

**Minutes of the Regular Meeting of the
STATE BOARD OF EDUCATION
STATE CAPITOL, SENATE ROOM 535
2300 NORTH LINCOLN BOULEVARD
OKLAHOMA CITY, OKLAHOMA**

October 23, 2014

The State Board of Education met in regular session at 9:35 a.m. on Thursday, October 23, 2014, in the Senate Room 535 of the State Capitol at 2300 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:15 a.m. on Wednesday, October 22, 2014.

The following were present:

Ms. Kalee Isenhour, Secretary to the State Board of Education
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. Daniel Keating, 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
Ms. Cathryn Franks, Roosevelt

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. Isenhour 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.

**SEPTEMBER 25, 2014 STATE BOARD OF EDUCATION
REGULAR MEETING MINUTES APPROVED**

Board Member Ford made a motion to approve the minutes of the September 25, 2014, regular State Board of Education meeting. Board Member Shdeed seconded the motion. The motion carried with the following votes: Mr. Shdeed, yes; Mr. Keating, yes; Mr. Price, yes; and Ms. Ford, yes.

STATE SUPERINTENDENT

Information from the State Superintendent

Superintendent Barresi said the Fiscal Year 2016 Oklahoma State Department of Education budget request will be presented today. The request has two major features; a \$2500 pay raise for all certified personnel and funding for five additional instructional days. Full funding is provided for all personnel related costs for five additional instructional days for certified personnel and full funding is in the financial support of schools to provide personnel and operational cost for non-certified and support personnel. This will result in 180 instructional days, and in order to meet national averages 10 instructional days would need to be added. This is a strong step in the right direction because among the many important systemic changes, we must have a longer instructional calendar, as well as, a longer instructional day. Oklahoma is one the few states that has extracurricular activity inside the school day. It is time we move extracurricular activities outside of the school day. Adding instructional days could provide a longer instructional day without spending additional dollars. The Legislature is being asked to fully fund the Reading Sufficiency Act and to give more funding to reading readiness programs for students in elementary grades who need the most help. This request adds money for system change grants to schools that commit to implementing comprehensive reading reform and systemic change. The initial offering of the grants will be available to schools very soon. They will be publicized through weekly emails to school administrators and on the OSDE website. Grants are funded through fiscal year 2015 appropriations and the fiscal year 2016 funding request provides continued funding for this vital program.

The OSDE Executive staff and United States Department of Education (USDE) officials had a conference call and we requested immediate reinstatement of our flexibility waiver from No Child Left Behind (NCLB). We clarified points of our application, explained the work currently being done, and made an urgency case for the

immediate granting of the flexibility waiver. The USDE did not provide any assurances that flexibility would be granted this year.

Recognition of 2014 National Blue Ribbon Schools

Superintendent Barresi recognized Oklahoma recipients of the No Child Left Behind (NCLB) 2014 National Blue Ribbon Schools award. Award schools included Adair High School-Adair Public Schools; Bethany High School-Bethany Public School; Edmond Doyle Elementary School-McAlester Public Schools; Reydon Elementary School-Reydon Public Schools; Southeast Elementary School-Jenks Public Schools. A ceremony to honor award recipients will be held November 10-11, 2014 in Washington, D.C.

Recognition of Mr. Jason Proctor, 2015 Oklahoma Teacher of the Year

Mr. Proctor said he was excited for what the year has to offer in the opportunities to meet and talk with educators. Hopefully, to also meet future educators and inspire them to join what I think is a great profession. I look forward to what the year has to offer and I am honored to be named the 2015 Oklahoma Teacher of the Year.

PUBLIC COMMENT

Ken Calhoun, Executive Director Human Capitol, Tulsa Public Schools; Holly Fike, Teacher, Band Director, Monroney Middles School-Mid-Del Public Schools; Lela Odom, Executive Director, Oklahoma Education Association; and Ryan Owens, Cooperative Council for Oklahoma School Administration (CCOSA) signed up to address backdating of expired teaching certificates.

CONSENT DOCKET APPROVED

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2014-2015 school year and other requests:

- (a) **Abbreviated School Day – 70 O.S. § 1210.567 and OAC 210:35-29-2**
 - Boone Apache Public Schools, Caddo County
 - Catoosa Public Schools, Rogers County
 - Kellyville Public Schools, Creek County
 - Luther Public Schools, Oklahoma County
 - Midwest City Del City Public Schools, Oklahoma County
 - Okemah Public Schools, Okfuskee County
 - Prague Public Schools, Lincoln County
 - Ringling Public Schools, Jefferson County
 - Skiatook Public Schools, Tulsa County
 - Sperry Public Schools, Tulsa County
 - Watts Public Schools, Adair County
 - Western Heights Public Schools, Oklahoma County

- (b) **Adjunct Teachers – 70 O.S. § 6-122.3**
 - Roff Public Schools, Pontotoc County
 - Vanoss Public Schools, Pontotoc County

- (c) **Allow Two School Days in a 24-Hour Period – 70 O. S. § 1-111**
Amber-Pocasset Public Schools, Grady County
Dibble Public Schools, McClain County
Greenville Public Schools, Love County
Lookeba-Sickles Public Schools, Caddo County
Mannsville Public Schools, Johnston County
Soper Public Schools, Choctaw County
Vanoss Public Schools, Pontotoc County
Whitesboro Public Schools, LeFlore County

- (d) **Cooperative Agreements for Alternative Education Programs – 70 O. S. § 1210.568**
Dewar Public Schools, Okmulgee County
Felt Public Schools, Cimarron County
Hollis Public Schools, Harmon County
Jennings Public Schools, Pawnee County
Merritt Public Schools, Beckham County
Okay Public Schools, Wagoner County
Rattan Public Schools, Pushmataha County
Tonkawa Public Schools, Kay County

- (e) **Length of School Day - 70 O. S. § 1-109**
Checotah Public Schools, McIntosh County
Cottonwood Public Schools, Coal County
Fort Gibson Public Schools, Muskogee County
Newcastle Public Schools, McClain County
Pryor Public Schools, Mayes County

- (f) **Library Media Services – OAC 210:35-5-71 and OAC 210:35-9-71**
Ardmore Public Schools, Carter County
Chandler Public Schools, Lincoln County
Chelsea Public Schools, Rogers County
Coyle Public Schools, Logan County
Duke Public Schools, Jackson County
Grandview Public Schools, Stephens County
Greasy Public Schools, Adair County
Greenville Public Schools, Love County
Heavener Public Schools, LeFlore County
Lookeba-Sickles Public Schools, Caddo County
Marble City Public Schools, Sequoyah County
Okemah Public Schools, Okfuskee County
Owasso Public Schools, Tulsa County
Ryal Public Schools, McIntosh County
Union Public Schools, Tulsa County
White Rock Public Schools, Lincoln County

- (g) **Library Media Specialist – 70 O.S. § 3-126**
Cherokee Public Schools, Alfalfa County
Deer Creek Public Schools, Oklahoma County
Enid Public Schools, Garfield County
Holdenville Public Schools, Hughes County
Laverne Public Schools, Harper County
Midway Public Schools, McIntosh County

Minutes of the Regular Meeting of
the State Board of Education
October 23, 2014

Oologah Talala Public Schools, Rogers County
Tulsa Public Schools, Tulsa County
Watts Public Schools, Adair County

(h) **Planning Period – OAC 210:35-7-41 and OAC 210-35-9-41**

Ardmore Public Schools, Carter County
Middle Schools
Ardmore Public Schools, Carter County
Broken Bow Public Schools, McCurtain County
Brushy Public Schools, Sequoyah County
Checotah Public Schools, McIntosh County
Cleveland Public Schools, Pawnee County
High School
Cleveland Public Schools, Pawnee County
Junior High
Eagletown Public Schools, McCurtain County
Miami Public Schools, Ottawa County
Midwest City Del City Public Schools, Oklahoma County
Midwest City High School, Del City High School, and Mid-Del Tech Center
Ninnekah Public Schools, Grady County
Junior High
Ninnekah Public Schools, Grady County
High School
Oologah Talala Public Schools, Rogers County
Sperry Public Schools, Tulsa County
Vanoss Public Schools, Pontotoc County
Walters Public Schools, Cotton County

Board Member Ford asked to remove Consent Docket item 6 (a) for more clarification and made a motion to approve the Consent Docket. Board Member Shdeed seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; and Mr. Shdeed, yes.

Board Member Ford addressed the abbreviated school day request Western Heights Public Schools that indicated a half day of instruction and a half day of therapeutic treatment. Ms. Ford requested clarification on if the students will attend a regular school day and weeks, and the number of hours and days.

Melissa White, Executive Director, ACE/Counseling said alternative education has the ability to offer a four hour and twelve minute school day. It is my understanding the waiver application is requesting the deregulation twelve minutes. In the 17 criteria for alternative education there are components, for example, life skills and counseling. Students will attend alternative education programs four hours during the day at which time they will go to the treatment time facility for two hours but then also focusing on the academics during the other times they are there. The program is usually three days a week and is not offered five days a week. Times may vary depending on student schedules and the length of week.

Kimberly Richey, General Counsel advised the waiver request could be tabled to receive further clarification from Western Heights School District.

Board Member Ford made a motion to table Consent Docket item 6 (a). Board Member Shdeed seconded the motion. The motion carried with the following votes: Mr. Shdeed, yes; Mr. Keating, yes; Mr. Price, yes; and Ms. Ford, yes.

TEACHER CERTIFICATION

Backdating Expired Teaching Certificates Approved

Jeff Smith, Executive Director, Teacher Certification, presented the history of backdating practices when a lapse in certification occurs after the June 30 expiration date. Any certificate expiring June 30 is eligible for renewal any time after the first of the fiscal calendar year. Also a school district can specifically request for a teaching certificate to be backdated. Certificates not renewed prior to July 31 are considered lapsed. Approximately 10,400 certification renewals were processed from January 1 through June 30, 2014; 290 lapsed certificates were renewed after June 30, 2014 and 40 out the 290 lapse renewals requested a backdated certificate.

Superintendent Barresi said a rule is in place, but the practice did not align with the rule. We wanted the boards input and provide options.

Ms. Richey advised that clarification was needed on whether the rule is a direction from this SBE to not backdate certificates or whether the SBE wanted some type of flexibility with regard to backdating. This SBE, as far as we know, had never weighed in on this issue and practice, and the SBE has the authority to deviate from the regulation. The purpose for the discussion is because the backdating practices had not been considered by this SBE and the will of the SBE is needed. The promulgated rule, Agenda items 10 (a), was included in case the SBE wanted to take action with regard to the formal promulgated rule.

Superintendent Barresi stated for the record the correct numbering should be Agenda item 7. (a) Teacher Certification instead of 6. (a).

Board Member Ford made a motion to continue the historical backdating practices of the SDE until January 1, 2015, at which point backdating practices will cease and the present rule enforced. Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; Mr. Shdeed, no; Superintendent Barresi, yes.

Board Member Shdeed said he agreed with the backdating, but not the January 1 change.

FINANCIAL SERVICES

FY16 State Department of Education Legislative Budget Request Approved

Mathangi Shankar, Director, Financial Services, presented the SDE 2016 fiscal year budget request for \$2.78 billion. Ms. Shankar reviewed certified personnel pay increase, funding for additional instructional days; flexible benefit allowance and reading sufficiency additional funding; NCLB transition funding; and line item additional funding/estimations.

Joel Robison, Chief of Staff, reviewed purposes for tentative transition funding for implementation of NCLB and school day curricula.

Board Member Ford made a motion to approve the proposed 2016 fiscal year budget request. Board Member Price seconded the motion. The motion carried with the following votes: Mr. Shdeed, yes; Mr. Keating, yes; Mr. Price, yes; and Ms. Ford, yes.

**Presentation by Jim Joseph, Oklahoma State Bond Advisor,
on district compliance with School Finance Laws**

Mr. Jim Joseph, Oklahoma State Bond Advisor, School Finance Laws, said school districts were in compliance and doing a fine job in following the rules and the law as far as he knew. His concerns and comments were related to school district's borrowing practices. A practice that has become increasingly common is the lease backed obligations they enter into when they are unable to issue bonds to do the constitutional debt limits. Mr. Joseph reviewed the lease back structure, constitutional debt limit, Attorney General Review, bond security, statute reporting requirements, financial advisor and bond counsel excessive fees, comparison of state and school district transaction, privately placed issues, bond bank, state reserve fund, legislative changes, and school district/school board trainings.

ACADEMIC AFFAIRS

Office of Educator Effectiveness

**Districts that have not complete the Teacher and Leader Effectiveness (TLE)
Qualitative Report, including possible withholding of State Aid payments**

Board Members were provided an updated report detailing school district non-compliance reporting of the Teacher and Leader Qualitative Report. All school districts that were able to certify have certified. The school districts listed in "needed more time to complete" and "refuse to complete" categories were approved a 30-day timeline. Current superintendents at Ryal and Woodland Public Schools replaced former superintendents and did submit their letters to report there was no data for several reasons. Ms. Jenyfer Glisson, Executive Director Teacher and Leader Effectiveness will present current certified reports at the November meeting.

SCHOOL TURNAROUND

NCLB and Flexibility Waiver Update

Richard Caram, Assistant State Superintendent, School Turnaround and Ramona Coats, Assistant State Superintendent, Federal Programs presented an updated report on the accountability requirements of No Child Left Behind (NCLB), ESEA Flexibility Waiver application renewal request, NCLB transitions, A-F Report Card, Title I funding and current school district improvements.

LEGAL SERVICES

Emergency Revocation of OAC 210:20-9-95

Kimberly Richey, General Counsel, presented an emergency revocation of OAC 210:20-9-95, relating to the effective dates of Teaching Certificates and Licenses – 75 O.S. § 253 and 70 O.S. § 3-104.

Board Member Price made a motion to postpone the emergency revocation request indefinitely. Board Member Shdeed seconded the motion. The motion carried with the following votes: Mr. Shdeed, yes; Mr. Keating, yes; Mr. Price, yes; and Ms. Ford, yes.

Emergency Rule Adoption Postponed

Ms. Richey presented an emergency rule request to adopt emergency exemptions from assessments required by the Oklahoma School Testing Program 75 O.S. § 253 and 70 O.S. § 1210.508-2.

Board Member Ford made a motion to postpone the emergency exemption request of 75 O.S. § 253 and 70 O.S. § 1210.508-2. Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; and Mr. Shdeed, yes.

Revocation of School Bus Drivers Certification and Number of Scott Keith Jepson Approved

Yolanda Downing, Assistant General Counsel, presented a revocation request of the school bus driver certification and number for Scott Keith Jepson.

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

Revocation of Teaching Certification and Certificate Number of Brian Drabeck Approved

Ms. Downing presented a revocation request of the teaching certification and certificate number 213924 for Brian Drabeck.

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

Engaging in deliberation or rendering final or intermediate decision in an individual proceeding pursuant to Article II of the *Administrative Procedures Act*. The individual proceedings is consideration of revocation and/or suspension of counselor certification of Amber Myers pursuant to OAC 210:1-5-6, OAC 210:20-9-98, and 70 O.S. § 3-104 – 25 O.S. Section 307(B)(8)

Executive Session

Board Member Ford motion to move into Executive Session at 11:26 a.m. Board Member Shdeed seconded the motion. The motion carried with the following votes: Mr. Shdeed, yes; Mr. Keating, yes; Mr. Price, yes; and Ms. Ford, yes.

Superintendent Barresi requested Warren Gosher, Amber Myers, Melissa White, Don Cox, Jane Lemons, James Myers, Assistant General Counsel and General Counsel remain for the Executive Session.

Reconvene from Executive Session

Board Member Ford made a motion to return to open session at 2:51 p.m. Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Keating, yes; and Mr. Shdeed, yes.

Superintendent Barresi said no action was taken during Executive Session. Deliberations occurred in Executive Session to protect the student information that served as the basis for the department's complaint in this administrative proceeding. During Executive Session the parties presented evidence and testimony related to the revocation of Ms. Myers school counselor certification only. The SDE is not seeking revocation of Ms. Myers' teaching certification. Now the SBE will have the opportunity to further discuss any additional issues unrelated to the student records discussed in Executive Session. No student personal information may be discussed in open meetings.

There being no discussions the three options suggested to the Board include: 1. Grant the application to revoke the school counselor certification of Ms. Myers; 2. Deny the application to revoke the school counselor certification; 3. Suspend the school counselor certification of Ms. Myers or continue the matter until a later date for decisions.

Board Member Keating made a motion to deny the application to revoke the school counselor certification of Ms. Myers. Board Member Shdeed seconded the motion. The motion failed with the following votes: Mr. Shdeed, yes; Mr. Keating, yes; Mr. Price, no; and Ms. Ford, no; Superintendent Barresi, no.

Board Member Ford made a motion to grant the application to revoke the school counselor certification of Ms. Myers. Board Member Price seconded the motion. The motion failed with the following votes: Ms. Ford, yes; Mr. Keating, yes; Ms. Franks, no; and Mr. Shdeed, no; Superintendent Barresi, yes.

Ms. Richey advised that without a majority of the quorum the Board's remaining option was a continuance due to not using the third option to suspend. If there is no action taken by the SBE, Ms. Myers will continue in her current employment with her current counselor certification.

Board Member Price made a motion for a two-year suspension.

Board Member Shdeed said the two-year suspension is totally excessive.

Board Member Price amended the two-year suspension motion subject to if something was less excessive. The motion failed without a second.

ADJOURNMENT

Board Member Keating made a motion to adjourn and Board Member Shdeed seconded the motion. There being no further business Board Members unanimously agreed to adjourn the meeting at 3:00 p.m.

Superintendent Barresi stated there was no new business or additional information to the State Board of Education and no other public comments.

The next regular meeting of the State Board of Education will be held on Wednesday, November 19, 2014, at 10:00 a.m. The meeting will convene at the State Capitol, Senate Room 535, State Capitol, 2300 North Lincoln Blvd., Oklahoma City, Oklahoma.

Janet Barresi, Chairperson of the Board

Kalee Isenhour, Secretary to the State Board