, and the work continues.

A lot of the corrective action probation items are done. Another 400 page document, is submitted today, and sent to SDE General Counsel. It is important to base a decision on where the school stands today. A vast majority of all the reports heard today what was reported based on data/information from spring 2018 under Dr. Clarks' direction and earlier; not from the current semester. At this time, he questioned, what violations the school has committed of the administrative code or statues. Everting in the past was adjudicated and probation issued by the SBE but now closure is being considered for the same thing. What was left undone that we missed with due respect are being worked on, and not for a lack of effort.

Mr. Hickman requested the decision be tabled until January 2019, and consider Dr. Smith's encouragement what is the best interest of the students if closure is decided, to do so at the end of the academic year; and allow time to address any remaining items and improvements.

Dr. Adjih said with additional time the items first to be addressed include suspension compliances and special education corrections.

Brad Clark, General Counsel clarified the referenced letters and documents in question from him on June 28 was certified receipt acknowledged by Langston University Counsel and LHA school board. Dr. Adjih indicated receipt of them in September and Ms. Petti July 1; and as a result of the November 1 deadline a November 8 certified letter was sent and by email to the same individuals.

Chaplin Chris Taylor, Tulsa Police Department and Executive Director Therapeutic Life Choices ODMHSAS Certified Agency for Homebased and School Based Outpatient Counseling, wanted the SBE to be aware of the trauma that existed after the head of the school, who was an attachable person for young men, students and a parental type figure, left and the administration change. The trauma involved created an atmosphere in the student population that required immediate attention of everyone at the school. The trauma of the changed administration was addressed first, and the reason for our agency involvement in the school.

Chaplin Taylor thanked board members for everything being done, and challenged to try minimizing the trauma going forward in how the school is dealt with. Because the students who have dedicated four years of their life to graduation from this academy did nothing to cause the issues it has.

Board member Flanagan inquired since September 4 as a whole how the student body was performing.

Dr. Adjih said students who did not think they had the wit or tenacity to go to college nor get a post-secondary education now believe when I say to them "It is going to be a great day at Langston Hughes Academy" and they respond "Yes, it is going to be a great day." Her charge for eleventh and twelfth grade students is they are college worthy, can get a post-secondary education, and there are no excuses. They are challenged about their potential, future goals and greatness.

Board member Price motioned to table the closing of Langston Hughes Academy. Board member Ross seconded the motion.

Board member Franks said she appreciated the fervent pleas and agreed that many things cannot be measured but some can be measured which have been presented. She agreed moving in the middle of a school year is traumatic for students, and therefore was not opposed to tabling.

Board members concurred LHA students were successfully performing; and the academy probation status remains and improvements to continue.

The motion carried with the following votes: Ms. Franks, yes; Mr. Flanagan, yes; Mr. Ross, yes; Mr. Price, 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 1. General Provisions
210:10-1-3. Reports and records for attendance, enrollment and transportation [AMENDED]
- (2) Title 210. State Department of Education
Chapter 35. Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools
Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools
Part 5. Standards VIII: Administration and Organization
210:35-3-46. Administrative and supervisory services [AMENDED]
- (3) Title 210. State Department of Education
Chapter 40. Grants and Programs-in-Aid
Subchapter 87. Rules for Payments to Charter Schools
210:40-87-4. Penalty for noncompliance [AMENDED]
210:40-87-6. Charter school insurance and surety bonding [AMENDED]

Board member Ross moved to adopt the amended rules request. Board member Franks seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Ross, yes; Mr. Flanagan, yes; Ms. Franks, yes; and Superintendent Hofmeister, yes.

STATE BOARD OF EDUCATION OFFICE

Charter School Contract for sponsorship of Sovereign Community Charter School – Approved

Brad Clark, General Counsel, State Board of Education presented the charter sponsorship contract of Sovereign Community Charter School governing the SBE relationship and sponsorship with one modification to allow the SDE to negotiate the performance framework incorporated to allow upcoming and current accountability measures to be accurately reflected and portrayed with the school. The contract is aligned to contracts in place with currently existing sponsors in Oklahoma City, Tulsa as well as the SBEs current relationships with Academy Seminole and LeMond.

Board member Price motioned to approve the charter school sponsorship contract. Board member Ross seconded the motion. The motion carried with the following votes: Ms. Franks, yes; Mr. Flanagan, yes; Mr. Ross, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

Resolve into Executive Session

pursuant to 25 O. S. §§ 307 (B) (4) (7) and (8) for the purpose of discussing possible action to issue an emergency order summarily suspending the teacher certificates and certificate numbers of **William Self, Chase Kime, Seth Swaim, and Melissa Little** pending an individual proceeding for revocation or other action – **70 O. S. § 3- 104; 75 O.S. § 314; OAC 210: 1-5-6**

Resolve into Executive Session

pursuant to 25 O.S. § 307 (B) (4) and (8) for the purpose of discussing pending proceedings for revocation or other action on the teacher certificate and certificate number of **Hee Jun Son** – **70 O.S. § 307 (B) (4) and (7)**

Resolve into Executive Session

pursuant to 25 O. S. §§ 307 (B) (4) (7) and (8) for the purpose of discussing possible action to accept the Hearing Officer’s proposed orders to revoke the teacher certificate and certificate number of **1) Randell Hurst, 2) John Autry, and 3) Dean Hodge** - **70 O.S. § 3-104; OAC 210-1-5-6**

Board member Price moved to convene into Executive Session at 12:06 p.m. Board member Ross seconded the motion: The motion carried with the following votes: Mr. Price, yes; Mr. Ross, yes; Mr. Flanagan, yes; Ms. Franks, yes; and Superintendent Hofmeister, yes.

Brad Clark, General Counsel and Lori Murphy, Assistant General Counsel remained in the Executive Session.

Return to Open Session

Board member Flanagan moved to return to Open Session at 12:51 p.m. Board member Franks seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Ross, yes; Mr. Flanagan, yes; Ms. Franks, 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 certificates and certificate numbers of **1) William Self, 2) Chase Kime, 3) Seth Swaim, and 4) Melissa Little** pending an individual proceeding for revocation or other action.

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

Board member Ross motioned to accept the Hearing Officers Proposed Orders to revoke the teacher certificates and certificate numbers of **John Autry and Dean Hodge**. Board member Franks seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Ross, yes; Mr. Flanagan, yes; Ms. Franks, yes; and Superintendent Hofmeister, yes.

ADJOURNMENT

Board member Price moved to adjourn the meeting at 12:56 a.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, December 18, 2018, at 9:00 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