

the Minutes of the Regular Meeting of the
STATE BOARD OF EDUCATION
OLIVER HODGE EDUCATION BUILDING:
2500 NORTH LINCOLN BOULEVARD, ROOM 1-20
OKLAHOMA CITY, OKLAHOMA

January 26, 2012

The State Board of Education met in regular session at 9:35 a.m. on Thursday, January 26, 2012, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:30 a.m. on Wednesday, January 25, 2012.

The following were present:

Ms. Connie Holland, Chief Executive Secretary
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. Brian Hayden, Enid
Mr. William "Bill" Price, Oklahoma City
Mr. William "Bill" Shdeed, Oklahoma City
Ms. Joy Hofmeister, Tulsa

Members of the State Board of Education not present:

MG (R) Lee Baxter, Lawton

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. Holland 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, and a salute to the Oklahoma Flag, and a moment of silence.

**DECEMBER 15, 2011 REGULAR BOARD
MEETING MINUTES APPROVED**

Board Member Hayden said there is a correction. The time for the January 26, 2012, State Board meeting should be 9:30 a.m. not 9:00 a.m. He made a motion to approve the minutes of the December 15, 2011, regular state Board meeting. Board Member Ford seconded the motion with the noted correction. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Mr. Shdeed, yes; and Mr. Price, yes.

STATE SUPERINTENDENT

Information from the State Superintendent

Prior to the meeting Superintendent Barresi introduced and swore in Ms. Joy Hofmeister to the State Board of Education.

Superintendent Barresi thanked Board members for their attendance at the Board retreat in Lawton, Oklahoma. It was instructive for the State Department of Education (SDE) to hear members input as well as providing information regarding the activities of the SDE and implementation of the C³ plan that assures every Oklahoma student is college, career, and citizen ready by 2020. One of the Board's requests being considered is to have the State Board of Education meetings at alternate sites within the state. This will very helpful and plans and a vision are being prepared for that to occur as well as other things requested to make sure the SDE responds to information in a timely manner.

The legislative session will open soon. This year we will have a few initiatives of our own and very few technical changes to legislation. Prior to the SBE meeting Superintendent Barresi said she attended a legislative breakfast panel and that she thinks there will be robust discussion around the Achieving Classroom Excellence (ACE) legislation. The SDE supports the ACE maintenance of effort and is putting together an impressive list of school districts that are not only at the 90th percentile but at the 100 percentile. Administrators and teachers have voiced their concerns to keep the standards because there is much more activity in the districts and students now know what is required and are taking it seriously. With that said this is still all about making sure

Oklahoma children are prepared for the 21st century and making every effort for students to have multiple changes and pathways to show mastery of the ACE material. Superintendent Barresi said she would appreciate the Board's consideration in the form of a Resolution. We were encouraged as we worked on the small details on the waiver request in the last few days/weeks. After a discussion with U.S. Secretary of Education Arne Duncan, there have been compliments of Oklahoma's outstanding request and plan submitted. She is very proud of SDE staff for their work in this process and design. This week is National School Choice Week and she and Board Member Price were invited to speak at a celebration of school choice in Oklahoma meeting. She presented a film clip sponsored by the Foundation for Excellence in Education that summarizes what we have been talking about on school choice.

Resolution Regarding Education Reforms in Oklahoma Tabled

Superintendent Barresi presented the Resolution regarding education reforms in Oklahoma for the Board to consider.

Board Member Ford said she made several calls to school districts in her area regarding the ACE requirements as to whether they were cumbersome or an impediment. School districts have had a plan and have identified the students that need extra guidance.

She referred to the last "Whereas" of the Resolution and motioned to add "...would likely result in nullification of the Oklahoma's waiver.." rather than the absolute "would."

Superintendent Barresi said Board Members received an interview article Secretary of Education Arne Duncan, and quoted him saying, "And just to be very clear, and just as in Race to the Top, if we need to revoke the waiver six months from now, a year from now, two years from now, because folks can't deliver on what they said, we're more than prepared to do that." And prior to the statement regarded states that rolled back their reforms. The words "would likely" is absolutely fine. We just do not want to send any kind of message of weakness in terms of the commitment by Secretary Duncan.

Board Member Hayden said he had similar concerns because it is a strong statement to say "would" when we really do not know that is factual. Having a statement that starts with "it is our understanding" or "the U. S. Secretary of Education has indicated would likely.." are the type statements that are more factual in the Resolution that we can sign a Resolution in good faith. I do not know that I can sign otherwise, Mr. Hayden said.

Board Member Ford said by changing the verbiage to "the Secretary of Education says", she did not have a problem if Secretary Duncan is stating he would.

Board Member Hofmeister said there are numerous reforms listed in the Resolution and each one deserves its own discussion. Having the language be more factual based on what we know is helpful. What is the real purpose of the Resolution? Has the SDE come to the conclusion that the waiver would be denied based on any adjustment to the legislation or the reforms. Perhaps we could have more information on this.

Superintendent Barresi said for Oklahoma the waiver would be a game changer. Just as we have support in the Legislature, we were hoping the State Board of Education would consider this Resolution to send a message to Oklahomans that they continue to

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support the work we are doing in implementing all the reforms and in maintaining the integrity and quality of the reforms. It would also be a strong message to the Legislature as well of the SBE support.

Board Member Ford said to add to the beginning of the last “Whereas..” the statement should to say, “...The United States Department of Education has stated that the repeal or any postponement of these reforms will result in the nullification of Oklahoma’s waiver and would require Oklahoma to remain fully under the accountability measure of No Child Left Behind.” Also, add the SBE fully supports these reforms.

Board Member Hayden said he left the word “likely” out after the word “would”.

Board Member Ford said the reason being, if the USDE says it would and that is their statement, she did not necessarily need the word “likely”.

Board Member Price said he did not have a problem either way. It sends the message the Board supports the reforms.

Board Member Hofmeister asked is the SBE saying that they see no room for any adjustments?

Board Member Hayden said he did not read it that way, but that the Board is supportive of the reform efforts.

Board Member Ford said it talks about the repeal or postponement of reforms. A few Board meetings ago we were asked to consider setting aside the ACE requirements for a few years. She is not comfortable considering that at all in light of her conversations with school districts and their being proactive as well as the need to keep ACE in place to receive the waiver.

Board Member Price said for instance the English language requirement is going to be tweaked which is not a problem with Secretary Duncan and the USDE.

Superintendent Barresi said Ms. Hofmeister makes a great point and is correct ‘adjustments’ is a good word. One of the adjustments will be presented today. The material integrity of the reforms themselves must be maintained. As we go along and get more experienced with these there will be times where we will ask for adjustments.

Board Member Ford said we need to send a message and it is important that we are supportive of the reforms.

Board Member Hayden said the Resolution shall read: Whereas, U.S. Department of Education has stated the repeal or any postponement of these reforms will likely result in the nullification of Oklahoma’s waiver and require Oklahoma to remain fully under the accountability measure of No Child Left Behind.

Superintendent Barresi asked to table the item in order to make the adjustments in wording to the Resolution and bring it back before the Board to review.

Board Member Ford said the date of passage of the legislative ACE requirements should be added to the statement “Since 2005 Oklahoma high school students..”

Board Member Price agreed and said in 2005 the Legislature passed ACE and since that time Oklahoma high school students have been aware of these requirements.

Board Member Shdeed said he agreed with passing on the message and schools have known about the ACE requirements.

Board Member Price said adding “Oklahoma high school students and Oklahoma Administrators have been aware ...” will be even more relative.

CONSENT DOCKET APPROVED

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2011-2012 school years, and other requests:

- (a) **Abbreviated School Day – OAC 210:35-29-2 and OAC 210:35-3-46**
Sperry Public Schools, Alternative High School, Tulsa County
- (b) **Adjunct Teachers – 70 O. S. § 6-122.3**
Boone-Apache Public Schools, Apache High School, Caddo County
- (c) **Allow Two School Days in a 24-Hour Period – 70 O. S. § 1-111**
Allen Public Schools, Pontotoc County
- (d) **Cooperative Agreements for Alternative Education Programs –
70 O. S. § 1210.568**
Pocola Public Schools, LeFlore County
- (e) Approval requested to award Advanced Placement Incentive training grants – 70 O. S. § 1210.701.703
- (f) Approval requested to award Advanced Placement First-Time Materials and Equipment grants – 70 O. S. § 1210.701.703
- (g) Approval requested to award Advanced Placement Second-Time Materials and Equipment grants - 70 O.S. § 1210.701-703
- (h) Approval requested to award Advanced Placement Vertical Team grants - 70 O.S. § 1210.701-703
- (i) Request approval of exceptions to State Board of Education regulations concerning teacher certification – 70 O. S. § 6-187
- (j) Request approval of recommendations from the Teacher Competency Review Panel for applicants to receive a license - 70 O. S. §6-202

Board Member Hayden made a motion to approve the Consent Docket. Board Member Ford seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister yes; Mr. Shdeed, yes; and Mr. Price, yes.

TEACHER CERTIFICATION

Fill Vacancies on the Teacher Competency Review Panel Approved

Mr. Jeff Smith, Director, Teacher Certification, said the Teacher Competency Review Panel (TCRP) is responsible for assessing the alternative certification applicants through the SDE. He presented a recommendation request for two candidates to fill TCRP vacancies. Dr. Gayle Fisher, Director of Teacher Education, St. Gregory's University and Dr. Lisa Holder, Oklahoma State Regents for Higher Education, Northwestern Oklahoma State University.

Dr. Holder was present and said she has been an educator for 25 plus years and is currently the Director of Teacher Education and the Oklahoma Teacher Connection with the State Regents Office. In response to what she would like to accomplish on the panel, she said after observing the rigor and work the colleges of education put candidates through she would like to be able to question the alternative certification candidates to determine their preparation levels and what they are coming to the table with.

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

Professional Standards Production Report

Superintendent Barresi said Mr. Jeff Smith, Director, Teacher Certification, was present to answer questions from the Board, if needed.

These were reports only and no action was required.

ACADEMIC AFFAIRS

Office of Educational Support

Achieving Classroom Excellence (ACE) End of Course Projects for Algebra I Approved

Ms. Melissa White, Executive Director, Counseling/ACE presented a recommendation request for end of course projects for Algebra I as alternate methods for ACE graduation testing requirements. The purpose of the *Shield Yourself* and *Where the Wind Come Sweeping Down the Plains* projects is for student that are proficient in the subject but who might have difficulty taking the end-of-instruction exams (EOI). School districts must ensure the projects are confidential and on the local level designate a team of teachers, administrator, and project coordinator. The project coordinator assures the student stays on task and that projects are independently done. A rubric is provided, projects are scored, and presented to the superintendent(s) who officially report the information for review by the SDE at least three times a year. The rigor of alternate method content is as rigorous as the assessment and the projects take time to complete. Currently there are two projects approved for Algebra I because it is one of the required areas to show proficiency students needed to be given more options.

Board Member Hofmeister asked had there been any student not pass with the project and how often does it happen?

Ms. White said yes students have not passed the alternate method mainly because student(s) are not prepared. She would provide Board members additional self-reported survey data. The actual works of the student(s) projects are confidential and the student, parent, and principal sign a confidentiality form stating this is a confidential project and shall be performed independently. If the student reveals contents of the test, the test can be invalidated. If senior students have not passed their EOI test(s) it is up to the student and depending on the project requirements, to complete the alternate projects whether in an eight-hour period or multiple days.

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

**Add TerraNova as an Alternate Test for the
Oklahoma Achieving Classroom Excellence (ACE)
End-of-Instruction (EOI) Exams Tabled**

Superintendent Barresi said the item will be tabled because we have just received latest statistics regarding the performance on the TerraNova and will need time to review the information. They will be presented to the Board at a later meeting to thoroughly evaluate the results and for future reporting.

**Exception to the Achieving Classroom Excellence (ACE)
Graduation Requirements for English Language Learners (ELL):
English II End-of-Instruction Exam Approved**

Ms. White said for English language learner (ELL) students coming to Oklahoma, their first year is exempt and assessment is not required at that time. She presented an exception request for ELL students, in the junior year, to take the EOI English II assessment with the accommodations already in place to meet ACE graduation requirements. Ms. White reviewed test retake options, test items, test accommodations/conditions, and proficiencies.

Board Member Ford made a motion to approve the exception request and Board Member Hofmeister seconded the motion. The motion carried with the following vote: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

ACCOUNTABILITY AND ASSESSMENT

**Report on Schools and Districts Identified with
Excessive Oklahoma State Testing Program (OSTP)
Irregularities from the 2010-2011 Test Administration**

Ms. Maridyth McBee, Interim Assistant State Superintendent, Accountability and Assessment presented a report on how testing process, procedures, and administration are monitored and followed accurately by the Accountability Assessment Office to ensure test scores are valid measures of student capabilities. Ms. McBee overviewed the three test monitoring types, 2010-2011 schools and districts identified with excessive OSTP irregularities during the test administration; the irregularity summary report, violations, investigations, and resolution;

SDE test administration training and agreements; and parent testing dates notification/reporting.

This was a report only and no action was required.

FIRST-YEAR SUPERINTENDENTS

First-year superintendent(s) attending the meeting were Mr. Brian Beagles, Superintendent, Sperry Public Schools; Mr. Terry D. Shaw, Superintendent, Greenville Public School; and Ms. Eva Spaulding, Superintendent, Grandfield Public Schools.

LEGAL SERVICES

Revocation of Teaching Certificate and Teacher Number of Shelbie J. Williams Tabled

Superintendent Barresi said Agenda item 9 (a) will be tabled because the person in question submitted a Doctor's statement asking for a delay because of health reasons.

Revocation of Teaching Certificate and Teacher Number of Kimberly Crain Approved

Ms. Lisa Endres, General Counsel, presented a request to revoke the teaching certificate and teacher number of Ms. Kimberly Crain. Sufficient information and evidence indicate Ms. Crain has violated the teacher code of conduct which prevents exploitation of students for personal gain. Ms. Crain was properly served and neither she nor legal representation is present today.

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

Report on Current Rule Promulgation

Ms. Kim Richey, Assistant General Counsel, presented a report on drafting rules, statutory authority to draft rules, and legislative requirements to draft rules. Ms. Richey provided Board members an update of current rules in the promulgation process and reviewed information regarding the formal emergency and permanent rule making process; current emergency, revoked, and amended rules; rule intent, clarifications, and statutes; school/school districts requirements and local control options; student and parental guidance, and requirements and challenges; public comment periods and hearings.

Superintendent Barresi said the rules reviewed today will be presented to the Board at the February 23, 2012, state Board meeting for approval. She advised Board members that in April 2012 a digital learning summit will be held encompassing economies of size and negotiations, plus consideration of standards and quality assurances to further discuss concerns regarding online learning.

This was a report only and no action was required.

Resolution regarding Education Reforms in Oklahoma Approved

Superintendent Barresi presented the Resolution regarding Education Reforms in Oklahoma with the Board recommended language.

Board Member Ford made a motion to approve the Resolution and Board Member Price seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, abstain; Mr. Hayden, yes; and Ms. Ford, yes.

EXECUTIVE SESSION

**Update State Board Members with Regard to the
Lawsuit of Jack Herron v.
State of Oklahoma ex rel OSDE,
Oklahoma County District Court,
Case no. CJ-2011-5109-25 O.S. § 307 (B) (2) and (4)**

Convene into Executive Session Approved

Board Member Hayden made a motion to convene into Executive Session at 12:15 p.m.

Board Member Ford seconded the motion. The motion carried with the following votes: Mr. Price, yes; Ms. Shdeed, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

Return to Open Session Approved

Board Members reconvened to Open Session at 1:15 p.m. Board Member Price made motion to direct General Counsel to request mediation and grant settlement authority to General Counsel. Board Member Hayden seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Mr. Shdeed, yes; and Mr. Price, yes.

ADJOURNMENT

There being no further business the meeting adjourned at 1:16 p.m. Board Member Shdeed made a motion to adjourn and Board Member Ford seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

The next regular meeting of the State Board of Education will be held on Thursday, February 23, 2012, at 9:30 a.m. The meeting will convene at the State Department of Education, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma.

Janet Barresi, Chairperson of the Board

Connie Holland, Chief Executive Secretary