

Minutes of the Regular Meeting of the

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

February 25, 2016

The State Board of Education met in regular session at 9:31 a.m. on Thursday, February 25, 2016, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:25 a.m. on Wednesday, February 24, 2016.

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
Mr. William "Bill" Price, Oklahoma City
Mr. Daniel Keating, Tulsa
Mr. William "Bill" Flanagan, Claremore
Mr. Robert J. Ross, 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**

State Superintendent Joy Hofmeister called the State Board of Education regular meeting to order at 9:31 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Hofmeister reported she was requested to testify at a Congressional Subcommittee Hearing on the new ESSA that repealed No Child Left Behind. Representing other Chief State School Officers she also recognized the Congressional Leaders who worked and passed ESSA and for giving autonomy and latitude to states to use federal dollars and programs.

Best wishes to Sean Sheehan, Oklahoma Teacher of Year, who is a finalist in the National Teacher of the Year competition in Washington this week. All were encouraged to support him by twitter or Facebook at #sheehanntoy16.

First-Year Superintendents

First-year superintendents attending the meeting were Randy Darr, Quapaw Public Schools; Doyle Bates, Haskell Public Schools; Mathew Simpson, Tushka Public School; and Tanya Whisenhunt, Glover Public Schools.

Employee Service Recognitions

Superintendent Hofmeister recognized State Department of Education employees Martha Eaves, Events Coordinator of 35 years of service to the state of Oklahoma.

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

Superintendent Hofmeister introduced Mr. Cory Ingram, Multi-Media Production Coordinator as the employee for the month of February.

BOARD ADMINISTRATIVE

January 28, 2016 Regular Meeting Minutes of the State Board of Education Approved

Board member Price moved to approve the minutes of the January 28, 2016 regular meeting. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Flanagan, yes; Mr. Ross, yes; Mr. Keating, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

CONSENT DOCKET Approved

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2015-2016 school year and other requests:

- (a) **Allow Two School Days in a 24-Hour Period – 70 O. S. § 1-111**
Porter Consolidated, Wagoner County
- (b) **Library Media Specialist Certificate Exemption – 70 O.S. § 3-126**
Oklahoma City Public Schools, Oklahoma County
Britton Elementary
- (c) Request approval on exceptions to State Board of Education teacher certification regulations to permit issuance of emergency (provisional) certificates (list attached) – 70 O. S. § 6-187

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

GOVERNMENT AFFAIRS

Legislative Update

Carolyn Thompson, Director, Government Affairs, presented updates/review on 2016 education and non-education bills, deadlines through May 27, current teacher shortage and Teacher and Leader Effectiveness Evaluation System (TLE) legislation; testing and moratorium on mandates.

Superintendent Hofmeister updated that in February the Board of Equalization made known there would be a second revenue failure. When a revenue failure occurs during the legislative session the Legislature has an opportunity to not cut straight across the board. Revenue failure occurring prior to a session the straight across the board cut is automatic.

Secretary of Finance Preston Doerflinger indicated the cuts would occur and notifications forthcoming the first week of March as to the amounts of the \$1.3 billion shortfall.

Board members asked questions and discussed 1017 funding, adjustments/payments, FY15 and FY16 funding cuts.

STATE SUPERINTENDENT

Recognition of recipients of the 2016 Presidential Award for Excellence in Mathematics and Science Teaching

Superintendent Hofmeister introduced Sarah Vann and Mark Thomas recipients of the Oklahoma Presidential Award for Excellence in Mathematics and Science teaching for K-12 schools. Ms. Vann is a science teacher at the Owasso Eighth Grade Center. Mr. Thomas is a math teacher at Stillwater High School. Ms. Vann and Mr. Thomas were honored at the Oklahoma House of Representatives earlier today.

Attending the meeting with Ms. Vann were Deidra Hodge, Principal, Owasso Eight Grade Center, Owasso Public Schools. Mr. Thomas' wife, Nicole, and his parents, Mike and Marilyn Thomas, were present.

LEGAL SERVICES

Report on enhancements for the Oklahoma Public School Audit and Financial Reporting requirements

David Kinney, General Counsel, presented a report on needed improvements in the auditing and accounting systems. As a result the State Department of Education offered two bills; Senate Bill 937 which clarifies that audit reports are to be presented in person by the auditing firm to local boards of education. Included in the bill is a five-year auditor rotation provision. Senate Bill 945 requires local boards of education receive monthly financial reports/conditions of income received and expenditures. Once the local boards of education have been presented these reports they are to be published on the school district website within seven (7) days. This allows for transparency of the school district funds at the local level.

Withholding State Aid payment of Grant-Goodland Dependent School District, C003 for failure to comply with Oklahoma Public School Audit Law – No Action

Mr. Kinney said on January 27 Eric Bledsoe, Grant-Goodland local board auditor and Laura Holmes, Center for Education Law, attorney representing Grand-Goodland school board made the State Department of Education aware of Grant-Goodland School District's noncompliance of the school audit law. Audit recommendations, details and allegations were reviewed for 2015, school authorities and board member responsible parties, accounts payable and bank account records; 2016 schools audit report response,

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and January 28, 2016 Federal Bureau of Investigation and United States Department of Education (USDE) visit and seizure.

The State Board of Education (SBE) has authority to suspend state aid payments; set up a review committee to monitor audit report recommendations/compliance; impose restrictions based on money; and take over supervision of K-8 dependent school districts allowing the SDE to intervene. Annexation may be reviewed at the end of the school year in efforts to continue the school year and not uproot the students.

Mr. Kinney thanked State Auditor Gary Jones, Mr. Bledsoe and Ms. Holmes for their guidance and help.

Ms. Holmes advised the SBE that Dennis Lee, President, Grant-Goodland school board and Catherine Holloway, Interim Superintendent, Grant-Goodland School District, had taken action by suspending Superintendent Buck Hammer and Deputy Treasurer Pam Keeling. Sadly, Ms. Keeling committed suicide the day after her suspension; therefore, questioning her is now foreclosed. Current actions and finances by the school; investigation updates and pending findings by federal and state law enforcement agencies; and relation affiliations were reviewed.

Board members asked questions and discussion on audit and financial report/statutes, effects of withholding state aid and annexation/consolidation.

Brad Clark, General Counsel, State Board advised the committee review/action timeline for Swink Public School District was 90 days. Due to the urgency of the matter suggested a 30-day maximum.

Mr. Kinney recommended taken no action on withholding state aid; a SBE/SBE committee to ensure audit recommendations and all other requirements are in compliance/implementation, and present a report on the financial condition, implemented recommendations and district status at the March 24 SBE regular meeting.

**Issuing an Administrative Order placing
Grant-Goodland Dependent School District,
C003, under full state intervention**

Mr. Kinney presented school intervention information and recommendation for the SDE to proceed with an Administrative Order process to place Grant-Goodland Dependent School District under full state intervention on behalf of the SBE pursuant 70 O.S. § 3-104, 5-103, 70 O. S. § 1210.543.

Board member asked questions and discussed school personnel actions, audit samplings, school website financial reporting.

Board members Flanagan moved to approve the State Department of Education (SDE) to begin the process for full state intervention of Grant-Goodland Dependent School District. Board member Ross seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Keating, yes; Mr. Ross, yes; Mr. Flanagan, yes; and Superintendent Hofmeister, yes.

Mandatory Annexation of Gage Public School District (I039) Approved

Mr. Kinney presented a request to begin the mandatory annexation process for Gage Public School District to become part of the Fargo Public School District. The SDE staff and the school district worked together on the Request for Annexation in which an election is scheduled for April. At this time, Gage Public School District has funds available through the month of April.

They will not have sufficient funds to complete the current school year if state aid is cut in March; and/or if the annexation election is not successful funds. The SDE can act swiftly, in the event these occur, to assure timelines/notices are provided, and ensure students will complete the school year uninterrupted. A Resolution for Annexation to Fargo Public School District was executed, and if the proposition is passed the annexation is effective April 22, 2016.

Greg Gregory, Superintendent, Gage Public Schools said district revenues have been affected due to the deterioration of oil and gas industry revenues. They are dependent solely on local revenues and gross production, and the necessary adjustments and reductions have been made. At this time, April payroll will be met and between that time and May we will possibly meet appropriations or exceed them. The local school board does not want to exceed appropriations. When the school meets \$122 million the school will cease. Mr. Gregory confirmed Fargo Public Schools approved the Resolution for Annexation and requested the SBE give the Gage residence opportunity to speak, ensure students complete school year and teachers are paid.

Board members asked questions and discussed annexation/consolidation arrangements/transitions, student transfers, funding liabilities, and.

Board member Price moved to approve the mandatory annexation proceedings if the annexation election fails and schedule a hearing at the April SBE regular meeting. Board member Flanagan seconded the motion.

Mr. Kinney advised if the vote failed the SDE directs where the district would mandatorily annex into and no funds will be available. If the district voluntarily annexes they are eligible to receive school consolidation funding.

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

Report on corrective actions; discussion and possible action on the June 30, 2015 and prior year's audit reports for Swink Public School District –

Mr. Kinney presented a report on the committee findings on the recommended corrective actions of the Swink Public School District's audit that included responses, bond claims, and SDE processes. The district has substantially complied with all recommendations.

Mark Bush, Superintendent, Swink Public Schools; Darrell Stowers, President, Swink School Board; and attorney for the district, Laura Holmes, Center for Education Law, responded to the corrective action implementations, new personnel, end-of-year projections; new board policy adoption; and status/ongoing law enforcement investigations.

Board member Flanagan said the district complied with all SBE/SDE requirements and they are financially stable through end-of-year. He recommended no further supervision is needed and to accept the report as final determination. All other matters are subject to law enforcement.

Board member Flanagan moved to accept the Swink Public School District report as the final determination as for as this matter. Board member Price seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Keating, yes; Mr. Ross, yes; Mr. Flanagan, yes; and Superintendent Hofmeister, yes.

Superintendent Hofmeister recessed the meeting at 12:00 p.m. and reconvened at 12:10 p.m.

Administrative Rule Adoption

Lori Murphy, Assistant Legal Counsel, presented the following administrative rule amendments pursuant to the *Oklahoma Administrative Procedures Act*, 75 O.S. § 250 *et seq.*:

Title 210. State Department of Education
Chapter 1. State Board of Education
Subchapter 3. Departmental Precepts
**210:1-3-8.1. Student Data Accessibility, Transparency and
Accountability Act [AMENDED]**

Board member Price moved to approve the amended rule. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Flanagan, yes; Mr. Ross, yes; Mr. Keating, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

Title 210. State Department of Education
Chapter 15. Curriculum and Instruction
Subchapter 27. Reading Sufficiency Act
**210:15-27-1. Reading Sufficiency Plans and Summer Academy
Reading Programs [AMENDED]**
**210:15-27-2. Good cause exemptions for promotion under the
Reading Sufficiency Act [AMENDED]**
**210:15-27-3. Standards for mid-year promotion of retained
third graders [AMENDED]**
210:15-27-4. Program of reading instruction [NEW]

Board member Price moved to approve the amended rule. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Keating, yes; Mr. Ross, yes; Mr. Flanagan, yes; Superintendent Hofmeister, yes.

Title 210. State Department of Education
Chapter 20. Staff
Subchapter 9. Professional Standards: Teacher Education and
Certification
Part 9. Teacher Certification
210:20-9-91. Application for new certificates [AMENDED]

Board member Price moved to approve the amended rule. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Flanagan, yes; Mr. Ross, yes; Mr. Keating, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

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. Career development program for
paraprofessionals [AMENDED]**

Board member Price moved to approve the amended rule. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Keating, yes; Mr. Ross, yes; Mr. Flanagan, yes; and Superintendent Hofmeister, yes.

Title 210. State Department of Education
Chapter 25. Finance
Subchapter 5. Budgeting and Business Management
210:25-5-5. Auditing [AMENDED]

Board member Flanagan moved to approve the amended rule. Board member Price seconded the motion. The motion carried with the following votes: Mr. Flanagan, yes; Mr. Ross, yes; Mr. Keating, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

Title 210. State Department of Education
Chapter 35. Standards for Accreditation of Elementary, Middle
Level, Secondary, and Career and Technology Schools
Subchapter 7. Additional Standards for Middle Level Schools
**210:35-7-41. Staffing: pupil/professional staff ratio
[AMENDED]**
Subchapter 9. Additional Standards for Secondary Schools
**210:35-9-41. Staffing: pupil/professional staff ratio
[AMENDED]**

Board member Price moved to approve the amended rule. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Keating, yes; Mr. Ross, yes; Mr. Flanagan, yes; and Superintendent Hofmeister, yes.

Resolve into Executive Session pursuant to 25 O.S. 2001 §§ 307(B) (7) and (8) for the purpose of discussing possible action to issue emergency orders summarily suspending the teacher certificates of Patricia Catlin, Marsha Gore, Buck Hammers, Austin Quinton, Jandolyn Overton, Jimmy Steinbach and Kyle Whitmus pending individual proceedings for revocation or other action – OAC 210:1-5- 6(e), 75 O.S. § 314, and 70 O.S. § 3- 104

Convene into Executive Session

Board member Price moved to convene into Executive Session at 12:25 p.m. Board member Ross seconded the motion. The motion carried with the following votes: Mr. Flanagan, yes; Mr. Ross, yes; Mr. Keating, yes; Mr. Price, 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 12:46 p.m. 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; and Superintendent Hofmeister, yes.

Superintendent Hofmeister stated no action was taken in Executive Session.

Board member Ross moved to approve issuing emergency order summarily suspending the teaching certificate of **Patricia Catlin**. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Flanagan, yes; Mr. Ross, yes; Mr. Keating, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

Board member Ross moved to approve issuing emergency order summarily suspending the teaching certificate of **Marsha Gore**. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Keating, yes; Mr. Ross, yes; Mr. Flanagan, yes; and Superintendent Hofmeister, yes.

Board member Ross moved to approve issuing emergency order summarily suspending the teaching certificate of **Buck Hammers**. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Flanagan, yes; Mr. Ross, yes; Mr. Keating, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

Board member Ross moved to approve issuing emergency order summarily suspending the teaching certificate of **Austin Quinton**. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Keating, yes; Mr. Ross, yes; Mr. Flanagan, yes; and Superintendent Hofmeister, yes.

Board member Ross moved to approve issuing emergency order summarily suspending the teaching certificate of **Jandolyn Overton**. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Flanagan, yes; Mr. Ross, yes; Mr. Keating, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

Board member Ross moved to approve issuing emergency order summarily suspending the teaching certificate of **Jimmy Steinbach**. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Keating, yes; Mr. Ross, yes; Mr. Flanagan, yes; and Superintendent Hofmeister, yes.

Board member Ross moved to approve issuing emergency order summarily suspending the teaching certificate of **Kyle Whitmus**. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Flanagan, yes; Mr. Ross, yes; Mr. Keating, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

**Utilize a Hearing Officer to conduct individual proceedings
for revocation or other action on the teacher certificates of
Patricia Catlin, Marsha Gore, Buck Hammers, Austin Quinton,
Jandolyn Overton, Jimmy Steinbach and Kyle Whitmus Approved**

Board member Ross moved to approve utilizing a Hearing Officer to conduct individual proceedings for revocation or other action on the teacher certificates of Patricia Catlin, Marsha Gore, Buck Hammers, Austin Quinton, Jandolyn Overton, Jimmy Steinbach and Kyle Whitmus. Board member Flanagan seconded the motion.

Board member Price moved to amend the motion on the basis if it is needed by the State Department of Education without a plea to a charge.

Board members asked questions and discussed individual revocation needs.

Board member Ross accepted the amendment and then withdrew the motion to approve. Board member Flanagan withdrew the second.

Board member Price moved to approve utilizing a Hearing Officer to conduct individual proceedings for revocation or other action on the teacher certificates as listed on Agenda item 8 (h) if it is in the view of the Department needed and there has not been a plea to a criminal charge. Board member Flanagan seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Keating, yes; Mr. Ross, yes; Mr. Flanagan, yes; and Superintendent Hofmeister, yes.

**Authorize the utilization of a Hearing Officer to conduct
individual proceedings for revocation or other action in all
proceedings on certificates and licenses where criminal
charges have been filed against the individual Approved**

Board member Price moved to approve authorizing the SDE to utilize a Hearing Officer on individual proceedings for certificates and licenses where criminal charges have been filed and; amended to add “a guilty plea or nolo contendere plea to the criminal charges has not been entered.” Board member Flanagan seconded the motion.

Board members asked questions and discussed clarifying the revocation action.

Board member Price amended the motion to approve authorizing the SDE to utilize a Hearing Officer to conduct individual proceedings for revocation where criminal charges have been filed against the individual but a plea of guilty has not been entered. Board member Flanagan seconded the amended motion. The motion carried with the following votes: Mr. Flanagan, yes; Mr. Ross, yes; Mr. Keating, yes; Mr. Price, yes; and Superintendent Hofmeister, yes.

ADJOURNMENT

There being no further business Board members unanimously agreed to adjourn the meeting at 12:55 p.m.

The next regular meeting of the State Board of Education will be held on Thursday, March 24, 2016, at 1:00 p.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