

**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**

**August 25, 2011**

The State Board of Education met in regular session at 9:40 a.m. on Thursday, August 25, 2011, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:20 a.m. on Wednesday, August 24, 2011.

The following were present:

Ms. Connie Holland, Chief Executive Secretary  
Ms. Terrie Cheadle, Administrative Assistant

Members of the State Board of Education present:

State Superintendent Janet Barresi, Chairperson of the Board  
Mr. Lee Baxter, Lawton  
Ms. Gail Foresee, Shawnee  
Mr. Phil Lakin, Tulsa  
Mrs. Betsy Mabry, Enid  
Ms. Gayle Miles-Scott, Oklahoma City (departed at 10:50 a.m.)

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. Holland called the roll and ascertained there was a quorum.

**PLEDGE OF ALLEGIANCE, OKLAHOMA  
FLAG SALUTE, AND MOMENT OF SILENCE**

Superintendent Barresi led Board members and all present in the Pledge of Allegiance to the American Flag, and a salute to the Oklahoma Flag, and a moment of silence.

**JULY 28, 2011 REGULAR BOARD  
MEETING MINUTES**

Superintendent Barresi said there is a reporting error in the audio recording of the July 28, 2011 minutes, and directed the Board to page 12, Office of Accountability, recommending the Oklahoma School Testing Program (OSTP) end-of-instruction general and modified assessments. She said Ms. Jennifer Stegman, Assistant State Superintendent, Office of Accountability presented and recommended approval for the contract for the Oklahoma Core Curriculum Tests (OCCT) for Grades 3-8 mathematics and reading, and Grades 5 and 8 science. In actuality the item the Board approved was the recommendation for acceptance of a proposal for the development and implementation of the OCCT end-of-instruction examination for Algebra I & II, Biology I, English II & III, Geometry and United States History; and for the end-of-instruction modified assessments for students with disabilities in Algebra I, Biology I, English II and United States History.

Superintendent Barresi said the second agenda item the Board approved was the recommendation for the Grades 3-8 mathematics and reading, and Grades 5 and 8 science that involved awarding a contract for an alignment study. At the September Board meeting there will not be a quorum of Board Members who were present at the July 28, 2011, Board meeting.

She entertained a motion the Board allow time to change the minutes to reflect the actual report as described.

Board Member Lakin asked do we have the ability to move the agenda item down and have the minutes corrected and then vote?

Ms. Holland suggested Ms. Terrie Cheadle listen to the audio, and make necessary changes to that portion of the minutes.

Superintendent Barresi said with the Board's permission the agenda item will be moved to the end of the meeting to allow time for the changes to be made that will reflect what actually was reported by the Office of Accountability.

## **STATE SUPERINTENDENT**

### **FIRST-YEAR SUPERINTENDENTS**

First-year superintendent(s) attending the meeting were Ms. Ronda Bass, Superintendent, Noble Public Schools.

#### **Information from the State Superintendent**

Superintendent Barresi said the United States Department of Education (USDE) has released a 120-page guidance for applications under the Race to the Top proposal. The guidelines are in the Governor's office for review, and the Governor will be making her decision in due time.

United States Department of Education Secretary Arne Duncan, announced that in lieu of reauthorization of No Child Left Behind (NCLB) or the *Elementary Secondary Education Act* (ESEA), the USDE will soon release guidelines under which states could apply for waivers under NCLB. As a member of the Chiefs for Change organization, we and other state school chiefs in approximately 10 states have been working with the USDE on this waiver request. Our position is the waiver request should include accountability and the states that are involved in reform should be considered for the waivers. Our initial request to the USDE was surrounding flexibility in how federal dollars are spent, and the ability to account for these dollars at the student level, rather than the program level we can assure the dollars get to the students more effectively. The USDE will take the suggestions of the Chiefs for Change into consideration and also input of various other organizations involved in this effort, and will issue guidelines the second or third week of September. Once Oklahoma receives the guidelines we will begin the work of participating in a waiver request. We will be working with various organizations and districts from across the state as we formulate the request. Depending on the timeline we hope to have a month for public comment but may have only two weeks. Public comment is a big portion of this effort. Once the waiver request is completed it will be presented to the Board for review and possible approval and if approved we will proceed with the waiver request to the USDE.

Board Member Baxter asked is a waiver request submitted prior to the Governor's decision, or after the Governor's decision?

Superintendent Barresi said this will be done through the Governor's office, but we will make a recommendation on the waiver request. It is important that the Board knows our philosophy is that this issue will become a bridge we will be using in contemplation of Congress taking this matter up after the Presidential elections. It is our hope Oklahoma will serve as a model Congress can look to as they consider ESEA reauthorization. We will take a great deal of care as we produce these waiver requests to reflect an atmosphere of accountability, bringing in components around teacher and leader effectiveness, a new way of looking at spending federal dollars and accounting for those at the student level rather than the program level, the use of assessment, and looking at accountability in terms of differentiated accountability for districts performing exceptionally well.

The Teacher and Leader Effectiveness (TLE) Commission has now met for the third time and work is very encouraging going forward. The Commission has completed

the review of six companies around qualitative assessment of teachers and three different approaches to the qualitative assessment of leaders. In September two meetings are scheduled to review models of the quantitative assessments, which is difficult to provide for educators that are not in tested subjects and grade areas. With the timeline of the meetings and the need for public review the public is invited to attend the meetings. Input of classroom teachers, principals, and the public is important. At the 31st and 1<sup>st</sup> of September we will start a series of convenings to first focus on a collection of rural, and a second meeting to focus on a collection of urban, and suburban districts. The group will stay consistent over the next three years and will primarily focus on the issue of transition to the common core standards for this state. Superintendent Barresi said this was a very large project and is encouraged that approximately 40 districts are already utilizing the common core. We want to be able to develop a model that is much like train-the-trainer.

Superintendent Barresi said she sent an email to superintendents and Board Members regarding recent state testing. We have an issue with data and the quality of the data going out to the districts. The SDE is working with the Department of Central Services (DCS) as they review the performance of the testing company under contract. We will continue to communicate with the Board and superintendents moving forward on the issue. We appreciate the cooperation of DCS and the SDE is focused on getting accurate data out to districts.

#### **CONSENT DOCKET APPROVED**

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

- (a) **Allow Two School Days in a 24-Hour Period – 70 O. S. § 1-111**  
Achille Public Schools, Bryan County  
Anadarko Public Schools, Caddo County  
Antlers Public Schools, Pushmataha County  
Checotah Public Schools, McIntosh County  
Clayton Public Schools, Pushmataha County  
Coalgate Public Schools, Coal County  
Coleman Public Schools, Johnston County  
Durant Public Schools, Bryan County  
Gore Public Schools, Sequoyah County  
Haywood Public School, Pittsburg County  
Hugo Public Schools, Choctaw County  
Lane Public School, Atoka County  
Milburn Public Schools, Johnston County  
Stonewall Public Schools, Pontotoc County
- (b) **Cooperative Agreements for Alternative Education Programs - 70 O. S. § 1210.568**  
Kinta Public Schools, Alternative School, Haskell County  
McCurtain Public Schools, Alternative School, Haskell County
- (c) **Length of School Day – 70 O. S. § 1-109**  
Cottonwood Public School, Coal County  
Stonewall Public Schools, Pontotoc County

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- (d) **Abbreviated School Day – OAC 210:35-29-2 and OAC 210:35-3-46**  
Anadarko Public Schools, High School, Caddo County  
Blackwell Public Schools, High School, Kay County  
Elk City Public Schools, Alternative School, Beckham County  
Hobart Public Schools, High School and Middle School, Kiowa County  
Hominy Public Schools, Osage County  
Glenpool Public Schools, Alternative School, Tulsa County  
Kinta Public Schools, Alternative School, Haskell County  
Lexington Public Schools, Alternative Academy, Cleveland County  
Macomb Public Schools, Alternative School, Pottawatomie County  
McCurtain Public Schools, Haskell County  
Midwest City-Del City Public Schools, Oklahoma County  
Moore Public Schools, Cleveland County  
Perry Public Schools, Noble County  
Stroud Public Schools, Alternative School, Lincoln County  
Wewoka Public Schools, Alternative Academy, Seminole County
- (e) **Library Media Services – OAC 210:35-5-71 and OAC 210:35-9-71**  
Elk City Public Schools, Beckham County
- (f) **Library Media Specialist Exemption – 70 O. S. § 3-126**  
Midwest City-Del City Public Schools, Pleasant Hill Elementary  
School, Oklahoma County  
Moore Public Schools, Red Oak Elementary School, Cleveland County  
Prue Public Schools, Osage County  
Tahlequah Public Schools, Cherokee County  
Tulsa Public Schools, Marshall and Springdale Elementary Schools,  
Tulsa County
- (g) **Planning Period – OAC 210:35-5-42**  
Midwest City-Del City Public Schools, Carl Albert Middle School,  
Oklahoma County

Board Member Mabry said regarding Agenda item 5(a) allowing two-school days in a 24-hour period, she hated having to keep reviewing these requests because it is a win-win situation for everybody.

Board Member Lakin said he also made a note on the same issue and asked if there was anything legislatively that can be done so schools would not need to fill out the applications?

Board Member Mabry said correct, for this particular issue?

Superintendent Barresi said yes. She understood it was a deregulations issue that Ms. Jessica Russell, Legislative Liaison, would take up with the legislature. For now it is something the Board needs to approve because it is a deregulation for the school districts.

Board Member Mabry said we all agree this is good for all districts to be able to do. Gore Public Schools has a statutory waiver request for two-days and also requested deregulation to allow the superintendent to serve as lower elementary principal as well as

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superintendent. She said there was no paperwork for the second request but she did have the superintendent's letter requesting the two items.

Mr. Bob Neel, Executive Director, Accreditation/Standards, said an error was made in not separating the two requests for the agenda.

Board Member Mabry asked if there was any paperwork submitted by the superintendent.

Mr. Neel said no, the letter was the only paperwork mailed by the superintendent as a single packet. The two requests should have been separate issues.

Superintendent Barresi said the request to serve as a principal in the lower grades would have to be brought up at the next meeting. The Board will vote on the request to allow two-school days.

Board Member Mabry said she had questions for Stonewall Public Schools and Cottonwood Public Schools.

Superintendent Barresi said the procedure is to pull items for review and questions, vote on the remaining Consent Docket items, individually address the pulled items and vote. She asked which items Mrs. Mabry would like to review.

Board Member Mabry said Cottonwood Public Schools' request for early release for professional development under Agenda item 5(c), Length of School Day. She said she was curious about Elk City Public Schools' request regarding use of the public library under Agenda item 5(e), Abbreviated School Day, Stonewall Public Schools' request to extend the school day to an eight-hour day for remediation was a great idea.

Superintendent Barresi asked for a motion to except for Agenda item 5 (c)-Length of School Day, Cottonwood Public Schools and Agenda item 5(e) Elk City Public Schools.

Board Member Baxter motioned to approve the Consent Docket and Board Member Lakin seconded the motion. The motion carried with the following votes: Ms. Foresee, yes; Mrs. Mabry, yes; Mr. Lakin, yes; General Baxter, yes; and Ms. Miles-Scott, yes.

Board Member Mabry commended Cottonwood's request for early release on Fridays for professional development. She asked what the district planned to do for professional development?

Mr. John Daniel, Superintendent, Cottonwood Public Schools, said the plan is to work on remediation for children who are behind. Teachers test every Friday so we will review student test scores with groups of teachers to determine if students are on grade level and make decisions on whether student(s) need to be moved to another class, or need extra remediation. The time is not for getting out of school early. We will be solving issues which will put teachers on the same page as far as where the students.

Board Member Foresee asked if other days are being extended and would there be more than thirty hours? Not more than thirty hours each school year may be used for

attendance or professional meetings and a teacher may be paid for a length of term in excess.

Superintendent Barresi said this is a great point which she will bring before Counsel. Mr. Daniel is requesting to be able to have a five-hour day. If he is having a lengthened day and spending more hours earlier in the week, she questioned why Mr. Daniel was requesting a deregulation and would it be called professional development or teacher consultation focusing on student records? Ms. Russell may need to visit this point on statute for clarification so the districts will have more flexibility to rearrange their schedule to focus on student results. The districts will need time to consult on how to make adjustments to instruction.

Mr. Daniel said our teachers ask for more time to collaborate sometimes as a whole group or to have various team meetings, which is a key to our success as a school.

Board Member Baxter made a motion to approve a statutory waiver request for Cottonwood Public School Consent Docket item 5(c)-Length of School Day. Board Member Mabry seconded the motion. The motion carried with the following votes: Ms. Miles-Scott, yes; General Baxter, yes; Mr. Lakin, yes; Mrs. Mabry, yes; and Ms. Foresee, yes.

Superintendent Barresi said the next request is from Elk City Public Schools on Consent Docket item 5(e)-Library Media Services.

Board Member Mabry said this caught her attention and she thought the great ideas districts are putting into action need to be shared.

Mr. Buddy Wood, Superintendent, Elk City Public Schools, said currently two of the elementary schools do not have a library media facility. Since 2000 the district has collaborated with the City of Elk City to utilize the city library which has a certified librarian on staff. A new elementary with a library media facility is proposed and hopefully this will be the last time requesting this waiver.

Board Member Mabry made a motion to approve the statutory waiver request for Elk City Public Schools, Consent Docket item 5(e)-Library Media Services. Board Member Lakin seconded the motion. The motion carried with the following votes: Ms. Foresee, yes; Mrs. Mabry, yes; Mr. Lakin, yes; General Baxter, yes; and Ms. Miles-Scott, yes.

## **TEACHER CERTIFICATION**

### **Exceptions to Teacher Certification Regulations Approved**

Mr. Jeff Smith, Director, Teacher Certification, Division presented an exception request for Mr. Stephen Baca, Mid-Del Public Schools, to serve as a school psychologist. Dr. Mary Sweetdarta, University of Central Oklahoma (UCO), school psychology program and Dr. Rene Axtell, Special Services, Mid-Del Schools are present.

Board Member Miles-Scott asked if the Board could just approve the request?

Mr. Smith said yes.

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Dr. Sweetdarta said the UCO program is an extensive 60 credit hour graduate program. Mr. Baca has completed the program, passed the national practice exam, and is ready for the one-year internship with Mid-Del Public Schools.

Board Member Miles-Scott made a motion to approve the request and Board Member Baxter seconded the motion. The motion carried with the following votes: Ms. Foresee, yes; Mrs. Mabry, yes; Mr. Lakin, yes; General Baxter, yes; and Ms. Miles-Scott, yes.

Board Member Baxter said as a point of order and has been mentioned by Board Member Miles-Scott, why do we have the applicants appear to testify to documentation issued to the Board. If the administration making the request states the applicant is the right person for their school and has met all the qualifications can the request be included on the Consent Docket? This process takes time and causes school administrators to be away from school. He said he was curious if it is something the Board must do in terms of regulation or legalities?

Superintendent Barresi said she appreciated the suggestion and would like to move to change the process. In the past, information has been provided to the Board because questions have been asked regarding the qualifications of the individuals requesting an exception to their certification.

Board Member Miles-Scott said sometimes a request from someone to teach chemistry is presented but when we review the transcript they do not have any credit hours in chemistry. Then the applicant is asked how they are going to effectively teach the subject/class.

Board Member Baxter said if a school district administrator has requested an exception for that person to teach chemistry, does the district determine the person is qualified in chemistry?

Board Member Miles-Scott said often times the person applying for the exception answers the question(s) on how they will effectively teach a subject.

Board Member Baxter said in his opinion that is pretty objective and not subjective.

Board Member Miles-Scott said usually the requests are pretty obvious, referring to the next request. The applicant has passed the requirements to teach physical science, as well as, has credit hours in science.

Board Member Baxter said he was not sure he would vote to overturn a recommendation of the Department or superintendent.

Board Member Miles-Scott asked is it a recommendation of the SDE or by particular school district?

Superintendent Barresi said the request is issued by the school district and upon review of certification department staff recommendation is made to the Board for approval. She appreciated the comment on streamlining the process and will meet with Mr. Smith to review ways the process can be streamlined. It is obvious the applicant has



all the required hours. If there is a gray area the Board will be asked to review the request for approval, if this is satisfactory.

Board Member Miles-Scott said math and science have always been the main areas questioned because they are the subjects where students need the most help.

Board Member Baxter said he saw it differently to a point. If an exception request is reviewed by SDE staff and is what the superintendent is requesting are we the Board, going to decide the applicant only has so many hours in a subject and not enough in the subject in which they are teaching. The recommendation of superintendents applying for this request should be good enough. He did not think they would lie to the Board.

Superintendent Barresi said General Counsel has advised that statutorily the requests must be presented to the Board and the reason the Board votes based on the SDE recommendation. She asked at the Board's direction would it be permissible to visit with Mr. Smith and report guidelines to the Board?

Board Members agreed.

Mr. Smith presented an exception request for Ms. Leslie Padgett, Verdigris Public Schools, to teach physical science. Ms. Padgett is a certified teacher and will take the subject area test September 17, 2011.

Mr. Smith presented an exception request for Ms. Angela Vivar, Morrison Public Schools, to teach Spanish I and II. Ms. Vivar has a degree in liberal studies and Spanish. She is scheduled to take the subject area, general, and Oklahoma Professional Teachers examinations.

Board Member Baxter made a motion to approve the two requests and Board Member Mabry seconded the motion. The motion passed with the following votes: Ms. Miles-Scott, yes; General Baxter, yes; Mr. Lakin, yes; Mrs. Mabry, yes; and Ms. Foresee, yes.

#### **Recommendations from the Teacher Competency Review Panel Approved**

Mr. Smith presented the recommendations from the Teacher Competency Review Panel for 58 applicants to receive a license.

Board Member Lakin asked what school districts were the applicants going to be teaching?

Mr. Smith said most of the applicants had not yet secured jobs.

Board Member Mabry made a motion to approve the recommendations and Board Member Baxter seconded the motion. The motion carried with the following votes: Ms. Foresee, yes; Mrs. Mabry, yes; Mr. Lakin, yes; General Baxter, yes and Ms. Miles-Scott, yes.

**Report on Alternative Placement  
Certification and Troops to Teachers**

Mr. Smith presented a report on alternative placement and certification of subject areas for Troops to Teachers.

This was a report only and no action was required.

**Professional Standards  
Production Report**

Mr. Smith presented the production report on teacher certification, licensure and fingerprinting services.

Board Member Lakin asked if it was possible, on these reports and even the Consent Docket, to include cities, congressional districts, and counties. He wants to pay close attention to cities and counties in the congressional district he represents.

This was a report only and no action was required.

**LEGAL SERVICES DIVISION**

**Revocation of Teaching Certificate and  
Teacher Number of Shelly Christine Fry Approved**

Ms. Lisa Endres, General Counsel, presented a request to revoke the Oklahoma teaching certificate and teacher number 205243 issued to Ms. Shelly Christine Fry. Ms. Fry was notified of her right to appear before the Board or contest. She received and signed a deferred prosecution agreement with regard to second degree rape. Oklahoma law does not allow a teacher convicted of a felony to retain a certificate/number if the conviction occurred within the preceding ten-year period.

Board Member Baxter motioned to approve the request and Board Member Mabry seconded the motion. The motion passed with the following votes: Ms. Miles-Scott, yes; General Baxter, yes; Mr. Lakin, yes; Mrs. Mabry, yes; and Ms. Foresee, yes.

**Revocation of Teaching Certificate and  
Teacher Number of Jeffrey L. Wade Approved**

Ms. Endres presented a request to revoke the Oklahoma teaching certificate and teacher number 220731 issued to Mr. Jeffrey L. Wade. Mr. Wade received a felony conviction on June 8, 2011. He was notified of his right to appear before the Board or contest. Mr. Wade or his legal counsel were not present and had not returned the required affidavit contesting the revocation. Oklahoma law does not allow a teacher convicted of a felony to retain a certificate/number if the conviction occurred within the preceding ten-year period.

Board Member Lakin motioned to approve the request and Board Member Baxter seconded the motion. The motion passed with the following votes: Ms. Foresee, yes; Mrs. Mabry, yes; Mr. Lakin, yes; General Baxter, yes; and Ms. Miles-Scott, yes.

**Petition for Due Process Hearing for Charles Kester,  
Leslie Bradley, and Julie Perkins, Former Employees  
of Bell Public School, Adair County Not Approved**

Ms. Endres presented a request petitioning for a due process hearing for Mr. Charles Kester, Ms. Leslie Bradley and Ms. Julie Perkins former employees of Bell Public School requesting severance. The petition is to determine whether to grant a hearing on the merit and set a date and time; or to rule a hearing is not necessary. The petitioners and their legal counsel Mr. Steven Novick are present.

Superintendent Barresi asked if Board Members had questions for Ms. Endres.

Board Member Miles-Scott asked for clarification, these employees were terminated in May, and were rehired in June or July?

Ms. Endres said they were rehired in June. They were terminated for exigent circumstances due to financial exigency. The school district rehired them in June prior to annexation and consolidation and after the State Board of Education decision to annex.

Board Member Foresee asked the reason they were rehired was because the district found money to rehire them?

Ms. Endres said we do not know the circumstances behind the rehire.

Mr. Steve Novick thanked Board members for the opportunity to appear and explain why some type of proceeding before this Board is required by law. He was happy to answer any questions of the Board.

Board Member Foresee said the petitioners were terminated because the district did not have any money and then they were rehired. What happened?

Mr. Novick said they were paid for their time, the period that they were employed including the reinstatement period.

Board Member Foresee said the petitioners were terminated because there was no money, is that correct?

Mr. Novick said it was his understanding they were part of the Reduction in force (RIF) for financial exigency. Every support employee of the district was included in the RIF based on a belief there was a financial exigency.

Superintendent Barresi said the item before us is to consider whether or not they should have a due process hearing. Not to have a hearing now and present evidence.

Mr. Novick said that was his understanding.

Board Member Baxter said August 3, 2011, was the date of the letter denying the request for a hearing and Mr. Novick's letter is dated two days later. Was new information available between August 3 and August 5?

Mr. Novick said his initial letter was dated July 8, 2011, requesting a hearing before the Board. The August 3, 2011, letter from the SDE was the denial of the hearing.

Mr. Novick's August 5, 2011, letter was a response to the denial letter attempting to argue that the denial was erroneous. He said all the dates occurred in 2011. He asked will the Board entertain any argument on behalf of these individuals?

Superintendent Barresi said this agenda item is a consideration of a petition for a due process hearing and asking for the Board's approval or lack of action on this item.

Board Member Baxter made a motion to disapprove the request for a due process hearing. Board Member Miles-Scott seconded the motion.

Mr. Novick asked may he not be heard on this matter.

Superintendent Barresi deferred to Counsel.

Ms. Endres said the petition as written was a petition for a due process hearing. It is a petition asking the Board for a full hearing based upon what is stated in the petition. The Administrative Rules provide that once the petition is received it is placed on the next Board meeting agenda, which it was. The Board at this juncture determines whether or not the petition warrants a full hearing. The petition was a request for a due process hearing and not an actual due process hearing.

Mr. Novick said he is only requesting an opportunity to be heard on that issue alone and not on the merits of the severance allowance.

Superintendent Barresi said there has been a motion to disapprove the request for a due process hearing.

Mr. Novick said so he is being denied an opportunity to speak?

Superintendent Barresi said it has been motioned and seconded to disapprove the request for a due process hearing and asked for discussion. There being none the motion carried with the following vote: Ms. Miles-Scott, yes; General Baxter, yes; Mr. Lakin yes; Mrs. Mabry, yes; and Ms. Foresee, yes.

### **Emergency Adoption of Rules Approved**

Ms. Endres presented a request for emergency adoption of Title 210: Chapter 1. State Board of Education; Subchapter 3. Department al Precepts which clarifies the eligibility and procedures to obtain severance from the State Board of Education for employees of an annexed and/or consolidated school district. The requested rule amendments are due to the increase of severance applications received by the SDE when school districts go through the annexation/consolidation process. Prior to 2010, the SDE had not received any severance applications from school districts, but throughout 2010, and this current year the number applications have increased. Ms. Endres reviewed the school consolidation assistance fund history, annexation payments, severance payments, and fund balance. The rules are not about giving severance pay to teachers. We believe the statute is clear in that the school consolidation fund money goes to the school districts and the school districts should take in consideration payment of the severance claims. What has been occurring is instead of an option of last resort the SDE has become the option of first or only resort. The rules are designed to assure the school districts consider the individuals of the annexing district for employment and also consider their applications for severance before making an application to the SDE.

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Ms. Foresee said she assumed the first thing the receiving district would do was to pay the teachers. School districts can choose not to pay the severance?

Ms. Endres said the statute states the teachers make application to the school districts and the school districts may pay up to 80 percent of wages in the form of severance. School districts do allow teachers to receive unemployment compensation. The rules provide a set of guidelines to streamline the process and a set criterion, to provide a clear and outlined due process procedure, and provide recommendations to the Board to determine. The statutes cannot be changed nor can we make school districts pay, but the SDE can direct individuals to make applications for employment, apply for severance through the districts, and put pressure on the districts to consider them. This will help stop the continuance of payments and double dipping into the consolidation funds.

Superintendent Barresi asked how much was paid to the districts that Boynton-Moton School District was annexed with?

Ms. Endres said approximately \$2,531,700 had been paid for six districts in 2010.

Board Member Baxter said there was no discretion in giving Belfonte and Stilwell Public Schools \$400,000 each and asked is this in law or where was the discretion?

Ms. Endres said the statute at the time stated \$400,000 was the minimum. The formula has since changed for the upcoming year.

Board Member Foresee asked we are not talking about the \$400,000 consolidation assistance fund?

Ms. Endres said correct. It is by statute to award the \$400,000 and the Board has no discretion in awarding that amount, nor any discretion instructing how school districts should spend the funds.

Board Member Lakin asked do we know how the districts spent the award?

Superintendent Barresi said districts are required to account for the funds in their financial reports.

Board Member Mabry said Belfonte and Stilwell School Districts reported to the Board they had paid their teachers.

Board Member Lakin asked the school districts paid teachers through their contract period and then ...

Superintendent Barresi said correct and some of the other indebtedness of the annexed district(s). Additional information can be provided to the Board.

Board Member Lakin said it would be interesting to see for informational purposes.

Superintendent Barresi said as we examined the possible applications and current applications received, the consolidation fund, and guidelines it was determined that clear cut guidelines would be needed because the fund would be depleted quickly.

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Ms. Vivian Baber, Assistant to the Agency Architect, Capitol Improvement, reported currently 22 applications had been received from recent annexations. She said the guidelines would help with lowering payout amounts and more funds would be available to districts that have financial hardships.

Board Member Baxter asked was she suggesting developing objective standards, and...?

Ms. Endres said an internal formula is currently being developed based upon these criteria. A matrix would start with the 80 percent formula and then factors and consideration would be deducted. It would bring fairness to the severance award system in order that persons who have worked for one-year receive the same benefit as a 20-year veteran.

Board Member Baxter said without these rules he could say a teacher should receive 70 percent but another Board member could say 73 percent without an objective criteria to evaluate. He thought it would be good to formulate rules.

Mr. Steve Novick said this action would be rulemaking.

Superintendent Barresi declared Mr. Novick was out of order.

Mr. Novick said he had never heard such closed proceedings before.

Superintendent Barresi said Mr. Novick, again, was out of order.

Mr. Novick said this Board is out of order.

Board Member Foresee motioned to approve the request for emergency adoption of amendments to rules to set guidelines to streamline the process, set criterion, give guidance to provide a clear and outlined due process procedure, and provide recommendations to the Board to determine.

In response to questions, Ms. Endres said this is an emergency rule adoption because severance applications are due by September 2, 2011. Without a schematic in place, the Board only has precedent that requires 80 percent be paid out. The rulemaking process will be followed for the permanent rule making process which will allow for public comment in the spring 2012. She said the Board has the discretion to implement criteria at this time by internal policy but the fairest and most appropriate way to get information to the applicants was to publish the criteria as a rule. Everyone would then have clear guidelines and the SDE not operating on an internal policy.

Board Member Baxter said the law states the Board can award up to 80 percent. This rule will establish the criteria on how to reach the decision to give 80 percent or other percentages. It is clear we need to do this.

Superintendent Barresi reiterated this was an emergency adoption and permanent rules will be presented and time allowed for public comment during the legislative session.

Board Member Lakin asked this does not take away the Board's ability to award up to 80 percent?

Ms. Endres said no. A rule is for an application process criterion to be in place. The Board will retain the authority to award an amount up to 80 percent.

Board Member Baxter seconded the motion. The motion passed with the following votes: Ms. Foresee, yes; Mrs. Mabry, yes; Mr. Lakin, yes; General Baxter, yes; and Ms. Miles-Scott, yes.

## **FINANCIAL SERVICES**

### **Payment of Late Federal Program Claims Approved**

Mr. Chad Bratton, Executive Director, Financial Accounting, said regarding the consolidation assistance fund those sources of revenue are tracked when received by the school districts. He was not sure if the expenditures were being tracked but coding mechanisms can be put in place so those expenditures could be tracked separately.

Board Member Lakin said that would be good information to have to understand what happens with these monies. He did not expect they are used inappropriately but it is good to know what they are required to do.

Board Member Baxter said clearly the idea is the school districts are choosing not to pay severance. We have to ask why they do not and then expect the SDE to pay.

Board Member Mabry said the teachers make application to their school district for severance.

Mr. Bratton presented a request to reimburse 45 federal claims. Since August 2010, there were approximately 130 late federal claims. In 2008, an internal control mechanism for an August 1 deadline was put in place to assure schools were giving due diligence to make sure the funds are accounted for properly. Technically, federal code does allow a September 30 deadline for school districts to be reimbursed.

Board Member Baxter made a motion to approve the request and Board Member Lakin seconded the motion. The motion carried with the following votes: Ms. Miles-Scott, yes; General Baxter, yes; Mr. Lakin, yes; Mrs. Mabry, yes; and Ms. Foresee, yes.

## **ACADEMIC AFFAIRS**

### **Office of Student Support**

#### **21st Century Community Learning Centers Grant Awardees Approved**

Ms. Melodie Fulmer, Director 21st Century Programs, presented a request recommending 11 schools to receive 21st Century Community Learning Centers (CCLC) grants. She was excited that Cottonwood Public Schools had requested lengthening the school day because they are a 21st CCLC grantee. Ms. Fulmer said the 21st CCLC is a federal funded competitive grant for entities to be able to provide learning opportunities for Oklahoma students during non-school hours. She reviewed eligibility/application requirements, organizational partnerships, program enrichment programs/opportunities, statewide grant school sites, USDE review guidelines/panel, 2012 allocation funds, and grant awardees and distributions.

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Board Member Mabry said the grants were open to faith based entities, too, but the money is given to the public schools, correct?

Ms. Fulmer said it is a reimbursable grant. The Oklahoma City Urban League Organization submits a claim and we directly pay the organization. Payments can go through the school district but it does not have to.

Board Member Lakin asked how many people are on the grant review panel?

Ms. Fulmer said there were 25 current grantees that were knowledgeable of the grant process. In the future the information will be available online which will broaden the review panel.

Board Member Lakin asked if there were no applicants from the western part of the state?

Ms. Fulmer said yes. The USDE has recently asked if we would like to make priority points for areas that have not received awards. Sentinel Public Schools and Ringwood Public Schools are two of the grantee applicants from western Oklahoma.

Board Member Baxter asked what was the composition of the 25 people who performed the evaluations and where are they from?

Ms. Fulmer said they are from all over the state.

Board Member Baxter asked for a list of those west of Interstate 35.

Ms. Fulmer said she was not sure there were any from that area.

Board Member Baxter asked why would she not know? This is Oklahoma City and Tulsa pure and simple. If it's not Oklahoma City or Tulsa we aren't interested and he objects to that.

Ms. Fulmer said it is voluntary. Invitations to read grants are sent out and this year a stipend was offered.

Board Member Baxter said so if 22 people from Board Member Larkin's district Tulsa area schools wanted to participate that would be okay?

Ms. Fulmer said no, that is not what she is saying. There does need to be a better way of having more representation from the entire state.

Board Member Lakin asked if Board Members could suggest recommendations from our different areas and would that help find more people to participate?

Ms. Fulmer said yes. If this goes online, the invitation to read can be sent out nationwide, and for anonymity the grants could be blind to the reviewer/reader.

Board Member Baxter said he would appreciate knowing what the demographics were for this year's selections.



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Board Member Baxter made a motion to approve the request and Board Member Mabry seconded the motion. The motion carried with the following votes: Ms. Foresee, yes; Mrs. Mabry, yes; Mr. Lakin, yes; General Baxter, yes; and Ms. Miles-Scott, absent.

### **JULY 28, 2011 REGULAR BOARD MEETING MINUTES APPROVED**

Superintendent Barresi asked Board Members to consider the transcription presented to them as an amendment to the Board minutes on the report from the Office of Accountability with supporting documents.

Board Member Lakin asked Superintendent Barresi did this reflect your memory of the meeting as well as the changes or rather the additions?

Superintendent Barresi yes. The supporting documents will help you to understand the power point Ms. Jennifer Stegman presented at that meeting. The Board approved vendor "C" for the end-of-instruction exams and approved vendor "C" for the alignment study which is what needed to be corrected.

Board Member Lakin motioned to approve the minutes of the July 28, 2011, regular Board meeting as amended. Board Member Baxter seconded the motion. The motion passed with the following votes: General Baxter, yes; Mr. Lakin, yes; Mrs. Mabry, yes; Ms. Foresee, abstain; and Superintendent Barresi, yes.

### **ADJOURNMENT**

There being no further business the meeting adjourned at 11:10 a.m. Board Member Lakin made a motion to adjourn and Board Member Mabry seconded the motion. The motion passed unanimously.

The next regular meeting of the State Board of Education will be held on Wednesday, September 21, 2011, at 9:30 a.m. The meeting will convene at the State Department of Education, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma.

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Janet Barresi, Chairperson of the Board

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Connie Holland, Chief Executive Secretary