

**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**

March 28, 2013

The State Board of Education met in regular session at 1:10 p.m. on Thursday, March 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 12:45 p.m. on Wednesday, March 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
Ms. Joy Hofmeister, Tulsa
Mr. William "Bill" Price, Oklahoma City
Mr. William "Bill" Shdeed, Oklahoma City

Members of the State Board of Education not present:

Mr. Brian Hayden, Enid

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 1:10 p.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.

**FEBRUARY 28, 2013 REGULAR BOARD OF
EDUCATION MEETING MINUTES APPROVED**

Board Member Ford made a motion to approve the minutes of the February 28, 2013, Regular State Board of Education meeting. Board Member Hofmeister 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.

STATE SUPERINTENDENT

Information from the State Superintendent

**Presentation of Tracy McDaniel as a
Terrel H. Bell Award for Outstanding School
Leadership Recipient for 2012 by the
National Blue Ribbon Schools Program**

Superintendent Barresi recognized Mr. Tracy McDaniel, Principal, KIPP Reach College Preparatory School-Oklahoma City, on receiving the 2012 National Blue Ribbon Schools' Terrel H. Bell Award for Outstanding School Leadership.

**Recognition of Students for Prudential Spirit
of Community Award Received for Service
and Contributions to Community**

Superintendent Barresi recognized Oklahoma's Top Youth Volunteer students from Edmond Public Schools and Guthrie Public Schools, and students selected as Distinguished Finalists from Grove Public Schools, Perkins-Tryon Public Schools, Canadian Public Schools, and Young Creations Homeschool.

PUBLIC COMMENT

Mr. Larry Mills, Superintendent, Balko Public Schools said thank you for the time to be here. I have appreciated seeing the process this week. I thoroughly enjoyed yesterday's exchange between legal counsel, numerator and dominator is just a math thing. I have a math background and love the numbers. With that being said, cut scores, vertical alignment, legal issues, and all those things I know there is a lot that goes into these decisions and how you format it. I would ask you to consider, small schools in Oklahoma. I think it will be tough to come up with one thing that fits all of us. Dr. Barresi hit on it yesterday when the discussion was on "N thirty versus intent." It is an important issue but if you do it one way it affects us this way, but if it is done a different way it affects us a different way. It is not a problem. I think our small schools could potentially be all over the board. We may be high one year and low one year. The biggest issue might be the interval grouping. I do not think we have a big enough set to overcome the statistics in the figures. I do not have much confidence about the true picture. I have studied it. The overall groups are not large to start with and there should be a way to figure their growth different. It will affect our letter grade each year. We look forward to that grade. It is important to us. We want to have growth, we want to do the right thing educationally. I just ask that you get it right. Like Dr. Barresi said yesterday, we could be overstated or understated. If we are understated this year and overstated next year, we are doing a wonderful job out in Balko. We could be overstated this year and understated next year depending on the breaks. In that year, we are not doing so well in Balko when it really does not reflect correctly. I do not know if there is a way to do it, I just ask the SBE to consider that as it applies to small schools. If you look at the number of class B schools, which as of last year there were 129, those schools would be affected by this. Thank you for your time.

Mr. Larry Smith, Superintendent, Sapulpa Public Schools said thank you for this opportunity again. First, I would like to say there has been good faith efforts exhibited to both listen and to act upon some of the comments and suggestions from the public. The new calculation for arriving at a final report card grade will indeed address the rounding down affect and a scale of 100 to 90, 89-80, etcetera, will be well received by the communities. There was, however, significant change in the scoring calculations for three components of the report card, the student performance, removing the .2 (point two) and 1.2 (one point two), student growth in the bottom 25 percent growth which was changing the multiple point systems from performance band growth to a single point. This change creates a new, I believe, unintended rounding down affect. The new scoring system assigns the same numeric value for a 700 Oklahoma Performance Index (OPI) as a 990 OPI. However there is a tremendous difference in the level of performance between those students. I do not think that was our goal and by doing this we also set our scoring performance band as simply proficient. I do not believe that proficiency is our goal and cannot be our goal. Although there is not a direct correlation of Oklahoma Core Curriculum Tests (OCCT) and End-of-Instruction (EOI) performance to ACT or any other college entrance exams. There is a trend that suggests students that score advance on the OCCT and EOI tend to do better on the ACT or other college exams. Proficiency can be an acceptable floor but not our goal. In a robust conversation yesterday led by Ms. Hofmeister, Ms. Ford and Mr. Price many points were made about the state college and university remediation rate. According to the Oklahoma State Regents for Higher Education less than three percent of the remediation takes place at research universities, which are Oklahoma University (OU) and Oklahoma State University (OSU). About 17 percent takes place in our regional colleges and universities and they have a slightly lower college entrance standard. The rest take place among our community college

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students and by design they have the lowest of the entrance standard. For ten years we have chased proficiency through No Child Left Behind (NCLB) and we have seen increases in proficiencies but ACT scores have remained stagnant. The same can be said for other states; Texas and Florida come to mind. Remember what gets measured gets improved and we are evaluated on what will receive the most attention. With all due respect the question cannot be how will we see past the number of As, Bs and Cs, but rather are we measuring what will impact college, career and community, the C3s. Proficiency will not impact the remediation rate. Raising the performance bar will. I urge you to keep those measures in tact that place a value on exceptional performance and growth.

Mr. Wildredo Santos Rivera, National Institute on Developmental Delays, said education is an act of love. I have been dedicated to the mission of education for 40 years and involved with Oklahoma City Public Schools for 25 years, both on board and off the board. We have over 30 schools that got “Ds.” Our average is “D” but let me tell you there is nothing new about that. When Sandy Garrett was here it was also a “D.” We need to change, a paradigm shift and it is critical that we do that. This is a time to be bold and proactive. I was very proactive as a board member. The first thing I did was visited my schools and checked the security, the fences, doors, etcetera. Then for three weeks I went to the students and asked them, “Do you have the power?” Some said they did not, so who has the power, the teacher. The teacher says they do not have the power the principal has the power. The principal says they do not have the power the superintendent does, superintendent does not says the board has the power. It is that circle of powerless people cannot solve problems. We must empower everybody up and down the line. Superintendent Barresi has to go to the legislature, why, because they have the power. You ask them and they say we do not have the power the majority has the power. The majority of this board has the power to make some bold changes. We need to go where the real empowerment must be in the inner core of the student so that they can have access, so they can energize that body in order to stimulate the brain, so they can access the materials, forms and elements of the world. That is the answer. Consider this is the time that we need a paradigm shift. Thank you.

Mr. David Brooke, National Institute on Developmental Delays said this is regard to Common Core state standards and questions I hope you consider. Can you tell me what is the cost of one year of Common Core State Standards; cost of a partial year of Common Core State Standards; any cost concerning Common Core State Standards? Do you have a responsibility to the people of Oklahoma on how you spend our money and will you also do a cost benefit analysis before you implement Common Core State Standards? These questions are for you all to think about. Thank you.

Ms. Lauren Brookey, Tulsa Community College (TCC), said thank you for the opportunity to provide public comment regarding the end of instruction appeals process. First, I want to share that we are Tulsa Community College and join the mission with community colleges across the state. The mission is dedicated and almost cherished in that we are committed to providing affordable and assessable education in a setting that is exceptional academically. We are governed by the State Regents of Higher Education as are the regional and comprehensive universities and also accredited by a regional accrediting body that is recognized by the United States Department of Education. In Oklahoma 57,000 students attend comprehensive universities, 57,000 attend regionals and 76,000 attend community colleges. In this day and age community colleges are the entry point for the majority of our citizens into higher education. Some distinctive elements about TCC is the magnitude of our impact. We have 21,000 students that attend

TCC on four campuses making us the largest institution. We have the third largest, first time, freshman class in the state. So we have a considerable impact on the opportunity for students to attend higher education. Distinctively we rank 27th nationally in terms of the number of graduates and 2nd in the nation in the number of business college graduates. Again we have significant accomplishments both statewide and nationally and have also received a number of national science foundation grants. We are embarking on a pedagogy oriented research component. Community colleges are in a very important role nationally in terms of delivering higher education students. In 2007, we introduced a program that gained national attention, Tulsa Achieves. Basically, the goal was to make higher education accessible to anybody no matter their ability to pay because Oklahoma falls below the national average of numbers of individuals with college degrees. We wanted to be a transformative element in changing that situation. I believe TCC has a product that each of you can be particularly proud of. Through research reports our students do as well if not better than first time freshmen joining the comprehensive universities. Primarily the reason is they are so grateful to be there that their intentionality is very high. The intentionality places into their desire to enroll in Tulsa Achieves and realize they have no other options necessarily getting into higher education. We ask you to consider an exemption to these college students. You should be proud that minority students and students that do not have any other financial abilities are able to access higher education through Tulsa Achieves.

First-Year Superintendents

First-year superintendent(s) attending the meeting were Mr. Dan Chapman, Superintendent, Lindsay Public Schools; Ms. Cathy Hunt, Superintendent, Hobart Public Schools, Mr. Jeff Kelly, Superintendent, Erick Public Schools, and Mr. Steve Parkhurst, Superintendent, Alva Public Schools.

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**
Healdton Public Schools, Carter County
Little Axe Public Schools, Cleveland County
Marietta Public Schools, Love County
Navajo Public Schools, Jackson County
Pawhuska Public Schools, Osage County
Wewoka Public Schools, Seminole County
- (b) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**
Panola Public Schools, Latimer County
- (c) **Abbreviated School Day – OAC 210:35-29-2 and 210:35-3-46**
Wewoka Alternative Academy, Seminole County
- (d) **Principal Certification – OAC 210:35-9-46**
Wright City Public Schools, McCurtain County

- (e) Request approval on recommendations from the Teacher Competency Review Panel for applicants to receive a license - 70 O. S. § 6-202
- (f) Request approval of sponsorship/donation from Hitch Enterprises for professional development activities for elementary school teachers – 70 O. S. § 3-104 (12)

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; Ms. Hofmeister, yes; General Baxter, yes; Mr. Shdeed, yes; and Mr. Price, yes.

ACADEMIC AFFAIRS

Office of Instruction

Award Five Advancement Via Individual Determination (AVID) Grants to Four Districts Approved

Ms. Cathy Seward, Director, Advanced Placement presented Advancement Via Individual Determinations (AVID) grant awards to four districts. This is the second round of grant awards and with the inclusion today's awardees will make a total of 16 school districts, 31 secondary sites, and 10 elementary sites. In 2010-2011 the impact of AVID affected 1,024 secondary students. Ms. Seward reviewed the AVID recipients that included Grove High Schools-\$60,000; Millwood Elementary School-\$60,000; Oklahoma City Harding Charter Prep-\$16,000; Puterbaugh Middle School McAlester Public Schools -\$60,000 and McAlester High School-\$57,000.

Board Member Ford made a motion to approve the request and Board Member Shdeed 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.

FINANCIAL SERVICES

FY2013 General Fund Balance Penalties Approved

Ms. Renee McWaters, Executive Director, State Aid presented general fund balance penalties based on the 2011-2012 school year for seven school districts. The state formula provides a sliding scale in regards to school districts' allowable carryover amounts and list the expenditures or exclusions from the general fund balance to arrive at the final amount. Penalties are assessed to school districts exceeding the amounts for two consecutive years against current year formula dollars. Ms. McWaters reviewed the recommendation, exceptions, exclusions, unavailable data, SDE notice processes, receipt of federal funds, incentive aids, penalty assessment, formula increases, growth production, waiver requests, and involvement in annexation/consolidation. All superintendents were notified. Four superintendents requested a waiver and three superintendents accepted the calculation of exceeding allowable amount of which two have requested a waiver.

Ms. McWaters clarified the discussion is regarding FY2012, but the assessment is against their FY 2013 state aid allocations.

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Superintendent Barresi said Ms. Kim Richey, General Counsel, advised Laverne Public School is not eligible for a waiver.

Ms. Richey said Board Members were provided the statutory site specifically detailing the SBĒ authority to waive the penalty. Each school meets the criteria in the law with the exception for Laverne. The Board has authority to waive the penalties. Statute limits the Board's authority to waive penalties assessed if the loss is more than 40 percent of the remaining state aid. Laverne did not meet the 40 percent criteria.

Ms. McWaters recommended approval for Sayre Public Schools due to a six-year litigation and funding was unsure. She did not recommend Cleora Public School due to exceeding 4 years and accepted penalty. Kiowa Public Schools requested a waiver and exceeded consistently 8 years. Due to a power plant in the community the district receives only transportation funding through the formula. Power plant funds are received in mid-year; therefore, money must be carried forward in order to pay obligations until December ad valorem dollars were received. Leedey Public School accepted calculations as accurate and requested a waiver. Leedey Public Schools originally accepted the calculation as accurate only and representatives are present to request a waiver. The district exceeded for 8 years, 2005 through 2012 but the first year exceeding for two consecutive years consistent. Cheyenne Public Schools accepted the calculation as accurate and are present to request a waiver. The district exceed four years and consistent the last two years. Hammon Public Schools has a lease purchase agreement for a cafeteria and a classroom is the reason for the carryover of additional funds.

Mr. Rusty Puffinbarger, Superintendent, Leedey Public School, said our district is in a county that has high gross production. Revenue for our small district is approximately a \$2.5 million budget. Revenues have the potential to go down \$1 million over a two year period. The reason for the request by the formula is more money that we need. If we spend funds on things the local board decides are not needed and two years later have a reduction in force (RIF) does not look good on us, education, and certainly does not help students in Leedey.

Mr. Rick Garrison, Superintendent, Cheyenne Public Schools, said he has been under the penalty for four years. I am not requesting a waiver but understanding and judging from the conversations today the idea of penalizing schools for properly managing money may be going away. Our district situation beside gross production is wind mill money which are good problems. But to tell my local board because we are trying to maintain a stable budget year-to-year in a volatile financial environment and penalized if we do not spend down. This is difficult for farmers and taxpayers to understand. In the wind mill component of our budge there is a \$1 million exemption reimbursement that gives windmill companies five year ad valorem exemption. The state reimburses but delinquent notices are being sent from our county assessor to the state because the taxes have not been paid. Therefore, depending on Legislators reimbursing, our district may or may not see \$1 million of our budget and we are requesting a waiver.

Board Member Ford made a motion to waive penalties for Sayre, Kiowa, Leedey, Cheyenne, and Hammon School Districts with the exception of Cleora and Laverne School Districts. Board Member Shdeed seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Ms. Hofmeister, yes; General Baxter, yes; Mr. Shdeed, yes; and Mr. Price, yes.

LEGAL SERVICES

Adoption of Permanent ~~Proposed~~ Rules Approved

Ms. Stephanie Moser Goins, Assistant General Counsel presented proposed permanent rules for adoption:

Chapter 10. School Administration and Instructional Services; Subchapter 13. Student Assessment – 210:10-13-18. Oklahoma School Accountability System [AMENDED]

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.

Chapter 15. Curriculum and Instruction; Subchapter 27. *Reading Sufficiency Act* – 210:15-27-1. Reading Sufficiency Plans and Summer Reading Programs [AMENDED] 210:15-27-2. Good cause exemptions for under the *Reading Sufficiency Act* [AMENDED]

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

Chapter 20. Staff; Subchapter 3. Evaluation: Minimum Criteria for Effective Teaching and Administrative Performance – 210:20-3-4. Oklahoma minimum criteria for effective teaching performance [REVOKED] 210:20-3-5. Oklahoma minimum criteria for effective administrative performance [REVOKED]

Board Member Ford made a motion to approve the request and Board Member Shdeed 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.

Chapter 1. State Board of Education; Subchapter 5. Due Process – 210:1-5-6. Revocation of certificates [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; Ms. Hofmeister, yes; General Baxter, yes; Mr. Shdeed, yes; and Mr. Price, yes.

Chapter 10. School Administration and Instructional Services; Subchapter 13. Student Assessment – 210:10-13-16. Student exceptions and exemptions related to graduation requirements for end-of-instruction exams [AMENDED] (“ACE”)

Ms. Moser Goins provided three versions of ACE rule from Board member feedback. She reviewed versions 5A, 5B, and 5C that included language additions, changes, and eliminations.

Board Members discussed two-year accredited college elimination, no automatic high school diploma waivers, ACE rule advantages, process and exclusions, Tulsa Achieves Program requirements/goals, remediation dropout and graduation percentages, EOI requirements, community college benefits, waiver denial/loss of college opportunity, and SBE responsibilities.

Board Member Ford made a motion to approve version 5B of the ACE rule removing section (e) (2). Board Member Price seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; General Baxter, yes; Ms. Hofmeister, no; and Ms. Ford, yes.

**Chapter 10. School Administration and Instructional Services;
Subchapter 13. Student Assessment – 210:10-13-22.
Implementation of a system of school improvement
and accountability [AMENDED] (“A-F”)**

Ms. Moser Goins reviewed and discussed proposed rule language changes/additions, and clarifications.

Ms. Maridyth McBee, Assistant State Superintendent, Accountability/Assessments, clarified report card grading calculations.

Mr. Joel Robison, Chief of Staff, added when the initial rule was first proposed to the SBE he reported there had been discussions with many stakeholders and legislators. The issue was brought forward by legislative leadership, as well as, through public comment, therefore, the reason for the change(s).

Board Members discussed district notifications, public comment responses/adjustments, additional stakeholder input, continuous reform improvements, future rule planning/timeline, non-proposed changes/clarification and acceptance.

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

**Chapter 15. Curriculum and Instruction; Subchapter 1.
General Provisions – 210:15-1-3. Procedures for review and
implementation of academic content and process standards [NEW]
Subchapter 3. Priority Academic Student Skills [REVOKED]**

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; and Ms. Ford, yes.

**Chapter 20. Staff; Subchapter 9. Professional Standards:
Teacher Education and Certification; Part 9. Teacher Certification –
210:20-9-98. Administrative requirements of teacher certification
[AMENDED] 210:20-9-104. Certification for languages with
no subject area examination [AMENDED]**

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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; Ms. Hofmeister, yes; General Baxter, yes; Mr. Shdeed, yes; and Mr. Price, yes.

**Chapter 40. Grants and Programs-In-Aid;
Subchapter 87. Rules for Payment to Charter Schools –
210:40-87-6. Charter School surety bonds [NEW]
210:40-87-7. Statewide Virtual Charter School Board [NEW]**

Board Member Shdeed 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.

ADJOURNMENT

There being no further business Board Members unanimously agreed to adjourn the meeting at 3:27 p.m.

The next regular meeting of the State Board of Education will be held on Thursday, April 25, 2013, 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

Kalee Isenhour, Secretary to the State Board