

**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**

December 15, 2011

The State Board of Education met in regular session at 1:05 p.m. on Thursday, December 15, 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 12:30 p.m. on Wednesday, December 16, 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
MG (R) Lee Baxter, Lawton
Ms. Amy Ford, Durant
Mr. Brian Hayden, Enid
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 1:05 p.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.

**OCTOBER 27, 2011 REGULAR BOARD
MEETING MINUTES APPROVED**

**NOVEMBER 17, 2011 REGULAR BOARD
MEETING MINUTES APPROVED**

Board Member Baxter made a motion to approve the minutes of the October 27, 2011, regular state Board meeting. Board Member Ford seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Price, yes; Mr. Hayden, abstain; Gen. Baxter, yes; and Mr. Shdeed, yes.

Board Member Ford said there is a correction in the first sentence, the Board meeting date should be December 15, 2011, and not December 17, 2012. She made a motion to approve the minutes of the November 17, 2011, regular state Board meeting as corrected. Board Member Hayden seconded the motion. The motion carried with the following votes: Mr. Shdeed, yes; Gen. Baxter, yes; Mr. Hayden, yes; Mr. Price, yes; and Ms. Ford, yes.

STATE SUPERINTENDENT

Information from the State Superintendent

Superintendent Barresi introduced Mr. Joel Robison, Chief of Staff, for the State Department of Education. She said Mr. Robison rounds out a team in terms of the area of policy, policy development, and legislative relations. In addition to the team, Mr. Gardenhire will partner with Mr. Robison, as the Director of Policy and Communications, and Ms. Jessica Russell rounds out the team as Legislative Affairs and Policy Advisor. It is a very strong team that will be great in providing information to the Board, Legislature, and Governor's office.

Superintendent Barresi said Board members have for review the Fiscal Year 2013 budget proposal which the bulk will fill requirements for funding, rule making publications for the *Reading Sufficiency Act*, and the A through F Accountability System. We are moving forward with implementing all reforms passed by the Legislature and she

is proud of staff multitasking in getting all things done. The United States Department of Education (USDE) will announce recipients of the Early Learning Challenge grants on Friday, December 16, 2011. Currently, work is being done regarding an issue with the flexible benefit allowance with the Legislature. There is legislation contemplating changes in the way the program is administered. The Legislature has been provided figures on the requirements for the flexible benefit allowance for FY12 should that legislation pass. Board members will review the recommendations of the Teacher and Leader Effectiveness Commission and hear public comment. The recommended Fiscal Year 2013 budget is a good one and requests a \$157 million increase. The budget request includes funding for the National Board Certified Teachers be restored; the flexible benefit allowance twelve-month requirements which is approximately one-third of the budget request; additional adult education funding cut from the FY12 budget; implementation of reforms; and funding to restore additional items cut from the FY12 budget.

Comments from Representatives of the Tulsa County Association of School Administrators

Superintendent Barresi said the Association of Tulsa County School Administrators requested to appear before the Board and introduced Mr. Clark Ogilvie, Superintendent, Owasso Public Schools. Mr. Ogilvie thanked Board members for the opportunity to speak regarding the consequence for senior students who do not pass the four required end-of-instruction (EOI) tests in order to graduate with a diploma this spring. Mr. Ogilvie reviewed the Tulsa County superintendents concerns and request in regards to sun setting or delaying the diploma requirement for a period of time or at least until the common core standards are completely implemented in the 2014-15 school year, and the EOI tests are fully developed on a parallel course. The association challenged the State Board and Legislators to support legislation to do so. Board members were provided hand out materials to review.

Mr. Ogilvie, in response to Board Member Baxter's question on the percentage/range of students that fail or complete requirements, said his personal theory is that in smaller school districts more personal attention is given to seniors as opposed to larger districts, numbers are higher because seniors do not receive much personal attention. This will be the first year for this test.

Superintendent Barresi said the law requirement has been in place since 2005 and the date mandated as the year in which students are required to pass four out of the seven examinations.

Mr. Ogilvie said it is the Achieving Classroom Excellence (ACE) initiative brought forth by former Governor Henry and former State Superintendent Garrett.

Board Member Price asked if the EOI tests were a national test or solely a state created test?

Dr. Cathy Burden, Superintendent, Union Public Schools, said the EOI tests were developed in the state of Oklahoma and are not national tests. Because of the different cut scores in various years we are concerned about the reliability and validity of the test as actually measuring what we hoped to accomplish with a high school diploma and that is readiness for college and career. There are no national statistics indicating the tests are

a good predictor and therefore our concern about the quality of this test is something that leads us to this recommendation.

Board Member Baxter said the association's recommendation indicates touring of the common core standards will fix this problem. Is that what you are suggesting?

Dr. Burden said we do believe that with the common core and appropriate assessments we will have more confidence in the relationship between the assessment and its predictability for college success or career success. Of course it has yet to be determined because the assessments have not been seen. However, we know there is not a high level of confidence in the current EOI's to make a high stakes decision about graduation based on those could leads us to making improper decisions for students. We are particularly concerned about students who are ELL as well as on IEP's and those students are probably in a higher number. Parents of the students who are not able to pass these tests will have concerns their child may have met the graduation requirements locally and state graduation course requirements, yet the test alone will keep them from graduating opens up the possibility of lawsuits.

Superintendent Barresi said if Board members so choose background materials on the ACE legislation, requirements, test developments, research/development/validation, graduation rates, and alternative testing can be provided. Also, the common assessments of the 2013-14 school year implementation and 2014-15 school year for English language arts and mathematics that will replace the EOI's can be provided as well. Once Board members have reviewed, an expanded discussion will be scheduled as an agenda item presentation.

FIRST-YEAR SUPERINTENDENTS

First-year superintendent(s) attending the meeting were Mr. Michael Blackburn, Superintendent, Stratford Public Schools; Mr. Mike Broyles, Superintendent, Braggs Public School; Ms. Leslie Christian, Superintendent, Turner Public Schools; Ms. Peggy Constien, Superintendent, Waynoka Public Schools; Ms. Karen Lyles, Superintendent, Hugo Public Schools; Mr. Charles Peckio, Superintendent, Frink-Chambers Public School; and Mr. Bobby Waitman, Superintendent, Milburn Public Schools.

CONSENT DOCKET APPROVED

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

- (a) **Abbreviated School Day – OAC 210:35-29-2 and OAC 210:35-3-46**
Bethany Public Schools, Bethany Academic Conservatory, Oklahoma County
Bridge Creek Public Schools, Alternative School Cooperative, Grady County
Little Axe Public Schools, Cleveland County
- (b) **Library Media Services – OAC 210:35-5-71 and OAC 210:35-9-71**
Putnam City Public Schools, Oklahoma County

- (c) **Planning Period – OAC 210:35-5-42**
Bridge Creek Public Schools, High School and Middle School, Grady
County
Sapulpa Public Schools, High School, Creek County
- (d) **Library Media Specialist Exemption – 70 O. S. § 3-126**
Little Axe Public Schools, Cleveland County
- (e) Request approval for State Board of Education or Oklahoma Private
School Accreditation Commission (OPSAC) accredited private school
wishing to participate in the Lindsey Nicole Henry Scholarships for
Students with Disabilities program: St. John's Episcopal School,
Southwest Association of Episcopal Schools private school – 70 § 13-
101.2D
- (f) Request approval of exceptions to State Board of Education regulations
concerning teacher certification – 70 O. S. § 6-187
- (g) Request approval of recommendations from the Teacher Competency
Review Panel for applicants to receive a license - 70 O. S. §6-202

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. Price, yes; Mr. Hayden, yes; Gen. Baxter, yes; and Mr. Shdeed, yes.

TEACHER CERTIFICATION

Report on Alternative Placement Certification and Troops to Teachers

Professional Standards Production Report

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

These were reports only and no action was required.

ACADEMIC AFFAIRS

Office of Student Support

Adoption of the Oklahoma Teacher and Leader Effectiveness Evaluation System Approved

Ms. Kerri White, Assistant State Superintendent, Office of Student Support, presented a recommendation request from the Teacher and Leader Effectiveness Commission (TLE). Currently ten states have a statewide TLE system, and Oklahoma is leading the way in implementing the reforms. The state TLE system is designed to encourage continuous professional growth leading toward improved student achievement for all Oklahoma students. The law requires the new system be comprised of multiple measures of effectiveness and the State Board of Education (SBE) to adopt a five tier rating system that rates administrators and teachers on a scale from ineffective to superior; annual evaluations that provide feedback that will improve student learning and outcomes; development of comprehensive remediation plans; and provide instructional coaching for evaluations that are rated in needs of improvement or ineffective.

State law divides the evaluation system based on percentages. Fifty percent of ratings will come from quantitative components and fifty percent rigorous and fair qualitative assessments. Ms. White reviewed the required administrator and teacher qualitative and quantitative assessment tools and the qualitative and quantitative assessment tools for administrators and teachers in non mandated statewide testing. She overviewed TLE as defined by state statutes, purpose, TLE commission role, SBE statutory requirements, national best practices, methodology, school district TLE requirements, TLE recommendations, TLE implementation, timelines, frameworks, default, public comment, and recommended evaluation systems. Ms. White provided Board members additional documentation on McREL's preliminary scope of work and budget proposal regarding their leader qualitative framework.

Ms. White introduced Ms. Amy Polonchek, Chief of Staff, Tulsa Public Schools.

Ms. Polonchek and Ms. Tahlia Shaull, Executive Director, TLE Initiative, Tulsa Public Schools reviewed the primary qualitative assessment component recommended by the TLE Commission as a default framework. Ms. Shaull video highlighted the Tulsa School District's evaluation framework model, characteristics, implementation, results and impact; student success, growth and achievement; and teacher expectations, performance, guidance, and support.

Public Comment

Superintendent Barresi announced public comment was open. Ms. Kathy Dunn, Mid-Del Public Schools; Ms. Linda Hampton, Oklahoma Educators Association (OEA), Ms. Susan Harris, Tulsa Metro Chamber; Mr. Ed Allen, Oklahoma City AFT; and Representative Corey Holland, appeared to speak to the Oklahoma TLE system. Each speaker were allowed three minutes to speak.

Ms. Dunn said the implementation of common core, new rigorous assessments, and the new teacher evaluation system presented a full plate for the Mid-Del School District. We knew professional development would be the key to success for implementation of

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each new requirement. Common core professional development was not in the Tulsa evaluation model but it was found in the Marzano's Arts and Science of Teaching model which was used to develop an evaluation model. We examined the commission's three recommended models of which the Tulsa model had the most appeal for its easiness and quick implementation for Mid-Del. But with further study and research of the different models we found the Marzano model became the play book for Mid-Del School District that instructed implementation/execution, guidance, team work, and common language for engagement. Ms. Dunn asked the Board's consideration of the Marzano model for the Oklahoma model.

Ms. Hampton said the Oklahoma Education Association supports the Tulsa TLE Observation and Evaluation system model and the TLE Commission's recommendation for the Tulsa model. This is due largely to the collaborative teacher involvement, input/process/design, and implementation. However, the evaluation process cannot be successful if there is no change in attitude about the evaluation process. Training and practice which are two very different things is very important when looking at the way evaluations were done and the way they will be done. Funding is crucial and must be available for any of these plans to work because they cannot be successful with only partial funding or no funding. The bottom line is to invest in what is best for the children in Oklahoma and asked the Board to consider the Tulsa model.

Ms. Harris said she was a member of the TLE Commission and Vice President of the Tulsa Metro Chamber for Educational Workforce. The whole initiative is something the Tulsa community first began in 2009 and before the passing of House Bill 2033. The Gates Foundation approached Tulsa and invited them to compete in their Teacher Effectiveness Grant program. Tulsa received \$500,000 through the MacKenzie Corporation's Consulting Services to help build the application and to identify the district's strengths and weaknesses. The Gates Foundation was impressed with the grant application and awarded a \$500,000 Accelerator Grant which has been received yearly to pay for implementing the TLE program. Local community funders of corporations and foundations have also invested approximately \$1 million a year with the Tulsa Public School District to further the work because they recognized the district did not have the resources. Since 2009 the TPS system has been based on national research and best practices, team development, indicators and evaluations. Evaluations are a small piece of what Tulsa has done to change to a performance based culture. If done appropriately it can happen statewide in every district. The TLE Commission has met eight times since June 2011, to hear and review presentations of various models and now recommend the Tulsa model. The key reason being was Oklahomans developed the Tulsa model. Ms. Harris said she hoped the Board would seriously consider the recommendation of the TLE Commission to adopt the Tulsa model because it will make a difference in the state and change the culture in all schools, not just the Tulsa School District.

Mr. Allen said he was the President of the Oklahoma City American Federation of Teachers (AFT), the bargaining agent for Oklahoma City teachers, and is a member of the TLE Commission. He approached the development of a new evaluation system as an opportunity to create an evaluation that improves practices in student outcomes and an opportunity to move away from the old ways, old thinking, and old attitude. Meaningful change requires something different because if teaching practices are to be improved evaluation practices must be different. Effective evaluation is a process and it is not an event so we must ask ourselves do we want an evaluation that stresses continuous improvement, which is a process, or one that stresses decision making which is an event. The current evaluation system is an event used for decision making and is viewed as

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ineffective and punitive. He believes the Commission recommendation regarding the teacher evaluation will not give the desired results unless the desired result is to have the first cousin of the current system. A good evaluation process is one of constant conversation built around many classroom observations and it is labor intensive. The Danielson and Marzano presentations to the Commission stressed this point, Tulsa did not. When specifically asked about the time needed for an evaluation the Tulsa presenter stated two thirty-minute observations are performed, followed by conversation each time and then submit the evaluation. The answer matched the literature Tulsa provided to the Commission with their observation evaluation handbook. The phrase 'continuous improvement' which is in the statute and must be addressed, was mentioned one time. Continuous improvement was not mentioned on their stated purpose in the handbook or in their stated goals. The Tulsa model is not the continuous conversation or the continuous improvement model that all teachers need. The Commission received 1200 public comment responses of which the vast majority was educators. By a two to one margin respondents preferred Marzano over the Tulsa model. Several Commission members expressed a view that the respondents really did not know what they were talking about. He suggested the respondents did know and the Commission should be listening to them. At the last Commission meeting TPS unleashed a strong attack against the Marzano model questioning the value and validity of the model. The facts are that Marzano and also Danielson are widely known, used, and well regarded throughout the country which is no reason to doubt Marzano as TPS would like the Board to do. Marzano is the proven model, not Tulsa, and it is unwise to name a default evaluation model that has just been developed, is not favored by educators who gave input, is not used anywhere in the country, and will likely bring unforeseen problems. Mr. Allen urged the Board to adopt the Marzano model as the default evaluation model for meaningful change.

Representative Holland said it was not his place to tell the Board what to do and that it was their position to make a decision that is best and he respected that position. But as an educator on hiatus from the Marlow School District while serving in the Legislature his stance is the purpose of a school is student learning. A better system has been needed for a long time, and the model the Board chooses must be administered effectively. Tulsa Public Schools has certainly accomplished this and should be commended for doing so. Through a collaborative effort they developed a system that could be very effective in TPS. What we do not know is how well the TPS model will work statewide because even though it may be a great model it is at its genesis, or its beginning. The other models have existed for years, and have decades of research and validation as to their effectiveness, not only for large schools, but smaller schools. The model should be chosen for its effectiveness across the state. The Board has a difficult task and there are no assurances on how things will work out whatever their decision. If anyone states any one of the models will be great they are deceiving themselves and the Board, because there is no way of knowing. The model chosen will be extremely important because the decisions made in education and moving forward hinge upon this system. As a state leading reform in education the system selected will have a large role to play in the reform. The statutes state this system will take the decision out of the hands of school boards, because it clearly states if there are two years of ineffective ratings a person shall be dismissed. The school board will not have a choice, so it is important we get this right.

Ms. White introduced Ms. Alicia Currin-Moore, Executive Director, Teacher and Leader Effectiveness.

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Board Member Hayden said what is being recommended is a pilot program for the 2012-13 school year and then a permanent program for the following year. Where is the word 'pilot' in the statute and where is the language around selecting a default?

Ms. White said neither the word pilot nor default is in statute. They are recommendations of the State Department of Education (SDE) staff in order to help districts transition. Rather than waiting until the 2013-14 school year, at which time it is required for all local boards to align with the TLE, allowing a transition by doing a pilot in the year prior would be an option. The default was a recommendation of the TLE Commission based on experiences of other states. There are states at various levels of implementation in this process, and some have minimal criteria similar to what is in Oklahoma statute. Some states have identified an instrument for every district to use, while others have identified a short list of instruments that meet statutory criteria for districts to use, and yet, some identified a short list but decided to put their efforts behind one default. The TLE Commission recommended, based on the experience of other states, naming a default to function in that manner but to approve a short list of options.

Board Member Baxter asked but it was not required?

Ms. White said no, that is not a requirement of the statute.

Board Member Baxter referred to Mr. Allen's comments that the evaluation system is a process and not an event. He said we may be trying to make this into an event rather than creating a process that insures we get what we seek. All three models are outstanding but at the end of the day it does not matter much as to which model is selected, because the districts will figure out their selection and make it work to their best possible advantage. What concerns him and the many citizens that contacted him is that this does not come down to being all about the money. The question(s) is will it be all about the money or all about the kids, or is it all about the teachers or all about the money? In hearing the dialog about strengths and weaknesses of these systems is it really about the strengths and weaknesses or about who gets the money to further develop their model. He has faith in the Commission and assumes they do know what they are talking about. However, the legislation goes back for some time and the Commission could have been working on this issue longer than they had been. He would like to find a way to not make this decision and go through a pilot program to allow the districts to be involved with the evaluation system they want to use over a period of time. He would like to see the SDE work with the TPS model and the issues that surround it. He presumes the Tulsa model is the correct model based on the Commission's recommendation. Why not do this and work for a year using all three models, distribute the money to those models based on the districts that want to use them, and ultimately make a decision at the end of the pilot program.

Board Member Price said he concurred with Board Member Baxter. Basically having and going through a pilot program would help determine which system will be the default system. The Commission approved three systems for teachers and two for administrators and the money should follow what the districts decisions are on a per pupil basis. The Commission will be in effect for three or more years and they may decide to stay with the recommendation or modify. If there is a pilot project the money would follow the district's decision on a per pupil basis. A critical factor he heard during the presentations was coaching. Having talked with numerous superintendents who have said one of the key issues is that it is not necessarily the system, but videotaping the classroom to be able to help coach the system. How would athletic coaches coach

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anyone if they do not video tape them? It is not an invasion of privacy, but a way to properly implement any of the systems in a logical way. Also, instruction may change a little when being monitored and observed. He encourages school districts to do it this way rather than just observation in the classroom. Additionally, it would also be a protective mechanism for the teacher, which would be more important than the system we have. Another part is the quantitative portion of this equation, which he does commend on the value added, having the testing be on growth not on the basis of whether or not you are in a wealthy school district. He commended the SDE in moving towards increased rigor in the testing, which is needed.

Board Member Ford thanked those with public comment and said their comments are valuable. She commended the TLE Commission for their efforts in bringing forth the recommendations. She said the Board is as good as the information provided to help make the best and right decision.

Board Member Hayden said the reason for the pilot and default question was because he was having a hard time linking up why we are doing a pilot if we have already named the default. He shares some of the same concerns Board members have referenced. The Commission spent a lot of time and the recommendations are all great products and will yield great results. At this time, no one can say which one is better for our state. He said he was having a hard time selecting a default, understood doing a pilot and having the commission in place to evaluate, and then determine what works best. We may decide the choices are Marzano and Tulsa and both are equally the defaults after some period of time. He recognizes it is best for school districts to have options rather than the Board allowing one model to use. The Tulsa model may work well in Tulsa but may not work as well in Enid; Marzano may work great in Enid but not well in Tulsa. His struggle is around the word 'default' and has yet to see anything concrete regarding the funding allocated for this. If the Board approves what is proposed is the funding in place to implement, and if it is not we will trip ourselves before we get out of the gate. He asked do we have all the needed funding to implement three models and a pilot?

State Superintendent Barresi said the SDE is working out a robust professional development menu for implementation of all the reforms and looked at all the resources that are available to us. We have experienced savings through efficiencies in staffing in the SDE. She does not promise all the funding is available to implement every reform but staff is working with the Legislature on that issue and contemplating grants. For implementation of this program the amount would be \$1.5 million and we intend to administer the budget as directed by the Board. We are also intent on doing everything we can for full implementation of this system. Staff is completely devoted to assuring that Oklahoma has one of the best systems for developing the best teachers in the country.

Board Member Hayden asked that would be a yes.

Superintendent Barresi said yes for this first year. We are working to identify funding sources for FY13 going forward.

Board Member Shdeed said he agreed with fellow Board members and that it is premature to make such an important decision. He complimented Tulsa on the work and is curious to see what it looks like next year. Cameras in the classroom are a good idea for the students and teachers. It may also help with behavioral problems if students know cameras are in the classroom.

Board Member Baxter said to reinforce Board Member Ford's comment in regard to the Tulsa model; we cannot and should not underestimate the work of the Commission in recommending the Tulsa model. Could the Board make the Tulsa model the presumptive default model for the state subject to the pilot program with a final recommendation in a year? The Board does not want the TLE Commission members to perceive in any way that the Board is down grading their very strong recommendation. He thinks it needs more time.

Board Member Price motioned the TLE Commission has approved certain frameworks for district selection both for teacher and leadership evaluation. A pilot program will be conducted over the 2012-2013 school year using the approved frameworks that are selected by each district. At the end of the pilot program, both the TLE Commission and the State Board of Education will be better able to evaluate each framework. Based on the TLE Commission's recommendations, the State Board of Education names the Tulsa's TLE Observation and Evaluation System for the Teacher Training Evaluation and McRel Principal Evaluation System for the Leadership Training Evaluation as the presumptive default frameworks. During the pilot program, the allocation of funds between approved frameworks will be supported by local funds or at the discretion of the Oklahoma Department of Education through a formula based on the district's average daily attendance. At the end of the pilot program, in one year, after further study and recommendations by the TLE Commission, the State Board of Education will adopt default frameworks; and to table the TLE permanent recommendation items #1a, #1b, #1d, and #1e; and to approve the adoption of the TLE permanent recommendation items #1c and #1f after striking the second sentence of each recommendation; and to approve the TLE permanent recommendation items, without change, #2, #3a, #3b, #4, and #5.

Board Member Ford seconded the motion.

Ms. White confirmed the motioned items.

Board Member Baxter said the initial paragraphs prior to the individual recommendations were a part of the motion. Does this meet the legal/legislative deadline requirement to make a decision by December 15?

Ms. Lisa Endres, General Counsel, said yes. The statute is very general and neutral and indicates by December 15 the Board adopts a system and by adopting the three systems for districts to choose would meet the statutory requirements.

Board Member Hayden asked regarding the presumptive default does it carry any implication or is it just recognition of the Commission?

Board Member Price said he thinks it indicates the Board is differential to the Commission, but we need to wait until later. We presume this is going to be the default, but if the results of the pilot project turn out differently the Commission and the Board may change our minds. He did not intend it to have any strong legal....

Board Member Baxter said his intent was to keep the Tulsa model at the forefront based on the recommendation of the Commission and to allow the Board to have due consideration before making a decision to overturn the recommendation in favor of another system.

Superintendent Barresi said as a point of information to the Board this will begin in FY12-13 and we will come back next year at this point in time.

Board Member Prices said next year is after the pilot year.

Board Member Baxter said an amendment may or may not be in order, but because of the sensitivity and importance of this issue he would like an update report presented at each Board meeting on the status of the pilot program. The SDE and Tulsa could possibly work together on an update on the progress of the pilot program as we go through the next year.

Superintendent Barresi said we would be more than happy to keep the Board apprised as well as the TLE Commission.

The motion carried with the following votes: Mr. Shdeed, yes; Gen. Baxter, yes; Mr. Hayden, yes; Mr. Price, yes; and Ms. Ford, yes.

FINANCIAL SERVICES

FY2013 Budget Request Approved

Ms. Mathangi Shankar, Director of Financial Services, said Financial Services include the Office of the Comptroller, Oklahoma Cost Accounting System (OCAS), and the State Aid Office. Ms. Shankar presented the SDE budget request for fiscal year 2013 and reviewed the considerations of reform initiatives the Department is planning for the upcoming years. She said for comparison purposes the 2011 fiscal year was added to the spreadsheet handout which had not been included in the Board packet. In putting together the budget request for FY2013 many things were considered and the top considerations were the reform initiatives, FY12 budget reductions, and federal and state matching requirements. She overviewed the funding categories that included financial support of public schools, public school activities, instructional materials or text books, agency administrative and support functions budget. The total budget request increase totaled \$157,980,925, of which 49.4 percent or \$78.7 million is for the financial support of schools. The public school activities budget for all programs including the flexible benefit allowance and the increase for FY13 is \$45 million.

Superintendent Barresi said the Department is returning to FY11 numbers which was cut \$100,000 million, plus an additional \$57 million for various programs. The four areas of the budget request are the financial support of public schools, instructional materials or textbooks, public school activities fund, administrative and support functions which is essentially the Department budget request. The Board review and approval of the budget will allow the SDE to move forward in submitting to the Governor and the Legislature.

Board Member Price said the Legislature needs to find ways to cut administrative costs in the schools in general. Superintendent Barresi has done a commendable job in reducing the administrative overhead by cutting positions in the Department. The Board needs to find more creative ways to reduce administrative costs in general to the schools. We have an obligation to the National Board certified teachers. In the future with the new testing and ability to judge teachers and determine if teachers are highly effective

teachers they should particularly be rewarded. Rewarding accomplishments is better than awarding qualifications because it is more beneficial to kids in the long run.

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

**Award of Employment Assistance Benefit in the form of
Severance for Former Employees of the Annexed School Districts:
Boynton-Moton Public Schools, Wakita Public Schools,
and Pickett-Center Public School Approved**

Ms. Shankar presented a request for a one-time severance allowance to qualifying applicants for former employees of annexed school districts from Boynton-Moton, Wakita, and Pickett-Center.

Board Member Hayden asked for clarification on the severance allowance process.

Ms. Endres said legislation indicates that out of the consolidation fund, which is funding for all annexation consolidation, school districts can use the funds in certain categories. Severance is one of the categories. Statute states that if a teacher(s) loses their job due to annexation or consolidation, whether voluntary or involuntary, they are allowed to apply for severance to the annexing school district. If they apply, the statute says the school district may award up to 80 percent of the gross wage(s) in severance. To qualify for severance the statute states the teacher must be employed at the annexing district or at any other school district. Unemployment compensation will also count as part of the assistance benefit and can be offset with regard to the up to 80 percent portion. The SBE grants severance to annexed school district employees when an annexed district does not pay severance out of the school district's consolidation funds. Provisions in the statute allow the employees to apply for severance by September 1 of the year preceding annexation and the SBE shall award up to 80 percent of the gross year wages. Ms. Endres said up until 2010 the SBE never had one application for severance. During this time former employees of annexed districts made severance application request directly to the SBE and not the school district(s). The increase in requests prompted the need for rules to determine and give the SBE a rubric to set the severance allowance. Emergency rules were created setting the rubric formula based upon years of service, efforts in seeking employment, unemployment benefits, and 80 percent determinations. The promulgated rules are set to go before the legislature for permanent adoption. The 33 severance requests amount is approximately \$332,000. If the old 'up to' rubric was used the amount would be over \$700,000.

Board Member Hayden said the two key words used were 'shall' and 'formula or method'. Does the emergency rule take in consideration the timing from losing a job to collecting severance?

Ms. Shankar said it states by September 1 of the following year.

Board Member Hayden said if someone lost their job, did not receive severance from the annexing district, and collected unemployment they can get severance. What if they are employed at another district? Some employees could have a three month gap and receive a one year salary for...

Ms. Endres said current legislation provides that when a teacher(s) loses employment due to annexation or consolidation, unemployment benefits are received, and by September 1 they are not hired at the annexing district, the teachers(s) are entitled to severance in addition to unemployment. If they are hired at any other district they would not be discounted for being eligible for severance. What is discounted is the efforts of looking for employment because of the way the law and statute are structured.

Board Member Price said if a person who is employed or away from the dismissing district, or a person who applied for jobs closer to the dismissing district and cannot get a job, or a person who applied for employment only at the dismissing school district are all treated differently using the formula?

Ms. Endres said we did try to make it a factor in the formula. It is not by any means the only factor but we do try to make the applicant show efforts to replace unemployment. Once again we are looking at equality. The teacher that has 25 plus years of experience and is close to retirement would find it much more difficult to go statewide to find employment verses the one to five year teacher who has the flexibility in their career to go to another district. We looked at throughout the implementation of the formula and the formula rubric is in the rules. The other instance critical part of the legislation is that no severance is allowed to the individual who is a good teacher and is employed by the annexing district.

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

LEGAL SERVICES DIVISION

Revocation of Teaching Certificate and Teacher Number of Jeremy James Smith

Ms. Lisa Endres, General Counsel, said Mr. Smith submitted a waiver and voluntary surrender of the certificate prior to the meeting and therefore no Board action is required.

Report and Overview of the Upcoming Permanent Rulemaking Schedule and Process

Ms. Kim Richey, Assistant General Counsel, presented an overview the emergency/permanent rulemaking procedure/process/adoption, 2012 schedule of anticipated permanent rules, filings, and public comment/hearings.

This was a report only and no action was required.

Minutes of the Regular Meeting of
the State Board of Education
December 15, 2011

ADJOURNMENT

There being no further business the meeting adjourned at 3:20 p.m. Board Member Shdeed made a motion to adjourn and Board Member Price seconded the motion. The motion passed unanimously.

The next regular meeting of the State Board of Education will be held on Thursday, January 26, 2012, at 9:30 a.m. The meeting will convene at the State Department of Education, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma.

Janet Barresi, Chairperson of the Board

Connie Holland, Chief Executive Secretary