

**Minutes of the Meeting of the**  
**STATE BOARD OF EDUCATION**  
**OLIVER HODGE EDUCATION BUILDING:**  
**2500 NORTH LINCOLN BOULEVARD, ROOM 1-20**  
**OKLAHOMA CITY, OKLAHOMA**

**February 23, 2012**

The State Board of Education met in regular session at 9:35 a.m. on Thursday, February 23, 2012, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:30 a.m. on Wednesday, February 22, 2012.

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  
Ms. Joy Hofmeister, Tulsa  
Mr. William "Bill" Price, Oklahoma City  
Mr. William "Bill" Shdeed, Oklahoma City

Others in attendance are shown as an attachment.

**CALL TO ORDER  
AND  
ROLL CALL**

Superintendent Barresi called the State Board of Education regular meeting to order at 9:35 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.

**JANUARY 15-16, 2012, STATE BOARD OF EDUCATION  
RETREAT MEETING APPROVED**

Board Member Baxter made a motion to approve the minutes of the January 15-16, 2012, State Board Retreat meeting and Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Gen. Baxter, yes; Mr. Shdeed, yes; and Mr. Price, yes.

**JANUARY 26, 2012, REGULAR STATE BOARD  
OF EDUCATION MEETING APPROVED**

Board Member Ford made a motion to approve the minutes of the January 26, 2012, state Board regular meeting and Board Member Hayden seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Gen. Baxter, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

**STATE SUPERINTENDENT**

**Information from the State Superintendent**

Superintendent Barresi said the legislative session was opened by Governor Fallin with her State of the State address, and her kind comments regarding the progress being made in education are greatly appreciated. The Governor has always been an advocate for quality education in Oklahoma and the State Department of Education (SDE) looks forward to continue working with her. Productive REAC<sup>3</sup>H Network meetings were held in Oklahoma City and Tulsa, and the effort is moving forward well regarding transitioning to the Oklahoma C<sup>3</sup> Standards, and teacher and leader effectiveness. Ms. Cara Cusick is the new Director of the REACH<sup>3</sup>H Network and is working with member districts to continue to strengthen the network. The United States Department of Education granted the No Child Left Behind waiver in January. Superintendent Barresi thanked educators throughout the REAC<sup>3</sup>H Network for their contributions in the input and writing of the waiver. She complemented SDE staff for their hard work on writing the waiver in conjunction with state educators and during the approval process.

The SDE has been focused in the past weeks on reaching and notifying individual school sites and districts that have been ranked as priority, focus, differentiated intervention schools, and reward schools.

Superintendent Barresi asked Ms. Ashley Hahn, Events Coordinator to update Board members on their request for remote State Board meeting, throughout the state.

Ms. Hahn presented Board members for their consideration a list of school districts and sites to hold three to four State Board of Education (SBE) meetings in the 2012 calendar year. At this time we are in discussions with Tulsa Public Schools to be the first district location, and to host the April 26, 2012, SBE meeting. The venue(s) is still to be determined but the Board will receive progress updates. Ms. Hahn said most of the schools were rural school districts and sites of which several extended an invite to the SBE. Board members were asked to contact Ms. Hahn on their preferences and opinions and she would report back the various schools sizes and members concerns/wishes.

Board Member Hayden said during the visit he would like to see and know what the schools are doing to be proactive, the areas where they are struggling , and not just the 'crown jewels'.

Superintendent Barresi said she is in agreement. There is nothing like being on site to hear the challenges and see the successes. She said visitation during and after the school year had been discussed instructed Board members to contact Ms. Hahn with their preferences.

Board Member Price said in addition to SBE site visits he encourages Board members to visit school districts/sites within their congressional districts on a monthly basis. It is important Board members get a feel for and be able to ask how various legislation and rules impact school districts.

### **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) **Allow Two School Days in a 24-Hour Period – 70 O. S. § 1-111**  
Mill Creek Public Schools, Johnston County  
Porter Consolidated Schools, Wagoner County
- (b) **Cooperative Agreements for Alternative Education Programs – 70 O. S. § 1210.568**  
Pocola Public Schools, LeFlore County
- (c) **Noncertified Substitute Teachers – 70 O. S. § 6-105**  
Strother Public Schools, Seminole County
- (d) Request approval of exceptions to State Board of Education regulations concerning teacher certification – 70 O. S. § 6-187
- (e) 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. Hayden, yes; Ms. Hofmeister yes; Gen. Baxter, yes; Mr. Shdeed, yes; and Mr. Price, 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 Instruction**

#### **Oklahoma Elementary Mathematics Specialist Certification Program Approved**

Mr. Jeff Downs, Director, Science, Technology, Engineering, and Math (STEM), presented a request for a certification program for Oklahoma elementary mathematics specialist (OEMS). Ms. Courtney Lockridge, Director, Mathematics was very instrumental in the project and process along with Mr. Jeff Smith and Mr. Saeed Sarani, Oklahoma State Regents for Higher Education.

This initiative is a crucial building block for improving the rigor of mathematics in Oklahoma. The OEMS is a process that allows elementary and early childhood teachers to earn an elementary mathematics specialist certification in grades PK-5. These teachers are required to have the knowledge and understanding of elementary school mathematics, and mathematics concepts and skills developed through the secondary level. This also includes having specialized knowledge to understand and support student learning of elementary mathematics; as a OEMS professional be prepared to take on collegial non-evaluative leadership roles within their schools and districts; and to have a broad view of many aspects and resources needed to support and facilitate effective instruction and professional growth.

Mr. Sarani reviewed the areas of national data/outlook, the need for national and local OEMS, competency processes, statewide data/statistics, mathematics consortium timelines, partnerships, competencies, reviews and studies.

Mr. Smith reviewed the OEMS program prerequisites, requirements and credentials; pedagogical content and standards alignment, coursework proficiency and leadership; certification requirements, qualifications, restrictions, application and recommendations; SDE fee and certificate issuance. The benefit of having an OEMS certification in place, as several other states do, makes Oklahoma more marketable for out-of-state teachers that have this type certification. If we do not have an equivalent certificate then we cannot offer one. This will make us more equitable.

Board Member Price said he was pleased the group utilized the teachers and leader evaluation system. He asked if an internship had been considered as a prerequisite or as a

requirement? Being mentored by a great teacher makes a huge difference in terms of the quality of the teaching that comes from the person going through the system.

Mr. Downs said a prerequisite is an excellent suggestion in the process to increase rigor in mathematics and would be further investigated. He agreed that mentoring is crucial especially in the elementary levels because sometimes teachers are not as confident as they need to be, to be effective. This is the right step to get us to that point.

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

### **Focused Field of Career Study in Biomedical Sciences at Central Technology Center Approved**

Mr. Downs presented a request recommending a course of study which was reviewed and approved by SDE staff and aligned to the C<sup>3</sup> standards.

Ms. Tina Fugate, STEM and Academic Coordinator, Oklahoma Department of Career and Technology Education, said the focused field of career study in biomedical sciences is an existing program for eleventh and twelfth grade students. The request is to enroll tenth grade students, especially those students in highly rural areas. Impacting them with science and math in the younger grade will better help them to be more successful post secondarily.

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

### **Office of Educational Support**

#### **Add TerraNova as an Alternate Test for the Oklahoma Achieving Classroom Excellence (ACE) End-of-Instruction (EOI) Exams Approved**

Ms. Melissa White, Executive Director, Counseling/ACE presented a request to add TerraNova as an alternate test for the Oklahoma Achieving Classroom (ACE) end-of-instruction examinations. The Department of Defense schools us the TerraNova assessment, but does not use end-of-course instruction assessments. Ms. White said she received numerous calls from relocated military families with high performing students that who performed well on the TerraNova but had no other assessment equal to the Oklahoma EOI. The TerraNova is a Norm Referenced Test and it was determined a 670 cut score was the same proficiency as the EOI scores in all subjects. The TerraNova alternate test meets ACE graduation requirements for military students that have not met the testing requirement by another form of assessment and have not taken and/or failed the PSAT.

Board Member Baxter asked was a test conducted of the population of such students to get a sense of whether the 670 cut score was right?

Ms. White said we used the TerraNova with students that have taken EOI's and looked at what was a proficient score and then compared it to the TerraNova to get the 670 cut score.

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

**2011 Edition of the Danielson's Framework for  
Teaching Evaluation Instrument to Replace the Previous  
Version of this Model Approved and Adopted by the  
State Board of Education Approved**

Dr. Chris Caram, Deputy Superintendent, Academic Affairs, presented a request for the Danielson Framework for Teaching Evaluation Instrument 2011 edition model. The Board approved the Danielson's 2007 Framework for Teaching Edition model, but the model did not include an evaluation instrument. The 2011 edition model upgrades the 2007 edition model which can be used by Oklahoma.

Dr. Stefni Hite, Chief Operating Officer, The Danielson Group, overviewed the 2007 and 2011 editions for clarification, history, and differences; framework domains, components and elements; Measures of Effective Teacher (MET) research project study, professional development learning and evaluation instruments; and teaching proficiency system framework tool, evaluators and online observer credentialing.

Board Member Price said when you referred to observers you were talking about people going in to watch a part of a class?

Dr. Hite said absolutely. It is a fundamental piece of observing teacher practice. Agreeing with Board Member Price, she said videotaping is absolutely encouraged, because even the MET research project study was all video hours of instruction. A blended approach is definitely the way forward, by having qualified observers watching video as well as in class observation.

Superintendent Barresi said the MET analysis is a powerful analysis performed across all the selected frameworks by the state. She asked was this your first MET analysis?

Dr. Hite said this is the 2009 MET analysis and is part of the preliminary findings just recently released. The framework was found to be validated and a reliable instrument in terms of correlating levels of instruction assessed by multiple evaluators against the student achievement.

Superintendent Barresi asked do you anticipate continuing to participate in future MET analysis?

Dr. Hite said yes.

Superintendent Barresi said the Marzano, Danielson and Tulsa models are participating in the process and she anticipates requiring certification for all observers with all three models. It will be based on successfully completing both the cognitive test, showing depth of knowledge about framework, displaying competency of their evaluation abilities by observing tapes of teachers in order to establish that all-important inter-rater reliability critical in all three frameworks.

Board Member Hofmeister asked is the device format similar to an ipad?

Dr. Hite said yes. This model can be used on paper and is also available on multiple hand held devices.

Board Member Hofmeister asked if it was an app that is downloaded to a variety of things already existing or something that is purchased?

Dr. Hite said there are multiple tools from which schools can choose and not any one process is recommended.

Board Member Hayden asked was the Teacher and Leader Effectiveness (TLE) Commission aware this was in the works at the time they made a recommendation to the Board.

Dr. Caram said when presented there was not a choice of which one did or did not have an instrument. Earlier this week a Webinar with Ms. Charlotte Danielson was conducted with the TLE Commission and the differences in the two models were presented. A TLE meeting had been scheduled but there was no quorum for voting therefore the information was posted on the SDE Website for access.

Superintendent Barresi said as this progresses over the next several years there will be occasions when the Board will be presented upgrades, updates, and TLE recommendations to each of the frameworks. We are anxious for the training to be developed and begin statewide for school districts that choose this particular framework.

Board Member Hayden 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; Gen. Baxter, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

### **FIRST-YEAR SUPERINTENDENTS**

First-year superintendent(s) attending the meeting were Mr. Ty Harman, Superintendent, Bowlegs Public Schools; Mr. Christopher Karch, Superintendent, Calvin Public Schools; Mr. Rob Armstrong, Superintendent, Oologah-Talala Public Schools; and Mr. Joe Van Tuyl, Superintendent, Stroud Public Schools.

### **LEGAL SERVICES**

#### **Revocation of Superintendent Certificate and Number of Shelbie J. Williams Approved**

Superintendent Barresi informed Board members this was a due process hearing procedure. The matter before the State Board of Education is the Complaint filed for the SDE against Dr. Shelbie J. Williams, the former superintendent of Boynton-Moton Schools. She advised Board members of the Oklahoma Administrative Code Rules 210:1-5-1 and as Chairperson of the Board will rule on the evidence, competency of witnesses, and questions of law during the proceedings. After all presentations, evidence and witnesses are heard, the State Board of Education will be given the opportunity to deliberate in open meeting and issue a ruling on this matter. The Board's decision will be considered final.

Superintendent Barresi asked if parties were present and ready to proceed. Ms. Lisa Endres, General Counsel, was present on behalf of the State Department of Education.

Dr. Shelbie J. Williams, former superintendent, Boynton-Moton Public School and her witnesses were present.

Superintendent Barresi said Ms. Endres would present the SDE Complaint and evidence to the SBE.

Ms. Endres said Board members were presented the revocation request action item at the January 19, 2012, State Board meeting. At the request of Dr. Williams the item was moved to this meeting. Board members received in the original Board material packet a Complaint filed against Dr. Williams on behalf of the State Department of Education. The Complaint is based upon the January 1, 2010-May 27, 2011 Oklahoma State Auditor and Inspector's special audit findings of Boynton-Moton Public School, an extensive review of the records, and Boynton-Moton School Board meeting minutes. In Dr. Williams role as a school superintendent, having sworn an oath of office to abide by the Constitution of Oklahoma and other states, violated the Constitution of Oklahoma when she presented a 151 percent contract increase, as the school district's chief leading financial officer, to the Boynton-Moton School Board which they approved for the following 2011 fiscal year. This resulted in the district violating the Constitution of Oklahoma because Dr. Williams allowed herself, in the written contract terms, to obtain a \$20,000 payment in the month of August. The State Auditor and Inspector's Office indicated this is a violation of the Constitution of Oklahoma because services must be paid as they are rendered and no services are paid in advance. Dr. Williams received an advanced payment at the beginning of the school year, August 2010, before services were rendered. This also constitutes a violation of the Constitution of Oklahoma and violation of her oath of office as a school superintendent.

The second finding and reason for presentation to the Board, is Dr. Williams gave herself a 151 percent pay increase for the first year of her superintendent contract with Boynton-Moton Public Schools and was paid \$36,000 per year. The school district had an enrollment of less than 50 students. Dr. Williams' contract increased to \$88,000 a year during the 2010 fiscal year. She received other stipends that resulted in compensation totaling \$90,400 for that contract year. The school district at this time was unable to hire teachers in order to maintain state accreditation. Additionally, per state statutes, Dr. Williams violated the Oklahoma Cost Accounting System (OCAS) rules and procedures by the presentation of the contract. The OCAS rules state a school district cannot exceed ten percent of its budget for the purpose of all administrative cost and not just the salary of the superintendent. Dr. Williams' salary for the 2010 fiscal year exceeded the ten percent OCAS rule on its own, and did not include any other administrative costs for the school district. It is for these reasons we believe Dr. Williams was derelict in her duties either willfully or negligently by not informing the Boynton-Moton School Board in a timely manner, during a time when district enrollment was decreasing and had decreased to 49 percent from 2008 through 2010. Dr. Williams benefitted at the expense of her students personally by giving herself the pay increase, which was one of the contributing factors why the school district loss accreditation.

Ms. Endres submitted into evidence the State Auditor and Inspector's January 1, 2010 through May 27, 2011, special audit report of Boynton-Moton Public School as the basis and reason for the Findings of Fact and Conclusions of Law for the State Board of Education to revoke Dr. Shelbie Williams' superintendent certificate.

Superintendent Barresi asked was there any objections to the admission of the Department's evidence into the record? There were no objections and evidence was admitted. Dr. Williams, as the Defendant, was sworn in for her admission of testimony.



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Dr. Williams in presenting her position to the Board said her first day at Boynton-Moton Public School was September 8<sup>th</sup>, 53 days after the start of the school year. The school district did not have any applicants for the superintendent position and was unable to hire one prior to the start of school. The school secretary at that time made the contract with her that offered \$36,000. Dr. Williams informed the school secretary the salary offer was low for a superintendent salary and agreed on the \$36,000 salary. She agreed partly because she knew of the school successes in various state athletic championships, and the parents wanting to retain children at the school.

Dr. Williams called her witnesses Dr. Henry Petree, Deputy, Muskogee County Sheriff Department; and Mr. Herbert Adkins, former Boynton-Moton School Board President and resident.

Dr. Petree upon sworn testimony affirmed he was not sure what all had taken place. He met Dr. Williams shortly after she began working at the school and confronted him regarding an embezzlement situation she had found. He advised Dr. Williams to contact the District Attorney's (DA) office and the DA advised her to file a case. Dr. Petree had no knowledge of the laws regarding school salaries, school board and/or State Board of Education authorities pertaining to embezzlement issues. He knew Dr. Williams over a two year period when he worked as a school resource officer and sheriff deputy for schools in Muskogee County. During that time he attended school board meetings and was concerned for her safety because of her relationship with the school board and the volatile board meetings.

Ms. Endres made an objection to Dr. Williams' questions and asked that her questions refer to only the allegations brought against her.

Superintendent Barresi was in agreement and said Dr. Williams and student safety issues were not a part of the allegations. Dr. Williams was asked to direct questions specifically to the allegations.

Dr. Williams questioned if Dr. Petree was knowledgeable of her days/hours worked; aware of her concerns of the school finances; present when school board members voted to rehire and increase her salary; and present when State Department of Education staff came to provide extra safety at school.

Dr. Petree said Dr. Williams worked many times when she was not on the schedule and he knew she was very concerned about the schools finances. He was not present at that school board meeting. The Sheriff's Department was requested to provide a deputy on duty.

Ms. Endres questioned was Dr. Petree a member of the Boynton-Moton School Board; aware of anything discussed today regarding Dr. Williams' salary increases and/or approval; aware of the financial situation of Boynton-Moton Public School during its last year of operation and how long the financial problems had existed?

Dr. Petree responded no he was not a board member and was not at that particular board meeting. Dr. Williams' salary probably would have been discussed in an executive session which he could not attend. He was aware of the school's financial situation and concerned about having the money to keep school open. The two years he was there a finance problem did exist.

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Board Member Price asked if a deputy sheriff was charging the Sheriff's Department a monthly travel allowance: In addition to charging \$1000 to \$2000 for mileage, what would you do in the sheriff's department? Is that double billing?

Dr. Petree said it would appear to him it is.

Board Member Price asked what action would he probably take?

Dr. Petree said not understanding the circumstances; there certainly would be an investigation.

Board Member Price asked if the investigation proved it was accurate would they probably be terminated?

Dr. Petree said it would depend on whether or not the board had, in this case, approved it, and looking at it from the outside, the sheriff's office could not do anything. Had it not been approved it would be a more serious situation.

Board Member Price asked does the school board have the power to override state law and to allow double billing?

Dr. Petree said he did not understand nor could address state law governing schools.

Dr. Williams questioned what Mr. Hubert Adkins considered the schools situation was the first year she came to the school district; was she given access to the bank by the Board; was access given to any documents in the secretary's room; present when secretary returned safe file that held accreditation and financial documents and if so what did they find; aware that because of the secretary she could not present any information to school board; made board aware from the beginning there were financial problems; during first year of employment did he observe times she worked; did community want the school open; school received approximately \$250,000 in federal funds; during board meeting voted to give her a raise when she presented superintendent fair market value salary payment versus the lesser amount she was making; board did not know the depth of the cuts when school came into the black June 28<sup>th</sup> school?

Mr. Hubert Adkins upon sworn testimony affirmed he was a former president of the Boynton-Moton School Board and when Dr. Williams was first hired by the school they could not tell her how much money the school had. He was not Board member at that time. The board did not give her access to the bank; no access was given to any documents and the file cabinet was empty, but should have had everything Dr. Williams had control over. Mr. Adkins was aware she could not present to board and she told the board there were financial problems. Dr. Williams did a lot of work around school, kept everything going, and was blind to most the things she should have known about. The community wanted the school open and when the community realized the school was in the red the alumni association raised funds to pay schools bills. Federal funds were received. On an average Dr. Williams made \$20,000 less than an average school the size of Boynton-Moton. The board knew there would be cuts but did not know what they would be. Mr. Adkins said he wasn't a board member when Dr. Williams was hired but he knew her when she was at another school. He did know she was responsible with money. At the time she was hired he wasn't a board member nor did he know her salary. He did know once she found out what was going on and brought the school out of the red back into black, he felt she deserved a raise.

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Ms. Endres questioned Mr. Adkins about when he was a board member voting to give Dr. Williams a pay raise; as a board member felt it important to be aware of budget cuts prior to voting a pay raise and was aware the pay raise was a 151 percent increase; was the pay raise approved on June 28 and did he agree; Dr. Williams made board the aware the state sends allocation notices in July; board presented the fiscal year budget cuts in July, August, and September; aware the approved contract contained a pre-payment clause; aware the total compensation as superintendent the last year was \$90,400; during the school's last year of operation how many students were in the district; the drop in enrollment occurred after the pay increase; prior to the increase was there less than 50 students; was he familiar with school finance laws regarding budget preparation and yearly estimations; board aware school district was operating in the black at the end of fiscal year for 2009 due to the help of the community; was the reason school district lost accreditation due having less than \$75,000 in the budget, unable to hire two certified teachers and the superintendent's pay raise; board members made aware of the ten percent cap on superintendent pay raises and that her pay raise would exceed the administrative cap for the upcoming school year; was it not her responsibility to provide projections/estimates to board; as a board member was he concerned that she presented a contract requesting a 151 percent pay increase on June 28<sup>th</sup>, she received the state budget cuts in July, but did not inform the board it was operating in the red until September.

Mr. Adkins responded he voted to give Dr. Williams a pay raise; he did know there would be budget cuts but not how much; the raise was approved in June; yes board knew about the allocation notices; yes the board received some budget cuts information in those months; he was not aware of the prepayment clause; was not aware of the compensation; at one time there was over 100 students and at one board meeting approximately 30 students transferred and also the girls basketball coach left and students followed; enrollment dropped after the board approved the pay increase; there were approximately 100 students prior to the pay increase; yes he was familiar with state aid which was cut after the big transfer of students; yes with the help of the community the district was operating in the black; no to losing accreditation because of the budget, no to being unable to hire teachers or no because of the pay raise; yes board was aware of pay cap and she did not know how many students would be there the next year; she did provide board with all information she knew about; yes the timeline of events would concern him.

Dr. Williams asked witness Mr. Bruce Reed, a resident of the Boynton community, to tell what condition the school was in on her first day as Superintendent of Boynton which was to September 8.

Mr. Bruce Reed upon sworn testimony affirmed when he became involved he wasn't sure it was Dr. Williams first day but it was after his wife was hired at the school cafeteria. At one time he was a board member and became dissatisfied with how the school was being run. He decided to transfer his children to Morris but returned a daughter until the eleventh grade. Dr. Williams spent a lot of her money for the school and he was glad she had taken over. Today he did not know the reason why Dr. Williams was present and could only speak on what he saw at the school. Boynton was falling down years prior to Dr. Williams coming. She worked hard and many hours trying to help hold Boynton together and the amount of money she received was not what closed the school.

Superintendent Barresi said the past financial difficulty of the district under other leadership was not in question today. What was needed are questions directly relating towards the allegations being considered today.

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Dr. Williams questioned if Mr. Reed was aware during the year when she earned \$36,000, that she put fuel in vehicles for basketball games.

Mr. Reed responded most everything he knew was hearsay. He did hear she bought the diesel but did not see her fuel any vehicles.

Superintendent Barresi asked Dr. Williams to direct question towards the allegations.

Board Member Ford said Mr. Reed was concerned about the condition of the school when Dr. Williams came in. What was the school condition in March 2011 after the two years?

Mr. Reed said he was concerned about the condition of the school before she came to the school, several years before. He said he did not know why Dr. Williams was here and could not speak to that. He could only speak on what he knew and was instructed to speak only on certain things. He had nothing further to say.

Dr. Williams' evidence was submitted with no objections. Upon her sworn testimony she provided her teaching, principal and superintendent credentials and transcripts. She said she was devastated about the allegations and never had any performance questions in 20 years of teaching. The SDE advised against taking the position at Boynton, but she knew the school would close without a superintendent and wanted to help keep staff employed. Boynton's problems were severe and several safety issues occurred against board members and herself. Her time at Boynton was spent working day and night getting the school in the black with the help of the community raising money, alumni donations and her donations. Boynton experienced success that year and the girls the won state basketball championship. She was underpaid as a superintendent according to the superintendent salaries schedule in Oklahoma and she has a Doctorate of Education.

Board Member Baxter asked had Dr. Williams performed a comparison of superintendent salaries of schools with less than 50 students in a district? He said the salary schedule she provided indicates at a small school in Cyril, Oklahoma the superintendent salary is \$38,425.

Dr. Williams said she thought the superintendent was a part-time principal and part-time superintendent.

Board Member Baxter said it was disingenuous to compare the superintendent salary of a school with 50 students with a major school district with considerably more students.

Dr. Williams said the information may be accurate for that superintendent's salary but may not reflect everything they get paid for. In June of that year, no bank would work with the school; therefore she personally paid to have lawn care or other things done. This was the reason she requested money up front or in advance.

Board Member Ford said no one would argue there are challenges for superintendents. The first year worked Dr. Williams was paid \$36,000 and brought the school into the black with donations and federal money. Knowing there would be budget cuts how did you justify, regardless of your out of pocket expenses, the increase you received? Did you think raising community funds would offset that amount?

Dr. Williams said no. She did not see the appropriations until July which were \$726,000. The district had already spent \$1,060,000. At that time they were not concerned because ARRA

federal money would be provided which would pay one teacher salary. The job was too difficult for that amount of money, but had she not continued the school would have closed immediately.

Board Member Ford said the school ultimately closed as the audit indicates because of the salary increase.

Dr. Williams said the audit reasons were not her view. There had to be a superintendent. Large cuts in the budget came in September that year and two years prior which are reflected in the board minutes. Part-time math and English teachers had been hired at the high school even with the budget cuts.

Board Member Hayden said in September you knew about the budget cuts. What action did you take in response to the cuts with your income?

Dr. Williams said yes she knew about the budget cuts and watched every dollar. When the math and English teacher walked out she knew they could not afford to hire the...

Board Member Hayden said to be more specific, what did you do in response to your income? You presented a contract which was a significant wage increase for you. In September you knew there was a budget cut. Did you come back to the school board to retract what you presented for your compensation?

Dr. Williams said she acted on the advice from the SDE which was because the two teachers had quit and let the school board allow students to transfer. She did not think of cutting her salary but probably would have in March.

Board Member Hayden asked would you have cut your salary in March even knowing in September there were significant budget decreases?

Dr. Williams said no. She was still looking at the budget every minute and thought the school could make it. What happened to the budget was the \$34,000 attorney fee and a \$26,000 fee for audit reports.

Board Member Hayden said constitutionally you cannot take cash up front and your administrative expenses cannot exceed ten percent. What is your response to that?

Dr. Williams said at the time she did not think it was a problem. There was \$980,000 along with federal funds collected, and compared to only spending \$1,060,000 the year before. She hoped that would have gotten the school through the next year.

Board Member Price asked how many administrators versus teachers were there and their pay in this small school district?

Dr. Williams said she was superintendent and had a part-time principal who was paid \$25,000.

Board Member Price said the ten percent applies to all administrators including yourself. You were even further beyond the ten percent when the salaries were combined.

Dr. Williams said that is what kills rural schools.

Board Member Baxter asked where does responsibility for this lie? Is the superintendent of schools responsible or the school board who approves the contracts, makes agreements, and agrees to pay employee this amount of money responsible?

Dr. Williams said the responsibility is 100 percent with the school board.

Board Member Shdeed said it is the school board's ultimate responsibility but obviously you had a school board that did not understand information what they were provided. In many areas this can be found throughout the state but it does not mean they should be taken advantage of.

Superintendent Barresi said it is the responsibility of the superintendent to provide accurate information to the board for their deliberation in terms of their capacity as superintendent. While they have a specific fiduciary responsibility to the district as elected board members they must rely on their superintendents to give them accurate information.

Board Member Price and Hayden asked if the alleged violates are components that are included in superintendents' training/certification requirements?

Ms. Endres said page 8 of the Boynton-Moton audit report references and cites the Oklahoma Administrative Code provision as to the requirements and duties of the superintendent. New school board member training does consist of a school finance section for new members as well as for superintendents.

Ms. Endres questioned if Dr. Williams set the board agendas; if she gave financial reports to the board; and as a superintendent was she aware the SDE annually releases school district state aid figures every July?

Dr. Williams responded yes to the questions.

Ms. Endres questioned in June 2010, did Dr. Williams present the board her contract before the figures were known to her. Is that correct?

Dr. Williams responded yes. She had to return to work July 1 since she was rehired.

Ms. Endres questioned if Dr. Williams was able to project the budget amount from one fiscal year to the next and did she personally examine the budget for 2009 when determining her salary, or was it based only on market figures. In looking at the 2009 budget did she determine an \$88,000 salary would fit within the ten percent when she presented it to the school board; are you familiar with the Oklahoma Cost Accounting System (OCAS) statutes that indicated the size of Boynton-Moton School district should not exceed ten percent. Is your testimony today that based upon your projected income for fiscal year 2011 you were meeting the ten percent mark when you contracted for \$88,000 and when reviewing the temporary appropriations did she account for all administrative personnel, was the \$88,000 fiscal year 2011 contract purely for superintendent services? The contract is not comparable to superintendent contracts with services broken down making \$100,000. All superintendent services were not in the contract to justify the salary.

Dr. Williams responded she knew there would be a decrease and yes she looked at the 2009 budget. She did know the budget at all times. She was aware of the OCAS statutes and thought she was meeting the ten percent based on the temporary appropriation papers she received. She did not take into account that half the principal's salary but no one knew the cut

would be \$200,000. She performed other duties but they were not broken down in the contract. Yes the contract was for superintendent services only; it would have been more comparable because she performed everything.

Superintendent Barresi instructed Dr. Williams to answer were her duties included in the contract.

Ms. Endres questioned was it in your contract that you were doing all these other jobs, the salary was justification for other positions or did your contract simply state that this was the salary you would receive for superintendent services; who wrote the contract and did she consult with legal counsel when the contract was presented to the board; was Mr. Moyer asked specifically to review your contract and did he talk with you; was Mr. Moyer contacted to be present today; would it have been easier to have waited until the July board meeting to present the figures; at the July board meeting did you present the figures; in July or August she knew the budget decreased and it did not occur to her to adjust the contract; was the contract to repay all the things she did for the school and donated that she keeps referencing; was there a process of reimbursement for expenditures; was the contract and pay raise her way of equaling all her expenditures and did you base your contract in your examination of what superintendents make and not on districts with the same number of students and salaries. There is a ten percent cap on administrative costs which is based upon the number of students in the districts. It is obvious to stay within the cap superintendents at smaller schools will have smaller salaries than those at larger schools.

Dr. Williams in response to questions said yes, she wrote the contract and it was presented to John Moyer the school attorney as were all other contracts; Mr. Moyer talked with us but she did not request him to be present today because she could not afford to; she would not have had a job had she waited for the July board meeting; she presented the figures in August before school began; she did not adjust the contract at the earlier time and had donated \$43,365 worth of books; the contract was not a repayment but was the fair market value for a superintendent in Oklahoma; the first year she did receive hardly any reimbursements in order to keep the school open; the contract amount is what she believes a superintendent should make; the law does not state with a certain numbers of students enrolled you can only receive a certain amount of money as superintendent; yes there is the ten percent cap; there's not much salary difference only if the superintendent has other duties or its considered part of the contract.

Board Member Price said claiming a \$200 car allowance and \$1003.40 mileage expense is disturbing when the law states one or the other can be claimed. How do you justify, especially with school district that is having a hard time, double billing them for mileage and car allowance?

Dr. Williams said the first year she traveled to Oklahoma City and Tulsa several times but did not claim the expense. She claimed mileage the second year because there were many trips to the Tulsa based school attorney and Oklahoma City but that her contract states "...car allowance, mileage." Dr. Williams said she was not double billing in order to catch up for the previous year, she was not that kind of person. Only claiming car allowance would not have been enough and she could have done better by claiming the mileage.

Board Member Price said her explanation for claiming both did sound like she was catching up for the first year.

Dr. Williams said that was conjecture. She did her best.

Board Member Ford said the audit referenced that Dr. Williams had been at a school district previously closed. Was the school closed due to financial issues?

Dr. Williams said yes, for some reason that had an effect on why she only received \$1.00 on the settlement. It was another school she was trying to help.

Board Member Price said you are claiming \$72,000 severance pay from Boynton-Moton. How much severance did she receive from the other school closing?

Dr. Williams said \$24,000 take home/after taxes of the 80 percent or \$44,000.

Board Member Ford said the audit states she received \$44,000 in severance from the state school consolidation assistance fund on the closure of the Liberty School District in fiscal year 2011. To clarify, according to the audit, your salary was \$50,000 with a bonus clause of \$5,000 if you got in the black. It also states you did receive \$44,000 in severance pay.

Superintendent Barresi asked for closing statements

Ms. Endres referred Board Members to page 8 of the Boynton-Moton School District audit exhibit. She said Dr. Williams' fiscal year 2010 contract was not attached to the audit and asked it be admitted to the record.

Superintendent Barresi asked for objections, there was none. The fiscal year contract was admitted as evidence.

Ms. Endres said the Oklahoma Administrative Code carries the same weight and authority as state statute. There is sufficient evidence presented today based upon the State Auditor and Inspector's findings, a review of the records, and the testimony of Dr. Shelbie Williams, that she may have considered part but not all of the administrative costs that go into the ten percent makeup. As a superintendent, she is charged with the duty to make sure the numbers are accurate. As superintendent and leader of the school board she is able to estimate and project her budget and expenditures. What has been presented is a contract that was presented in June with a significant pay increase when there had been reports by the SDE and throughout the state budget cuts would be coming for fiscal year 2010. At that time instead of waiting a month, and maybe on a month-to-month contract, which many teachers at the school district did per the audit report, including the basketball coach/teacher for the entire year, the one person who did have a contract and did not have to take any pay cut was the superintendent. Dr. Williams wrote the contract, presented it to her board, and presented information regarding the budget to ensure she received the money she was requesting. Once the information was in her possession that she had exceeded the OCAS rule requirements, it was then her obligation to make the necessary adjustments needed. She indicated she had hired some teachers but had they quit or were terminated. The audit report findings indicated the teachers could not be hired because there was no money. It would have taken \$52,000 of Dr. Williams' pay raise to pay the \$75,000 necessary for teachers but instead the money went to the superintendent's salary. At no time, pursuant to her own testimony, did she indicate that she ever thought of adjusting her salary down in order to meet the cost accounting reporting which is a dereliction of duty. Whether intentional or simply negligent, it still amounts to a dereliction of duty, as well as, the Constitution prohibition against 'front paying' which is something that all state governmental agencies know not to do.

These two reasons alone justify revoking the superintendent certificate so that this does not happen to a third school district in Oklahoma.



Dr. Williams thanked Board Members for listening and said Boynton-Moton School District was a hard place to work. At no time did she ever make a plan to try to recoup something but just wanted superintendent's pay for a superintendent's job. This is the most embarrassing thing to ever happen to her. She said I am 61 years old and have worked since I was 20 years old in education. Take your votes seriously. I did not mean to cause harm. That is all.

Superintendent Barresi reminded the Board this is a matter related to revocation of Dr. Williams's superintendent certificate not her teaching certificate. She advised it is the Board's decision to vote on the matter or to continue the matter at a later date for decision.

Board Member Ford made a motion to approve the request to revoke the superintendent certificate and number of Dr. Shelbie J. Williams. Board Member Hofmeister seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Gen. Baxter, yes; Mr. Shdeed yes; and Mr. Price, yes.

## ACADEMIC AFFAIRS

### Office of Instruction

#### **ESEA Waiver Overview as it Relates to Reward, Targeted Intervention, Focus, Priority and C<sup>3</sup> Schools, Procedures and Timelines Regarding C<sup>3</sup> and Priority Schools, and the District Determination Review Process**

Superintendent Barresi said the SDE was granted the ESEA waiver because of the reforms passed by the Oklahoma Legislature and signed into law by Governor Fallin. We must stay the course on the reforms going forward. Oklahoma law is very clear and as a requirement the State Board of Education shall take action on chronically failing schools. Action would have been taken and should have been taken regardless whether or not the waiver was granted. The advantage of the waiver is it gives the SDE more flexibility to work with all districts. The process presented today is one that was carefully developed to be both objective, fair, and to be judicious. Oklahomans have shown their strong commitment to establishing a quality education system in the state of Oklahoma. There is no reason Oklahoma cannot rank first in the quality of the education we are providing to our students. If we are to meet this commitment we must take action on multiple fronts. A large amount of work is being done at school districts towards economies and efficiencies, and assuring more dollars get into their classrooms. The system of accountability and flexibility that is being extended to districts is part of this effort. This information will be presented in a more deliberative fashion because we think it is critical to celebrate the reward schools. It is important to work with them to identify their successes and to find ways to celebrate and reward schools, and to also duplicate their best practices and transmit that to all other districts.

Ms. Kerri White, Assistant State Superintendent, Office of Educational Support, via video recording, presented an update on Oklahoma's *Elementary and Secondary Education Act* (ESEA) flexibility request approved by the United States Department of Education on February 8, 2012.

Mr. Richard Caram, Director of C<sup>3</sup> Schools, presented the C<sup>3</sup> school district capacity determination (DCD) review process that included the review team selection, representation and criteria, focus areas for DCD, reviewers, district recommendations/reporting, school

identification and intervention options, state monitoring and partnerships, plan and progress implementation, DCD deadlines/timelines, C<sup>3</sup> school recommendations to SBE and turnaround principles implemented 2012-2013 school year. Mr. Caram said review teams were collaborative efforts assigned to sections.

Superintendent Barresi clarified that the March 29th timeline was established prior to the Board members our discussion. We want to be sure everything is fully evaluated and we are looking at a possible special board meeting the first week and no later than the second week of April to assure all information is in, discussions had, and to be ready to bring recommendations to the Board in a timely fashion.

Board Member Baxter asked where does the district superintendent participate in this process beyond submitting the initial capability documentation and the district reform plan. Can the district superintendent indicate concurrence or agreement with a recommended course of action to the Board? How do we envision that will work?

Mr. Caram said the course of action takes place when they are reviewed with the individual schools and district prior to the SBE meeting. There is input which is where the partnership begins of creating a workable plan.

Board Member Hayden commented he is aware the process has caused some angst with different groups. He said the former school board member at Boynton-Moton School that removed his children from there asked "where was the SDE to help this failing school". This resonated with him and that it is what the SBE is trying to do. The word 'takeover' has been said but it is not 'taker over' it is how can we, the SBE, provide additional help and resources to schools that in need.

Mr. Caram said some school superintendents have expressed their angst which is understandable. Now that they have reviewed the process it has given them ideas of what they can do. There are districts doing great things so it is not about takeover, it is about partnership and what the SDE can do to get all districts driving in the same direction.

Board Member Baxter said the whole process will be judged in the light of not what we are doing today or decide in April, but what the result is two years down the road.

Board Members expressed the need for SDE/SBE and school districts to dialog and work in partnership for what is best for Oklahoma students. None of the school districts are surprised about where they are not meeting state criteria. These are not adversarial acts of the SBE nor aggression against the school districts but simply trying to find ways to help the school districts. Hopefully the rhetoric will allow the opportunity to do that. The rhetoric begins the dialog and stars the conversation.

This was a report only and no action was required.

### **Report on Current Rule Promulgation Tabled**

Superintendent Barresi said the item would be presented at the Special SBE meeting, March 5, 2012.

Ms. Kim Richey, Assistant General Counsel, said the public comment period for the rules released in January 2012, has been extended through Thursday, March 1, 2012. Those rules include reading sufficiency, supplemental online, transfer, transportation, and all emergency

rules previously passed last fall. On Friday, March 2, 2012 a new public comment period opens for the rules, including the A-F rules. Comment period for rules just released on Monday will end March 19, 2012, with a public hearing at 10 a.m.

## **Office of Educational Support**

### **Report on Teacher and Leader Effectiveness Evaluation System (TLE)**

Dr. Caram presented an update report on the Teacher and Leader Effectiveness evaluation system (TLE). The three teacher effectiveness and two leader effectiveness models will be presented throughout the state on February 28, 29 and March 1, 2012. Representatives of each model will provide training to school district participants. Prior to the trainings school districts must notify SDE of their selections by April 16, 2012. Dates and times will be provided to Board members.

Superintendent Barresi said multiple platforms and different ways are being sought to transmit accurate information to districts and it is critical they review each model. The system when finalized and active should have a direct correlate to improve academic achievement, and effective classroom teachers will result in improved academic achievement. It should not be dismissed as a something easy to do, it is part of the very critical foundation for schools to use as they continuously improve and move forward. All three models will be available. There is confusion regarding presumptive defaults and defaults. It does not mean after the SBE decides the other frameworks will go away. The word 'default' relates to the SBE decisions regarding the distribution of funds for continuing education for professional development should the funds continue to be available in the future with legislative appropriations.

Board Member Baxter asked if the recommendation of the Commission only had to do with the appropriation of dollars to the models?

Superintendent Barresi said the Commission's recommendation and SBE approval had to do with how those dollars are distributed regarding the professional development of all the models. The initial recommendation to the SBE was a \$75/\$25 split and the SBE voted to equally distribute the dollars for the pilot year. The SBE agreed at the end of the fiscal year 2012-2013, to reconsider the decision, review the model and system and make a decision. All the models, to clarify, will remain and be available for districts to use. The term presumptive default relates to how the dollars in the future for professional will be distributed.

Board Member Price said to clarify it is not divided three ways between the three systems, it is proportionate to the number of school districts that choose each of the models.

Superintendent Barresi said yes, thank you for the clarification. Funds are distributed based on the average daily attendance (ADM) of each district.

This was a report only and no action was required.

## **PUBLIC COMMENT**

Superintendent Barresi recognized Ms. Ginger Tinney, Professional Oklahoma Educators (POE).

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Ms. Tinney's said if the SDE takes over a school do the companies that will manage school(s) have a proven success record at turning schools around and will the contracts, terms, and amounts for the companies be made public?

One part of the waiver states that a school, without prior notice, will be shut down and the students will be sent to surrounding schools that are not on a needs improvement list. Parents are concerned about the "without prior notice part". This would cause a traumatic stop and start into an entirely new environment.

Teachers are concerned if they are in a needs improvement school and doing a good job, but the state takes it over, that they can never work there again and cannot work at a school on the needs improvement list. Will any school not on a needs improvement list hire them, or not hire them because they were at a needs improvement school? This is a career killer. Will teachers being in by the management company be Oklahoma state certified teachers or just teachers they will hire?

Board Member Price said closing a school is a last option.

Ms. Tinney said language within the waiver is "taking over". This is why there are questions of where did 'local control' go.

Superintendent Barresi said the state law passed in 2009 that speaks to this specifically states "the State Board shall". This will take effect whether or not the waiver was in place. The draconian actions described by Ms. Tinney are not part of our philosophy. The lists of options were listed by the United State Department of Education but it is certainly last resort options.

Board Member Ford asked did today's conversation and comments give a level of comfort that the SBE is working towards a partnership to determine what is best for the student.

Ms. Tinney apologized she did not hear the SBE concerns/comments. Teachers feel the climate is very anti-teacher, and anti-throw us under the bus attitude.

Board Member Shdeed said this is not the message the SBE is trying to send.

Board Member Ford said the paper does not convey the SBE commitment and she believes it is the SDE's commitment to determine the best learning path for students.

Board Member Baxter asked said teachers to give us a little time. We are at the front end of a very interesting and thoughtful process, and hopes we are worthy of that for the students, teachers and parents. If we are not, he was sure it would be brought to the Board's attention.

Ms. Tinney said Professional Oklahoma Educators is very committed to what is best for students. We do not want to see local control taken away.

Board Member Hofmeister said as a Board member she is very committed to local control. Every conversation she has had has made her more convinced that there is a desire to have open conversations. She is very interested in hearing from teachers and superintendents, because that helps her know better how to make a decision.

### **ADJOURNMENT**

There being no further business the meeting adjourned at 12:40 p.m. Board Member Baxter made a motion to adjourn and Board Member Ford seconded the motion. The motion carried unanimously.

The next regular meeting of the State Board of Education will be held on Thursday, March 29, 2012, 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