

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

February 28, 2013

The State Board of Education met in regular session at 9:40 a.m. on Thursday, February 28, 2013, 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, February 27, 2013.

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
MG (R) Lee Baxter, Lawton
Ms. Amy Ford, Durant
Mr. Brian Hayden, Enid
Ms. Joy Hofmeister, Tulsa
Mr. William "Bill" Price, Oklahoma City
Mr. William "Bill" Shdeed, Oklahoma City

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 9:40 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.

**JANUARY 31, 2013 REGULAR BOARD OF
EDUCATION MEETING MINUTES APPROVED**

Board Member Hofmeister made a motion to approve the minutes of the January 31, 2013, regular State Board of Education meeting. Board Member Ford seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; General Baxter, yes; Ms. Hofmeister yes; Mr. Hayden, yes; and Ms. Ford, yes.

STATE SUPERINTENDENT

Information from the State Superintendent

Superintendent Barresi recognized Ms. Connie Holland for 30 years of service with the State Department of Education.

**Presentation of Achievement Awards for
Excellence in Annual Financial Reporting**

Superintendent Barresi recognized the recipients of the Achievement Awards for Excellence in Annual Financial Report. Achievement awards were presented to Mustang Public Schools-Large School District; Holdenville Public Schools-Midsize School District; Fargo Public Schools-Small School District; and South Rock Creek Public Schools-Elementary School District.

First-Year Superintendents

First-year superintendent(s) attending the meeting were Mr. Tommy Eaton, Superintendent, Bowlegs Public Schools; and Mr. Tracie Hale, Superintendent, Lone Star Public Schools.

**A-F Report Card Examination Study Conducted by the
Oklahoma Center for Education Policy and The
Center for Education Research and Evaluation**

Superintendent Barresi said this report is part of the larger body of comments and we assure to continuously improve and adjust to the system. We appreciate comments and support of parents, citizens, and other researchers in the country. One researcher's letter is included in the Board Member packet or was sent to you. It is the total body of all the comments that brings us to making these recommendations and the continuous work process with the Legislature. The ongoing and continuous process, as with all the reforms, will make the system better. Expect more changes next year as we continue with A through F, not just the grade card but everything we are doing. It is within that spirit we will enter all comments and bring our appreciation to that.

The Leadership Advisory meeting agenda is finalized and scheduled for Friday, March 8, 2013. Board Members are invited because all the rules and rule proposals, posted and not posted, will be discussed at that time. Leadership Advisory is one more chance to receive input and comments from superintendents and educators throughout the state. However, comments at the meeting cannot be incorporated into existing rules up for consideration right now.

Any rules posted from now on will require individuals to make their comments through the formal public comment forum established and/or in the hearings that have been established.

CONSENT DOCKET APPROVED

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2012-2013 and 2013-2014 school years, and other requests:

- (a) **Allow Two School Days in a 24-Hour Period – 70 O. S. § 1-111**
Moyers Public Schools, Pushmataha County
Porum Public Schools, Muskogee County
- (b) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**
Braggs Public Schools, Muskogee County
- (c) Request approval on recommendations from the Teacher Competency Review Panel for applicants to receive a license - 70 O. S. § 6-202
- (d) Request approval on exceptions to State Board of Education regulations concerning teacher certification – 70 O. S. § 6-187
- (e) Request for Jennings Public Schools, Pawnee County, to use \$50,000 of its general fund to make expenditures for capital needs – OAC 210:25-5-4
- (f) Request for Shawnee Public Schools, Pottawatomie County, to use \$50,000 of its general fund to make expenditures for capital needs – OAC 210:25-5-4

- (g) Request approval for St. Mary Catholic School, an Oklahoma Catholic School Accrediting Association (OCSAA) private school, wishing to participate in the Lindsey Nicole Henry Scholarships for Students with Disabilities program - 70 O.S. 13-101.2
- (h) Request approval for Bishop Kelley Catholic High School in Tulsa, an Oklahoma Catholic School Accrediting Association (OCSAA) private school, wishing to participate in the Lindsey Nicole Henry Scholarships for Students with Disabilities program - 70 O.S. 13-101.2

Board Member Baxter 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; General Baxter, yes; Mr. Shdeed, yes; and; Mr. Price, yes.

TEACHER CERTIFICATION

Teacher Certification Production Report

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

Board Member Ford asked how often background checks conducted on a teacher or employee.

Mr. Smith said it is mandatory by law they be conducted upon a hiring. Whether it is a teacher, support staff, cafeteria worker, any new hire the district is required to have one. How often the school chooses to do that is their call.

Board Member Baxter expressed his concerns regarding The American Board for Certification of Teacher Excellence.

SPECIAL EDUCATION SERVICES

Adoption of the Dynamic Learning Maps (DML) Common Core Essentials Elements (CCEEs) Approved

Ms. Rene Axtell, Assistant State Superintendent, Special Education Services requested approval of the dynamic learning maps (DLM) common core essentials elements (CCEE). To recap what Board Members were provided, the special education services (SES) division looked at the instructional and assessment components of children with disabilities and designated staff addressed those specific items. The SDE-SES will go through a similar process of transition when taking on the Partnership for Assessment of Readiness for College and Career Consortium (PARCC) assessment. Along with the new PARCC assessment, the Common Core State Standards (CCSS) were adopted in July 2010. In looking at assessments for children with the most significant disabilities, that one percent available to us, there are two consortiums in which to align. After much research, the department, prior to my arrival at the department, chose DLM partly because of our need to adopt state standards for the one percent population. This organization works at the University of Kansas funded by a

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federal grant. Basically, the common core essential element will be an extension of the Common Core standards.

Ms. Hofmiester asked a question about the DLM consortium.

Ms. Axtell said information was submitted to various stakeholders requesting them to review, research, and provide input. Since that time, the process with DLM is not as far along as what PARCC or Smarter Balance would be simply because our alternate assessment is typically a step or two behind. The general assessments and Common Core standards must be in place first after which time we alter them. Ongoing input is continuous, and recently DLM presented at the Cooperative Council for Oklahoma School Administration (CCOSA) conference of Oklahoma State Directors of Special Services for statewide directors to have another opportunity for input in this process as well.

At this point we are requesting approval of the actual standards. The CCEEs are an extension of Common Core. The actual assessments we need have not been produced, want be implemented until 2015-16, and field testing will be conducted 2014-15. Until we are further along we are not sure what those assessments will be, however, we do know they will only be in the area of math and English language art.

In response to Board Member Price and Ford's questions, these particular assessments will be similar to our Oklahoma State Testing Program, and a part of the federal accountability measures. Options to ACE legislation will be discussed later. Federal regulations allow us to have alternate standards. For children with the most significant disabilities, there is a one percent cap who can take an alternate assessment. The essential elements and assessment eventually developed will be geared specifically for those. There is a criteria process through which the Individual Education Program (IEP) team goes through to determine if the type of assessment is the most appropriate assessment for each individual student. The Oklahoma State Testing Program in the past had three types of assessments that included the OCCT, Oklahoma Modified Alternate Assessment and the Portfolio assessment. When PARCC and DLM fully come into the play they will be the only assessments.

The one percent is applicable to both the school and district. The accountability measures are through the district, and each individual site also looks at the number of children they identify in that one percent population. If more than one qualifies the regulations states, as far as the IEP development, the IEP team is charged with determining which assessment is the most appropriate. There could be situations where a site has more than one percent of the population taking an alternate assessment or a district with a lower percentage, then the site(s) average is pulled together. Once the accountability piece is done and if there is more than the one percent, they can take the assessment. However, the scores will not count towards the accountability.

Ms. Maridyth McBee, Assistant Superintendent, Accountability and Assessments said the one percent is the most severe with cognitive disability and is not the same distribution across all districts. Districts can apply for a waiver option if they have more than the one percent. If the waiver is not granted and more than one takes the test then for accountability purposes only should they score proficient they are not counted, and scores are changed from accountably to limited knowledge. It rarely occurs with this particular test and the accountability office works with the limits and caps on the one

percent test which is very specific to severe cognitive disabled children that the right test goes to the right children.

Ms. Axtell said the state data reflects we have not been over the one percent cap over the past four years.

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

ACADEMIC AFFAIRS

Office of Educational Support

Adoption of Additional Achieving Classroom Excellence (ACE) End of Course Projects Approved

Ms. Melissa White, Executive Director, Counseling/ACE requested approval of additional end of course projects that offer possibilities to all students in order to demonstrate proficiency on four of the seven end-of-instruction (EOI) assessments. End of course projects have been identified for students who are proficient in the subject and have difficulties demonstrating proficiency through the assessments we offer. The original projects will be identified as Category A projects offered to all students; Category B projects offered to students with disabilities, English II, III identified English Language Learner (ELLs) and Language Instruction Educational Plan (LIEP). The Office of Special Education facilitated projects with state stakeholders who reviewed existing project content, and contributed to the design and developed of Category B projects for English II, III, Biology and US History. Category C projects are for the severe profound students identified through IEP teams to demonstrate proficiency which is similar to the Oklahoma Alternate Assessment Program (OAAP) portfolios.

Mr. Todd Loftin, Executive Director, Special Education Services said after reviewing the end of course and Category B projects for IEP students having trouble demonstrating skills and knowledge on a regular assessment we asked how could we modify and design them to accommodate their needs. All of those projects were changed and the structure is basically the same. Some requirements are different with more varied approaches to doing the projects. The same was done for Category C but more of the OAAP rubrics were used to break it down further in order to get at the students who may not be able to get to the one or two on the rubric. How they participated in the assessment is documented.

Board Members asked questions regarding students on an IEP.

Board Member Price requested a breakdown of the students in the Tulsa and Oklahoma City school districts taking the Category B testing, percentages of IEPs and statewide average.

Superintendent Barresi said Ms. Axtell can provide the numbers of distribution by districts in terms of students in IEP including Oklahoma City and Tulsa. There are possibly 30 or 40 percent but there are districts with more and the national average is far below at 13 percent. We have noticed some students are being put on an IEP simply for a

reading problem in order for the district to afford them more individual time. Our hope, as we do intensive work around reading with REAC³H coaches along with all the other strategies, is to experience a significant drop in children enrolled in special services as have other states. Ms. Axtell, is there an overall statewide average or an exact number?

Board Member Price and Hofmeister discuss districts option to select and decide disability qualifications, standardized method/approach, additional money distribution/state formula, inflation of student numbers,

Ms. Axtell said approximately 90,000 Oklahoma students are identified as children with disabilities. A specific break down can be provided for each of the districts as well as the different disability categories and the number of children in each category. The information is also located in the State Report Card, page 2. An allocation amount is established for every student by state law. Based on the October 1 child count, the weighted formula associated with the disability categories addresses the needs of children with disabilities and provides additional funding to districts based on what they identified in order to meet those needs. The weighted formula has increased funding above and beyond each students allocation. To identify a student with a disability requires school districts go through federally required categories and components for evaluation. The evaluation process is time intensive that involves a team reviewing lots of information. The initial referral process to pin point a child's disability category often times may require reviewing multiple disability categories to determine which category is a best fit as to what is happening to a particular student as far as their academic struggle.

There are many safeguards, checks, and balances in place, Mr. Price. The federal regulations state even if the child is evaluated for a specific disability and does not meet the federal definition of a particular category, the team making the decision can basically state the child did not meet the federal regulation component qualifications. But can also state the child is a child with a disability, in need of special education and related services, and can then identify the child as an eligible student. As districts submit their required reporting data throughout the year data comparison reviews are conducted on the number of children identified, one year versus another, to see whether or not the number(s) remain relatively consistent, as well as the weighted formula on the number of students identified in each disability category to ensure there is not a lot of fluctuation or movement within those.

Board Member Shdeed asked how is it handled when a student has a problem but is told something has not been funded or there is no teacher.

Ms. Axtell said per the federal regulations, no funding/no teacher, are not options and services must be provided. In the 1970s, Congress indicated in the *Individuals with Disabilities Education Act* (IDEA) they would fund IDEA at 40 percent. Currently, it is funded at approximately 18 percent. Ultimately should a district choose to take grant funding through IDEA, they must also ensure implementation of all the federal regulations. This means they ensure services are provided for the identified student(s) in need of services. If they cannot, they can work with a surrounding district through an interlocal cooperative to ensure the services.

To respond to Board Member Price's concerns regarding the overwhelming federal and state paperwork/reporting for special education teachers. Stakeholder groups have been scheduled in March to revisit the state policy and procedures to look at streamlining the processes of SES. Afterwards, we will review/examine existing forms to address

needed changes specifically to what you have mentioned. One stakeholder group drafted sections of the policy and procedures or the handbook which will be posted for comment and feedback. The required federal components must be a part of the forms. Some things we have no choice but to include and this is something we do in-house. We want to ensure all the processes are streamlined, clear and concise but also giving districts as many options in order for students with disabilities can be successful.

Board Member Hofmeister said it has been described that a lot of federal regulations, as well as the duty to provide services that come with the funding, that there is no option when a student is identified on an IEP. However, when a child or family decides to exercise their rights to use school choice, leaves the district, and attends a private school under the *Lindsay Nicole Henry Scholarship Act*, do the same regulations, obligations, and duties apply as well? Does part of the money follow them?

Ms. Axtell said the parent revokes consent for special education services and placement when they choose to participate in the scholarship fund. Only state dollars follow a student. There are regulations within IDEA that address private school students. A number of individual children attend private schools but receive services through public schools. The school district counts these children and receives the federal dollars for them for providing the special education services. There are two different pieces, private school and Lindsey Nicole Henry Scholarship. Private schools are within the IDEA and all the procedural safeguards are afforded them. If they choose the scholarship then they waiver their rights to the procedural safeguards and special education services will cease.

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

Update on the Teacher and Leader Effectiveness Evaluation System (TLE) Implementation

Ms. Laura McGee, Executive Director, Teacher and Leader Effectiveness (TLE) said the second working group has completed their work with the exception of a few core groups. Nurses, schools, psychologists, gifted and talented teachers, counselors, instructional coaches, and speech pathologist were not adequately represented at the working group sessions. Therefore another working group is scheduled for Tuesday in order to have more educator representation. Recommendations drafted by teachers of non-tested grades and subjects and teachers without a teaching assignment will be presented to the TLE Commission at the March 12, 2012, meeting. The State Board of Education (SBE) will be presented these recommendations for final approval on March 28, 2012.

At the next Commission meeting, representatives from every working group area will share their recommendations for adoption. If the Commission needs more time to review, we will back up by a month. The specific recommendations are how the 35 percent quantitative measures, value added, and student growth measures should be calculated for teachers with non-tested grades and subjects. To clarify, we have two separate pieces, non-tested grades and subjects, and the other is tested grades and subjects with value added. A special Commission meeting was scheduled this afternoon to hear presentations from a value added vendor, however, we were given the opportunity by the

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Commission to move forward with our request for proposal (RFP) for a vendor, but due to being in the submittal process we could no longer have conversations with the vendors. Statewide data was also requested by the value added vendor for their review. As we moved forward we had FERPA issues because at our first presentations Statistical Analysis System (SAS) presented a study to the Commission on behalf of the SDE to give them background information. When the study was completed we could no longer provide data to another vendor, plus, we did not want to jeopardize the RFP process moving forward.

Any vendor(s) we select must go through a bidding process. They are evaluated, based on our criteria, and will be considered as a possible vendor. Therefore, the reason to close the processes was because we were in the middle of requesting proposals. The guidance from vendors to be given to the Commission will actually be as part of the RIF process. The SDE made the recommendation to close not the TLE Commission. Value-Added Research Center (VARC) and/or any other vendor will be heard if they are one of the finalists in the bidding process, Ms. Hofmeister.

Board Member Hofmeister, Ford, Baxter questioned/clarified SAS and other vendor granted opportunities, purpose for closing RFP, and TLE Commission and SBE authority.

Ms. Kerri White, Assistant State Superintendent Office of Educational Support said we asked for a study on our data in order to provide information to the Commission to know how to move forward. The study required a vendor, they had the data, produced the study, and the process ended. Shortly thereafter the RFP process began for the value added determination which was a new process with a small study contract. Next was a large RFP contract and because that had begun, the Commission gave permission to move forward with the RFP at the January meeting. At that point, the process of writing an RFP began but state policies prohibited contact with vendors. The TLE Commission was not committing to the process of a contract. They felt comfortable with SDE moving forward with writing/developing an RFP in order to have a value added calculation done in a reasonable amount of time. This began the process that would ultimately end with the SBE and contract approval process.

Superintendent Barresi said the decision regarding the business rules on how value added will be determined is completely separate from a selection of a vendor. Any vendor selected should incorporate the rules of the Commission. Once a vendor is selected, like any testing company that is selected by the Department of Central Services (DCS), they should be able to incorporate the test blue prints given them by virtue of their expertise. A vendor will be selected through our normal process and data will be sent to them. The vendor will present information to the Commission and should be agnostic to whatever guidelines the Commission comes up with. The selected vendor will be able to properly process things and deliver information to the Commission. The Commission will have discussions to be better able to forward recommendations to the SBE.

Board Member Hofmeister expressed her concerns over the RFP process.

Board Member Baxter, Hofmeister questioned why were briefings taken prior to being stopped, what was to happen at the canceled TLE meeting, and VARCs role?

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Ms. White said a separate study was performed to determine if we had enough information to move forward with an RFP. After that presentation, we knew there was enough information to move forward with the RFP.

Ms. White said VARC asked for the data to redo what SAS had already completed. We were unable to provide data because we cannot give away data that is not part of a contractual agreement for a needed study. The study had been completed.

Board Member Ford said SAS was chosen for the specific project to decide phase 1 because data had to be looked at in order to go to phase 2. Was there a bid for phase 1 and if so who decided that?

Ms. White said the phase 1 study was such a small amount of money it did not meet the competitive bidding requirements.

Board Member Hofmiester and Baxter asked If the RFP could be canceled right now, start over again, hear from all vendors and their support of writing an RFP, and return it to DCS. Would that be feasible?

Ms. White said the reason that is not appropriate is the calculations for value added must be done this year. Otherwise we will not have a vendor in time to do the value added calculations. Secondly, there is no information companies could provide because we would be paying for the same information multiple times, and pay it again to the vendor/company that wins the award. It is a cost issue for the state if we continue to pay companies to repeat studies for us that are already completed.

Superintendent Barresi said I want to stress whoever is selected by DCS, not us, will be asked to take all iterations, combinations, and theories of data and report to the Commission. If a vendor is not capable of providing the services, they will not win the award.

Ms. White said the RFP says the perimeters will be defined by the Commission and SBE at a later time, and are you willing to run based on whatever perimeters are later determined. This is the most efficient way to get the Commission all the different research they have been requesting as well as for the SBE.

Superintendent Barresi and Ms. White said an analogy is when you build a house, the role of the architect to build the house is to be able to design the type of exterior/interior you request, if they cannot, they are not hired, and especially if they have only one way of building houses. Also, the architects roll, based on their knowledge/experience of constructing a house should be able to advise pros/cons for the homeowner to make a better informed decision. That is the role of the vendor through the RFP process.

Ms. McGee said the next TLE Commission meeting is March 12, 2013, Ms. Hofmeister. Yes, the RFP will be submitted this Friday prior the meeting. We were given permission by the TLE Commission to move forward with our RFP process at the last Commission meeting. I can get the Commission's guidance regarding whether we select the top three vendors. The vendor(s) will provide the same presentation based on the full statewide data and answer all the questions to the Commission at one time as part of the RFP.

Board Member Baxter asked how the TLE Commission can give approval to start the RFP process.

Ms. White said the Commission did approve for us to move forward with an RFP. Part of our business processes is to do a procurement process for contracts. That is what the RFP does. What we asked of the Commission was essentially if there was enough information that we were able then to write the RFP or if extended time was needed in order to understand what value added was about. I am not saying the Commission gave us the authority we needed to do an RFP.

Superintendent Barresi said we have the authority to issue an RFP with or without the authorization of the Commission. You made a good point, thank you. We have issued the RFP and it is not to be contrary to the Commission in any way, shape or form. It is to get the business of the department moving forward in a timely fashion according to the requirements of the law.

Ms. McGee said roster verification is the voluntary process happening this spring. Superintendents were notified and they will determine how and if their district will participate this year. They are also responding with positive feedback and grateful for the opportunity to allow teachers to verify their rosters during a no-stakes pilot year.

Training timelines were updated for data personnel will begin March 11 and March 25. The SDE, superintendents, administrators, and teacher trainings begin in April. Roster verification window takes place immediately after the state assessment window. Based on COSSA information the deadline for roster verification was extended to June 14.

A qualitative report is being developed for the SBE that will include qualitative implementation feedback from superintendents. It will be reported at the TLE Commission and the SBE meeting on March 28, 2013.

This was a report only no action was required.

Office of Instruction

Award Ten Advancement Via Individual Determination (AVID) Grants to Nine Districts Approved

Mr. Richard Caram, Executive Director, C³ requested approval of nine school districts to be awarded the advancement via individual determination (AVID) grants. These school districts will increase the number of AVID schools or sites in the state to 14. The AVID curriculum was developed by an educator in San Diego, CA. originally to prepare underachieving high school students to fulfill their potential. The curriculum now includes elementary. The component of the curriculum in a high school, which is my experience, is different for each grade. It is more transition for ninth graders, and on the first day of class students are taught Cornell Notes. A requirement to get in the class students must first have a higher level question-Common Core question about something they did not quite understand in a math class, for instance. The teacher reviews the question(s) prior to entering the classroom. One great thing about AVID is it provides a tutoring system, they have a way of training tutors and its inquiry, and they use a Socratic method to teach students. It is a give and a take, you have to give something in order to get something out of the class and it changes students' lives.

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Board Member Price and Baxter requested AVID studies, student progress/performance comparisons, costs, lessons replication capabilities, and, availability of budget funds.

Mr. Caram said it is an expensive curriculum because of the extensive support and trainings. Yes, a large part is professional development, Ms. Ford, and especially at the training at the school site for teachers and administrators. While at my school 100 percent success rate of the AVID students who went to college and 65 percent have graduated from college.

Superintendent Barresi said this is imbedded in what you provided to the Advanced Placement (AP), AVID and Gifted and Talented department and is a component of that pot of money. We are also engaging partners and foundations to show them the results and generate participation and public/private partnerships. Carol Kelly and I discussed this long ago about how AP courses are possible for all students and made available to all students regardless of background and ability. She searched for the secret ingredient and found AVID. It fits so well with AP but can be run independently of AP courses. The benefits we received I almost cannot calculate and Harding students who were struggling in math, reading and all areas, are Gates Millennium Award Winners, National Merit Finalist, and National Merit Semi-Finalist. They are all going to college and graduating and remediation is way low.

Board Member Baxter asked how many kids are affected with the \$600,000.

Mr. Caram said it depends on the school. Typically, you implement a section at a time. It affects a good number of students and not just sections of AVID, but affects the way the school begins to think differently about students.

Board Member Hofmeister, Hayden and Baxter asked is it an ongoing progress, grants are initiated for a school, a process in which to apply, unlisted funding source, consumable materials versus instructional dollars, and program funding selections?

Mr. Caram said it is a competitive grant that can be renewed. There is additional money so there will be a second round of offerings. The initial startup is expensive and the continuation is less expensive. Districts can choose to implement one grade or all four grades depending on the grant amounts. The department will have oversight of the implementation process. Very little spent on consumables, and yes, Ms. Ford, it is investing in the development of the teacher, culture and the school.

Superintendent Barresi said this is not duplication of other efforts or even in competition. There is no AVID organization as those organizations are not for profits and have their organizing bodies. It is a curriculum for schools to choose. The funding comes through the activities budget and is another avenue to implement the reforms particularly around the Common Core and training for teachers on methodology.

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

FINANCIAL SERVICES

School Districts Who Did Not Meet the Administrative Cost Criteria for the 2011-2012 School Year Denied

Ms. Nancy Hughes, Executive Director, Financial Accounting said the additional information the Board requested at the January 31, 2013 SBE meeting is in the packet.

Board Member Ford said the SBE does not have the statutory authority to waive this because it does not meet the criteria under the statute and rule to waive.

Ms. Kimberly Richey, General Counsel said the guidance provided to the Board in January relating to that statement was specifically with regard to Farris Public Schools who for no legitimate reason simply exceeded the administrative cost allowed by statute. This situation is a little different and based on the Board's previous feedback a new category was created within OCAS to allow schools to classify buyouts separately from normal administrative cost. To clarify, by statute the State Board may waive penalties if the district can demonstrate that failure to operate pursuant to the OCAS system was due to circumstances beyond their control and continual improvement is being made.

Ms. Hughes said last year the Board wanted the Non-Court Judgment Contract settlement to be separate from administrative cost. The former Cameron and Thackerville Public Schools superintendents are currently employed at other school districts, Mr. Shdeed.

Ms. Mathangi Shankar, Director, Financial Services said the school districts' exceeded amounts come from adjustments in their state aid allocations, Ms. Hofmeister. Cameron and Thackerville have less than 500 students; Cameron is down to 310 students. The reduction of the state aid is for this fiscal year and is withheld by the SDE. Their future state aid payments for March, April, and June for this fiscal year will be affected.

Board Member Ford made a motion to deny waiving penalties for Thackerville Public Schools and Cameron Public Schools. Board Member Hayden seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, no; General Baxter, yes; Mr. Shdeed, yes; and Mr. Price, yes.

Board Member Ford said I have a concern regarding the new category code created to allow this without it coming before the Board in light of the vote just taken.

Superintendent Barresi said we will report/review this at the next meeting.

LEGAL SERVICES

Adoption of Permanent Rules Approved

Ms. Stephanie Moser Goins, Assistant General Counsel said I will present three separate rule groups and the first group are action items. The revocation of the mobile classroom rule in 210:33-3 did not receive any public comment, nor did the proposed

changes to the accreditation status rule which updates in light of the waiver and new terminology replacement of the old school improvement list technology.

- (1) Chapter 10. School Administration and Instruction Services;
Subchapter 13. Student Assessment – Testing students with disabilities
[Amended]

Public comment and concerns of the SBE were addressed in the rule regarding assessors being teachers and determined to add a training requirement to the assessment.

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

- (2) Chapter 30. School Facilities and Transportation; Subchapter 3.
Facilities – Mobile classrooms [Revoked]

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

- (3) Chapter 30. School Facilities and Transportation; Subchapter 5.
Transportation-District administration, operation and management
transportation [Amended]

210:30-5-3. Transportation of students [New]

210:30-5-4. Transportation for school activities [New]

210:30-5-5. Transportation routes and boundaries [New]

210:30-5-6. School buses [NEW]

210:30-5-7. Transportation of special education students [New]

210:30-5-8. School bus driver certification [New]

Ms. Goins said one public comment was received in support of the addition of the monocular vision waiver. Other non-substantive suggestions were also implemented.

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

- (4) 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 21. Standard XI: Accreditation Status –
Statement of the Standards – [Amended]

Board Member Hofmeister 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; General Baxter, yes; Mr. Shdeed, yes and Mr. Price, yes.

Report on Current Rule Promulgation

Ms. Stephanie Moser-Goins, Assistant General Counsel said the Public Hearing for current proposed rule changes is Wednesday, March 6, 2013, at 1:00 p.m. and the public comment period will close at 4:30 p.m. The changes include the School Accountability System regarding language updates to the Adequate Yearly Progress (AYP); *Reading Sufficiency Act* language update addressing summer academy reading programs, continuous learning calendar implementations and good cause exemptions for promotions/clarifications; and revocation of minimum criteria for effective teaching performance and administrative performance superseded by implementation of the new TLE system. The amended draft rules will be presented at the March 28, 2013, SBE meeting.

Board Member Baxter said in each of the rules you indicated some comments did not apply to the proposed rule change and those comments were set aside. The department decides what rule change(s) will be put on the table and what the rules change(s) might be? What is the process to assure all the substantive rules changes the public would like considered are put on the table? The lawyers do not decide what the content areas that should go into the rule changes, right?

Ms. Goins said I do not have the particular citation available and there is a provision which we have memorialized it by rule. There may be a statute that implements a process whereby the public could request a rule change. It is a collaborative internal process even before we notice of the rule. To my knowledge, no calls have been received from the public and just because it has not happen yet does not mean they want. The administrative procedures start with a Notice of Rulemaking Intent and Notice to be published.

Board Members Price and Baxter expressed concerns about public proposed rules changes in a board summary sheets, current rule process, changes, and considerations.

Board Member Baxter, Hayden, Hofmeister concerns were with regard to public comment not occurring on a proposed change unless it is proposed; focus on urgent larger concerns than smaller ones, boxed in to accept only public comment based on what is prosed; consider/assure the right changes, broader discussions

Ms. Goins said we noticed the rule up fairly broadly and as we get the changes from public comment. The legislature sets our playing field, the boundaries of the field and we operate within those boundaries. Our job is to tweak the machinery, set up an analysis and we have a starting point. Have we picked the right ones, we have to prioritize.

Superintendent Barresi said the legislature gives us guidance through legislation and we do the very best to assure the rules are written appropriately that reflect the will of the legislature. If change comes through this legislative session we will work quickly and diligently to bring emergency rules to the Board. We always go back to the author of a bill to make sure we reflect the author's intent and take care to stay within the guidelines. We incorporate changes from public comment on things directly germane to the legislation and rules. The changes we are suggesting are still within the scope of passed legislation consulted with the rules authors multiple times.

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Board Member Price, Hayden, Hofmeister and Baxter discussed having a rule reporting system, timing of decisions; constituent/research input, evaluations, suggestions, comment solicitation, and recommendations.

Ms. Goins said we have informally but not formally. In fact, a meeting was scheduled with CCOSA on Tuesday but canceled due to weather. It has only been four months since the October implementation of the A through F rule. Considering the timeline required in rulemaking you must start in December, January or February.

Superintendent Barresi said it is important changes not be made when open for public comment as a result of any meeting. It has to be submitted through public comment and/or the hearing.

Board Member Ford and Price agreed there have been ongoing discussions with various organizations such as CCOSA, OSSBA, etc. as well as input received at a Superintendent Advisory meeting had been implemented.

Mr. Joel Robison, Chief of Staff said the open hearing for proposed rules is scheduled for March 25, 2013. We may have misunderstood the desire of the Board at the January meeting. I understood your desire was to get the A through F rule out as soon as we could, and have a longer period of open comment as possible. This was moved up quicker than we could in order to enlarge the open comment period. We have had ongoing discussion with various groups and bodies of people since last fall when the first A-F grades went out and we will continue to do so. What we are searching for is some place all stakeholders not only the schools, but the legislature and Executive Branch can all agree is the place on how we want to move forward from this point. This is what we are endeavoring to do now. We will meet with anyone who wants to meet with us at any time.

Board Member Baxter, Hofmeister and Hayden questioned rule changes not being provided, limitations and restrictions, clarification on what can or cannot be up for open comment, modification possibilities and continued constituent inquiries/notifications.

Ms. Goins said we noticed the proposed changes to rules very broadly as implemented changes to the criteria used to calculate the formula in the A through F report card grading system. The proposed rules could be modified if it is implementation of changes to the criteria used to calculate the formula.

Board Members discussed rule change/comment/concepts/ debates/delays, codified statute, assure diversity of views, weighted formulas, Board comprehensive approach to rules, current enrollment, availability of expert opinion/discussions, notice of rule intent requirements/deadlines, proposed rule comments outside of scope/criteria, and special board meeting.

Board Members discussed concerns regarding SBE-SDE authority and responsibility, notice for rule making intent definition, A through F open comment period, and public comment specifications/stipulations.

Board Member Hayden, Hofmeister discussed challenges report card grade determinations, statement of purpose for change/implementation of criteria encompasses everything, emergency rule requirement, public comment filtering considerations, board review of all comments

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Ms. Richey said there have not been any comments that fall outside of the description. The whole formula is based on a set of criteria. I have not heard of a comment that is unrelated to the criteria.

Superintendent Barresi said all written comment was put before the Board last year. We have no intention of changing that process. We can have many meetings with individuals but unless it is formally submitted through public comment, it cannot and will not be considered.

Board Members requested API and A-F system correlations, growth calculation process, collaborative format, provide criticism/rebuttal input, gather related professional, independent, and institutional input; free versus peer review costs.

Superintendent Barresi said expert technical assistance was obtained from those who have careers in this field. It gave us great guidance along the way when developing this. With all of the reforms it will require continuous research and evaluation for years to come. It is needed in the department to guide future policy. One of the things we are doing is applying for Harvard Research Fellow to train individuals in the department on all of the information and data, and advise as we move forward in developing policy in the future. Oklahoma is moving to a culture of looking at data globally.

Board Member Hayden asked if the system in place will look at an individual student growth basis, year to year, versus looking at pool of people.

Ms. McBee said this spring we are implementing a vertical scale. Every student in reading and math will be on one scale that starts at the bottom of third grade through eighth grade. We will be able to measure growth that will be consistent from grade to grade which is an improvement over last year when each grade was distinct in what was proficient. The vertical scale and the score a student receives a result of their score will be at the student level. The score range will mean that they will be the same difference in points between third and fourth grade at the individual student level as fourth to fifth and fifth to sixth.

Ms. Goins said under tab four the proposed rule would take the setting of a particular academic methods and process standards outside of the scope of the rule making process and implement a separate process that provides more opportunity for public comment that is permitted under the APA. To be clear we are not revoking curriculum but the academic method and process standards. Examples of other states that use the rulemaking process to implement academic method and process standards were reviewed, however, I have not found any. The statute requires the SBE to adopt curriculum and there is no requirement that it be promulgated by rule. We propose to implement a different process that will provide more opportunity for input and public comment in shaping those methods and process standards.

The fifth proposed rule establishes a process for recognizing proficiency in Native American Languages. It creates a framework to work with tribal governments to recognize proficiency in Native American Languages to certify teachers in the subject areas. Ms. Desa Dawson, Director, World Languages has worked hard and researched this process for years with the tribes/tribal government process to craft a starting point or framework to provide these opportunities for teachers of Native American Languages.

The tribes are in the best position to tell us who is or is not proficient in any native language. The rule does not propose we become the experts which is the whole point of working with the tribes. To be clear the rule is not saying language is owned by a government, or governments own languages. We are saying here is a legal framework where we can use a government relationship to open up new pathways for certification.

Board Member Price, Baxter discussed revisiting general teacher foreign language requirements certification criteria, subject matter competencies, examinations and verification.

Ms. Goins said these are endangered languages that may not have a developed subject matter competency areas yet. The rule language refers to a national test or test administered by the State of Oklahoma. Currently, Cherokee is the only language with a competency test outside of the tribe. The rule provides a way to recognize tests developed by a tribe, tribal entity, or a Native Language Department. As a prerequisite, tribes provide information regarding their criteria to certify someone as proficient.

The final proposed rule establishes a procedure to consider applications submitted for the new statewide Virtual Charter School Board (VCSB) outlined in Senate Bill 1816. Statewide virtual charter schools are a new frontier and these are the steps in place for considering virtual charter school application(s). The VCSB will act in much of the same role as a local school board. The statewide virtual charter school would be similar to the role of the local district. Each statewide virtual charter school provider would be a separate school. An application is required to establish a statewide virtual charter school and the SBE will have oversight in considering the application, policy, and procedures. The intent of the law was to delegate VCSB the contractual authority to work with each provider. The SBE does not contract with online providers. The VCSB has authority to reject, approve, or revoke. The SBE has oversight authority to assure Senate Bill 1816 is implemented. There is no staffing at this time, but if it receives appropriation, staff will be hired.

This was a report only no action was taken.

PUBLIC COMMENT

Mr. Lloyd Snow, Superintendent, Sand Springs Public Schools –Undervalued, unappreciated, and uninvited. I am here to give my reflections on how these three words describe how teachers, support staff, kids, and administrators feel. I’ve been an administrator, principal, and teacher, serving children approximately 39 years, and I don’t think I have ever felt like I feel today. Our teachers and support staff have not had raises for years and policy makers are making decisions on what and who they value. Whether we are 49th in funding that supports kids or 48th in teacher pay or in the 40s in any educational statistic, our state undervalues kids and education.

I believe, passionately, education is the best investment we can make, and will pay dividends in every way whether it is economic development, better beneficial physical health or less incarceration. I certainly applaud and appreciate this board’s budget proposal increase of approximately \$300 million. It is time to value our kids, teachers and support staff, and yes, even our maligned school administrators. Educators are undervalued that must change; unappreciated hardly a day passes where conversation at the capitol, the press, in chambers or Wal-Mart, there is a mythical belief that public

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education has failed. Teachers do not set high standards, our curriculum has failed, we do not know what we are doing. I am offended when I constantly hear we must fix our failing public schools. Our teacher's staff and many of our kids feel unappreciated with reforms focused on high stakes testing, high stakes evaluation, simplistic score report cards that have little meaning or purpose, and in my opinion solely political, developed by others that for the most part have little if no real public school experience and expertise. Our staffs are stressed to the max with comments with common core, A through F, TLE, ACE, third grade reading, on and on. All of which are unfunded, untested, and unbelievably expected to be implemented with an unreal timeline. Uninvited, Oklahoma educators seem to be out of them mix when it comes to developing policy or law on how to improve education, have sensible accountability, and making decisions on anything related to the classroom or kids. It seems to me those furthest from the classroom or school house are making all the education decisions. Our teachers have little or no influence on what and how we, together, can authentically and realistically improve education. There is another word, unfunded. It seems whether it is state or local we can always count on every law being unfunded. Lastly, it is unbelievable that local boards of education who are elected by their communities closest to the kids and staff have less and less authority to govern. We must confess many, if not most, of our schools are successful and not failing. We must invite them to participate in the continuous improvement process that is reasonable, responsible and more likely to get the results we all want. I believe in local control and hope you do. If we do not begin to reach some common ground and mutual understandings we are headed for a train wreck. I hope each of you are enthusiastically pushing the Legislature to fund the budget you sent to them. Our kids, teachers, and support staff deserve better. Thank you for your time.

Mr. Jeff Mills, Oklahoma State School Boards Association (OSSBA)- Thank you Superintendent Barresi and Honorable Board My comments today are focused on the A through F study commissioned by the Oklahoma State School Board Association and the Cooperative Council for Oklahoma School Administration (CCOSA). I understand there is a lot of misinformation going around but the study was commissioned by the two universities through the University of Oklahoma (OU). Both of the Colleges of Education have different programs; OU has Oklahoma Center for Education Policy and the Center for Education Research and Evaluation is at Oklahoma State University (OSU). We strongly support diversity, discussion and the opportunity to be at the table. I appreciate the comments today and we look forward to being at that table which we will be there next Tuesday, and continuing. Our whole mission, our whole goal in calling for this study was to have someone step back, take an independent look by someone not school administration driven nor school board driven, and someone who was not from the state department. Take a look at the program I guarantee you can find more researchers, we can have that debate all day long, but I think the thing we would like to see is that at least be able to have a conversation to look at the substantive changes that need to take place. Accountability, we are not against accountability, it is here and we are going to deal with it. Our schools should be accountable. We are spending tax payer dollars at every school site and district across this state. We should be accountable for that and we stand up for that but we want a system that, as mentioned in the study, is fair, reliable, useful, and valid in all that it does, and we want to see that. We just want to be able to have that conversation. Is it perfect? I think it has all been mentioned today, no it is not. Is it easy to change? It is not going to be easy to change. The only thing is if I could leave with anything is we have a tendency, it appears today, to use analogies to get our points across, so I am not going to be short. It takes a long time to turn a ship around but before you ever build a ship you know what the ship is going to look like before you pull

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it out and put it in the water. I think at this point we have to back up reevaluate where the ship is, what it is going to look like, and then we launch it. We launch it together and make it successful. Thank you for your time, appreciate it.

Mr. Steven Crawford, Cooperative Council for Oklahoma School Administration (CCOSA) – Superintendent Barresi and Honorable Members of the Board thank you for the opportunity this afternoon. My comments, and I don't want to be redundant on what Dr. Mills said, are on pertain to our governing board where we have a member of higher education who is a Dean at the college at OU. Our members wanted to make sure we analyze all the information we had on A through F. When A through F was going through the process we interacted, worked closely with Maridyth in those final days of the rule making process. We have said all along once they were done we would survey our members as to what kind of needs and changes needed to take place and we did that. It was the most responded to survey that we ever had that over 600 people responded, 2000 comments and compiling the information was hard to get through. The other thing we said we would do was to get a committee of practitioners together to review that information and any other information, which we did that. So we have had an ongoing committee of school practitioners, superintendents from small districts because they do not have middle level management that deal with data collection and data analysis, and many data and curriculum folks are on our committee. It is an ongoing committee and we were scheduled to meet Tuesday, as you already heard, and the purpose was not for some of the purposes that were discussed here but to have a conversation with the folks at the department about what we have about the research that has been done and about what we might do with both. Whether we would continue this process of tweaking or whether we would support the research. I would encourage you as a board to invite the researchers to come make a presentation. They are more than willing to defend their work. We commissioned them as Dr. Mills said. There is a rumor around and stuff in the press that we paid a high price for that commission. We paid collectively together, not to anyone researcher, OU and OSU \$2300 each, a total of \$4600 for the time they billed us for and we had an agreement it would not exceed \$5000. I do not know what they did with the money we paid them; the payment went to the universities. I would be happy to send you the bill and I am not leading you astray. We received a product and were surprised as many as you may have. The surprise was they recommended something we did not ask them to do. We asked for them to tell us how to fix the current system and that is not what they gave us. The made six recommendations that were not are our recommendations but theirs. If you want us to defend their recommendations, I encourage you to talk to them. We paid because in order to do that it was what the deans wanted us to do and we agreed to it. The other thing that has been said is, it looks like I am out of time and I am sorry but the other point I have to clarify is it has been implied we are using tax payers money to get this information and that we have got to pay for results. My organization is an individual membership organization not taxpayer money. If you belong to us, you belong to us because you take money out of your hip pocket and send it to us. Sorry I am out of time, I have more to say but will end there. Thank you very much.

Ms. Jenni White, Restore Oklahoma Public Education (ROPE) – Good afternoon Honorable Board, thank you for the time. I taught in public nearly ten years, I loved teaching. I can remember standing in the hall across from my classroom where I taught science on the same team with my mother who taught English, leaning against the lockers, watching the kids go by and thinking there really couldn't be a better job. I got to interact with kids, good and bad on some days, sometimes the exact same day. I got to relearn some of the concept I taught them and see them a new light. I loved sharing what

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I knew with others and making it new to them. I quit teaching nearly ten years ago to stay home with our oldest son. When I left my responsibilities included turning in yearly lesson plans, meeting the Priority Academic Student Skills (PASS) for my grade level in science and meeting the needs of parents, students, and building administration to the best of my ability. I would never return to the public system today. The teachers I have known and worked with were all self-starters. Teaching cannot survive micromanaging. Ten years ago teachers used to grouse about assemblies because after turning in a yearly lesson plan you worked all summer to put together you could not possibly miss a day or even an hour and still have the kids prepared to leave the classroom knowing what they needed to know. Not just to pass the test but to be where they needed to be developmentally. If lesson plans are thrown out of whack by snow days and assemblies what in the world happens when you add state and federal teaching mandates. I see education reform today killing the teaching profession. Accountability is all well and good but teacher accountability should rest with the building principal and finally the school superintendent and board. Not a school grade calculated using factors over which many teachers have no control. How in the world do you keep a high school student in school? Chain him or her to the desk? How many factors can contribute to a child's poor grade on a test? How many of those are the responsibility of the teachers? How many nebulous factors can ever be quantifiable? For all the lip service we give STEM and its importance in the level of lives of Americans in the 21st Century to think about this A through F system does not even apply the basic tenet of Scientific Inquiry that will make every child and student in Oklahoma, seems inconsistent. Many categories for the calculation in the A through F grading system are not replicable. The first tenet of scientific inquiry is that they system be replicable. If it is not statistically replicable it is not valid. How can you justify grading a school on a system that is not valid? How is it the state's job to grade a school? Is it not the job of the community which it services? Recently, a letter released from the Department of Education by Dr. David Figlio was released in an Oklahoman editorial indicated support for the A through F grading system. Of note, the letter did not speak to the validity of Oklahoma's grading system of which there is dispute, but more to the idea of a grading system. In fact, in an earlier paper, "What's in a Grade? School Report Cards and the Housing Market", Dr. Figlio's research suggests, "schools ranking sunder these systems tend to be quite unstable." He goes on to say, "school accountability measures such as the Florida system and the newly federal system are largely unrelated to the schools' contribution to student performance and are likely measured with considerable noise."

Accountability in any taxpayer funded system is absolute necessity. Micromanagement through the employ of non-valid systems of measurement is not. Let's step back her a bit. Instead of following the education reform measures of other states and those prescribed by the federal government in order to get a waiver from the already overreaching No Child Left Behind law, find out what works in Oklahoma and what works on local levels in local communities. If we cannot do that or if we refuse to do that we will continue to bleed good teachers from the system and micromanage public schools out of existence. Sorry for going over. Thank you so much for your time.

Board Member Ford conducted the meeting in Superintendent Barresi's absence.

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ADJOURNMENT

Board Member Ford made a motion to adjourn at 2:05 p.m. and Board Member Hayden seconded the motion. The motion carried unanimously.

The next regular meeting of the State Board of Education will be held on Thursday, March 28, 2013, at 1:00 p.m. The meeting will convene at the State Department of Education, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma.

Janet Barresi, Chairperson of the Board

Kalee Isenhour, Secretary to the State Board