

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

January 27, 2011

The State Board of Education met in regular session at 9:30 a.m. on Thursday, January 27, 2011, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:20 a.m. on Wednesday, January 26, 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
Mrs. Sue Arnn, Ardmore
Ms. Gail Foresee, Shawnee
Mr. Tim Gilpin, Tulsa
Mrs. Betsy Mabry, Enid
Ms. Gayle Miles-Scott, Oklahoma City
Mr. Herb Rozell, Tahlequah

Others in attendance are shown as an attachment.

**CALL TO ORDER
AND
ROLL CALL**

Superintendent Barresi called the State Board of Education meeting to order at 9:30 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.

**DECEMBER 16, 2010 REGULAR BOARD
MEETING MINUTES APPROVED**

Board Member Gilpin motioned for approval of the minutes of the December 16, 2010, regular Board meeting. Board Member Arnn seconded the motion. The motion carried with the following votes: Mrs. Arnn, yes; Ms. Foresee, yes; Mr. Gilpin, yes; Ms. Miles-Scott, yes; Mrs. Mabry, yes; and Senator Rozell, yes.

STATE SUPERINTENDENT

Information from the State Superintendent

Superintendent Barresi recognized Dr. Phyllis Hudecki, Secretary of Education.

Superintendent Barresi also introduced Mr. David Pennington, Superintendent, Ponca Public Schools; Mr. Mike Simpson, Assistant Superintendent, Ponca City Public Schools; Mr. Bennie Newton, Superintendent, Central High Public Schools; and Mr. Kevin McKinley, Superintendent, Bray-Doyle Public Schools.

Superintendent Barresi said this is the third week of her administration and commended the State Department of Education (SDE) employees and the hard work performed. She is excited to report a division by division analysis of the SDE has been conducted. The Department reorganization is in process and plans are being made for a performance and financial audit.

**Recognition of Oklahoma State Department
of Education and Jana Rowland, Science Director,
by the United States Environmental Protection Agency**

Superintendent Barresi recognized Ms. Jana Rowland, Science Director, on her leadership and participation in the United States Environmental Protection Agency (EPA) School Chemical Cleanout Campaign. The EPA will honor Ms. Rowland for her contributions and for being instrumental in Oklahoma being the first state signing the EPA agreement.

Report on Department Activities

Superintendent Barresi informed Board members approximately 30 applications had been received for the Chief Counsel vacancy. Applications are being reviewed for experience in education law and litigation, and in the absence of education law, certainly experience in litigation. Applications can be made available to the Board and if it so pleases the Board, applicants could be narrowed down to three for the Board to review and interview.

Board Member Gilpin said he would like the Board to form a subcommittee to meet and review all applications and then present them to the Board as a whole.

Board Member Gilpin made a motion to form a subcommittee and Board Member Arnns seconded. The motion was carried unanimously.

Superintendent Barresi said she would like to designate the committee as Board Member Gilpin, Board Member Rozell, and Board Member Mabry.

Board Members Gilpin, Rozell, and Mabry agreed to serve.

Board Member Rozell asked if any applicants were from out-of-state.

Superintendent Barresi said there was one she needed to confirm, but all applications/resumes will be given to Board members.

Superintendent Barresi said she will also serve on the committee

CONSENT DOCKET APPROVED

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2010-2011 school year, and other requests:

- (a) **Abbreviated School Day for Alternative Education – OAC 210:35-29-2**
Skiatook Public Schools, Skiatook Alternative Education Program, Tulsa County
Timberlake Public Schools, Alfalfa County
- (b) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**
Agra Public Schools, Lincoln County
- (c) **Library Media Specialist Exemption – 70 O. S. § 3-126**
Agra Public Schools, Lincoln County
- (d) Request approval on State Board of Education or Oklahoma Private School Accreditation Commission (OPSAC) private schools wishing to participate in the Lindsey Nicole Henry Scholarships for Students with Disabilities program
- (e) Report on Department personnel changes

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Board Member Gilpin asked that item 5(e) be removed from the Consent Docket for detailed discussion.

Board Member Arnn made a motion to approve Consent Docket items 5(a) through (d). Board Member Mabry seconded the motion. The motion was carried unanimously.

Board Member Gilpin said he had concerns and questions on Consent Docket item 5(e) regarding the hiring of individuals, their qualifications, and what appears to be a change of the qualifications in the attached job vacancy which is not previous SDE policy for these positions. He requested Ms. Jennifer Carter address the Board to discuss her qualifications for the proposed position of Chief of Staff.

Superintendent Barresi said Board Members should have the resumes and qualification of all the applicants involved to review.

Board Member Gilpin asked that Ms. Carter address his concerns of her activities in the department prior to today, and specifically, questions the Board and he may have as to her qualifications for those activities, and the possibility of moving forward into another position within the department.

Board Member Gilpin made a motion requesting Ms. Jennifer Carter address the Board.

Superintendent Barresi said she would be happy to answer the questions Board Member Gilpin had given to her earlier, specifically Ms. Carter's involvement with staff.

Board Member Gilpin said a motion was on the floor for Ms. Carter to address the Board and asked if there was a second. Board Member Arnn seconded the motion. The motion carried with the following votes: Senator Rozell, yes; Mrs. Mabry, yes; Ms. Miles-Scott, yes; Mr. Gilpin, yes; Ms. Foresee, yes; and Mrs. Arnn, yes.

Board Member Gilpin asked Ms. Carter to describe where her office was located, the equipment being used, and what her authorities and activities have been.

Ms. Carter said her office is down the hallway from Superintendent Barresi's office and that she has undertaken whatever activities Superintendent Barresi has asked her to undertake.

Board Member Gilpin asked if Ms. Carter exercised authority over the employees and directed them to action?

Ms. Carter said on behalf of the Superintendent, yes she had.

Board Member Gilpin asked had she exercised authority under her name and told employees they must report directly to her.

Ms. Carter said she has done what the Superintendent has asked her to do.

Board Member Gilpin asked had she directed the employees to answer to her.

Ms. Carter said she has done what the Superintendent has asked her to do.

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Board Member Gilpin asked has she directed the employees to answer and come to her with questions or problems.

Ms. Carter said as a result of the Superintendent's direction.

Board Member Gilpin said what directions have you given state employees.

Ms. Carter said various directions when the Superintendent has asked me to do so on her behalf.

Board Member Gilpin asked if Ms. Carter instructed state employees to remove job postings from the SDE Web site and other places.

Ms. Carter said yes.

Board Member Gilpin asked why.

Ms. Carter said Superintendent Barresi asked her to do so.

Board Member Gilpin asked was there any basis as to why job postings would be removed.

Ms. Carter said acting on behalf of and at the direction of Superintendent Barresi, she did what she was asked to do.

Board Member Gilpin asked Superintendent Barresi to tell the Board why Ms. Carter was instructed to remove job postings.

Superintendent Barresi said in an effort to conduct performance reviews within the department and the reorganization it seemed to be superfluous to have these postings on the Web site until time to move forward with the reorganization of the department.

Board Member Gilpin said prior to this meeting he provided Superintendent Barresi a copy of 70 O. S. § 3-104 when they met in November 2010, at which time he asked that she take note of the Board's powers and responsibilities given by the State Constitution and State Legislature regarding the hiring, firing, and administration of the SDE. He said he specifically asked that she not put people into positions of authority prior to Board approval and to please not have them wreaking havoc on the SDE, and directing state employees in actions.

Superintendent Barresi said Board Member Gilpin was not recognized to continue.

Board Member Gilpin made a motion to continue discussion of the matter regarding Ms. Carter on the floor. Board Member Arnn seconded the motion. The motion carried with the following votes: Mrs. Arnn, yes; Ms. Foresee, yes; Mr. Gilpin, yes; Ms. Miles-Scott, yes; Mrs. Mabry, yes; and Senator Rozell, yes.

Board Member Gilpin said there were more than 30 retirements and resignations in professional and crucial positions. Some of those employees had contacted him and stated Ms. Carter exercised authority that was improper and without basis.

Superintendent Barresi said the retirements were prior to her taking office.

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Board Member Foresee asked if Ms. Carter is being paid with private funds?

Superintendent Barresi said yes. None of the individuals in question before the Board today are being paid with state dollars.

Board Member Gilpin asked who is paying them.

Superintendent Barresi said they are paid with private funds from contributions from individuals.

Board Member Gilpin asked who was making those contributions.

Superintendent Barresi said she would provide a list of all the individuals.

Board Member Foresee said if these individuals are paid by private funds, they do not have insurance because they are not state employees.

Superintendent Barresi said that is correct.

Board Member Rozell said the money situation bothered him. Private funds should go through the Board, not be appropriated where Superintendent Barresi wants, even if it is private funds coming into the SDE. He asked what grounds were used to designate where the funding would go without presenting it to the Board.

Superintendent Barresi said the funds are private money supplied for their employment.

Board Member Rozell asked how could Superintendent Barresi justify the private funds.

Board Member Miles-Scott said there is a statute for every dime that comes into this agency. For every disbursement there is a statute specifying how the money can be spent. The agency has no revolving funds, collects no fees, and all money comes through the Tax Commission. She said having not been at the State Auditor's office for some time, wondered what the legalities were for bringing in private funds to the SDE. The legalities of bringing in private funds and paying salaries with private funds bothers me Ms. Miles-Scott said.

Board Member Gilpin said it bothers him too, and that individuals are exercising authority, giving state employees directions, threatening their jobs and well being.

Superintendent Barresi said his concerns are unsubstantiated.

Board Member Gilpin said at the appropriate juncture the Board should move to have the Attorney General conduct an investigation into the legalities of that question.

Board Member Gilpin made a motion that Ms. Carter not be approved for the position of Chief of Staff. Mrs. Arnn seconded the motion.

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Board Member Foresee asked how did the Chief of Staff job posting get changed from requiring a master's of education and other requirements; did Superintendent Barresi change the qualifications.

Superintendent Barresi read from 70 O. S. § 3233 regarding qualifications for Chief of Staff positions for institutions of higher education, which include a juris doctorate or equivalent degree.

Board Member Gilpin said a motion was on the floor and seconded. He would be happy to hear Superintendent Barresi's information.

Superintendent Barresi presented information to the Board that showed in the past five years 90 individuals were never reviewed or approved by this Board, 123 individuals were hired prior to being reviewed, and 29 individuals were reviewed and approved by the Board before being hired.

Board Member Miles-Scott asked Superintendent Barresi if she read the qualifications for a position in higher education.

Superintendent Barresi said yes. She asked is a juris doctorate degree not equivalent to a master's degree?

Board Member Miles-Scott said no, not in common education. There are different requirements for higher education and common education.

Board Member Gilpin asked Superintendent Barresi was Ms. Carter her campaign manager?

Superintendent Barresi said yes. She was an excellent one.

Board Member Gilpin said Ms. Carter's resume states she has a political consulting firm, has never worked in education, but worked for the Association of Professional Oklahoma Educators (APOE) handling legal issues. She does not have a teaching background.

Superintendent Barresi said Ms. Carter worked with teachers in her capacity with APOE and worked with the Legislature. At the Insurance Commission under the direction of Commissioner Holland, Ms. Carter reorganized the state Insurance Commission to the point it now works off state appropriations. Based on her work with the commission, her expertise, ability to work with the Legislature, intellect and talent, there is no one she would rather have in the Chief of Staff position.

Board Member Gilpin said he would not support someone placed in a professional education position that requires a master's degree and experience, simply because they were her political campaign manager. He agreed there is an education crisis which the Board has worked on for years, sending messages to and working with the Legislature, and even campaigning for a new way to fund education.

Superintendent Barresi said the Board has worked on education reform in the past few years but at the December 16, 2010, Board meeting the Board voted to ignore a Governor's Executive Order and an Attorney General Opinion, and voted to move only \$18 million of \$35 million to the Teacher's Retirement.

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Board Member Miles-Scott said that is not true.

Board Member Gilpin asked for “point of order” to be heard. He said the Board is governed by Robert’s Rules of Order. There is a motion to not approve Ms. Carter and the follow up motion to that regarding the legality.

Superintendent Barresi said the motion has been made and seconded.

The motion carried with the following votes: Senator Rozell, yes; Mrs. Mabry, yes; Ms. Miles-Scott, yes; Mr. Gilpin, yes; Ms. Foresee, yes; and Mrs. Arnn, yes.

Board Member Gilpin made a motion to request the Attorney General review and investigate having private consultants paid by outside sources that have not been identified to the Board, exercising authority with state property in the SDE for the past three to four weeks. Board Member Rozell seconded the motion. The motion carried with the following votes: Mrs. Arnn, yes; Ms. Foresee, yes; Mr. Gilpin, yes; Ms. Miles-Scott, yes; Mrs. Mabry, yes; and Senator Rozell, yes.

Board Member Gilpin said he had another motion.

Superintendent Barresi said he was no longer recognized and asked to move to the consideration of the next employee, Mr. Damon Gardenhire.

Board Member Gilpin stated “point of order” and had another motion on the matter of Ms. Carter.

Superintendent Barresi said he was not recognized and to please move to Mr. Gardenhire.

Board Member Gilpin stated “point of order”.

Superintendent Barresi said she was attempting to restore order to the proceedings and asked to please move forward to Mr. Gardenhire.

Board Member Gilpin moved the motion be recognized and asked if there was a second. Board Member Rozell seconded.

Superintendent Barresi said it is time to move forward to the consideration of Mr. Gardenhire.

Board Member Gilpin said the motion is recognized and seconded. The motion passed with the following votes: Senator Rozell, yes; Mrs. Mabry, yes; Ms. Miles-Scott, yes; Mr. Gilpin, yes; Ms. Foresee, yes; and Mrs. Arnn, yes.

Board Member Gilpin said because Ms. Carter has operated in the SDE through private funds and has been giving direction, made a motion that Ms Carter be directed to leave the premises with all her personal belongings and to leave state property behind by 5:00 p.m. Friday, and because Ms. Carter is wrecking havoc on personnel, and Superintendent Barresi has made it clear she will continue to have Ms. Carter sit in a state office instructing personnel on what to do calling her a private consultant.

Board Member Rozell seconded the motion.

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Superintendent Barresi said Mr. Gilpin was out of order by taking action on a non-action item on the agenda that does not comply in keeping with the Open Meeting Act. She asked Board Members to move forward. Board Member Gilpin's previous motion was also out of order due to non-compliance of the Open Meeting Act.

Board Member Gilpin said the item will be brought forth under New Business.

Board Member Gilpin made a motion to suspend the agenda and move the New Business agenda item to the front temporarily to consider the two items.

Superintendent Barresi asked legal counsel to comment if it was permissible to make motions on non-action items posted on the agenda per requirements of the Open Meetings Act.

Mr. Glen Hammonds, Assistant Attorney General, said he was asked to assist with the Executive Session. He did ask the Board to conform itself to the agenda and did caution and remind the Board to stay on the agenda.

Superintendent Barresi said the last motion and action by the Board requesting to remove Ms. Carter from the premises, be stricken. Board Member Gilpin's present motion to suspend the agenda and move the New Business agenda item to the front temporarily to consider the two items, was out of order and did not relate to an item on the agenda.

She asked Board Members to move forward with the consideration of Mr. Gardenhire's candidacy.

Board Member Gilpin requested Mr. Damon Gardenhire address the Board. He asked what he has been doing at the SDE since Superintendent Barresi took office.

Mr. Gardenhire said working with Superintendent Barresi in the communications capacity.

Board Member Gilpin asked who has been paying him?

Mr. Gardenhire said he was paid privately.

Board Member Gilpin asked what name appears on his paycheck?

Mr. Gardenhire said he did not have one in front of him.

Board Member Gilpin asked so he did not know what was on the paycheck indicating who it was from.

Mr. Gardenhire said he knows the amount.

Board Member Gilpin asked what is the amount.

Mr. Gardenhire said he did not have one with him, but he is paid by private funds.

Superintendent Barresi asked what was his stated salary.

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Mr. Gardenhire said the stated salary is \$92,000.

Board Member Gilpin asked did he know what the current director of communications is paid.

Mr. Gardenhire said there were actually three different directors of communications in the SDE.

Board Member Gilpin asked could he identify the directors and their salaries.

Mr. Gardenhire said Ms. Dawn Jones, Ms. Wendy Pratt and Ms. Shelly Hickman.

Board Member Gilpin asked how much are they paid.

Mr. Gardenhire said he did not know.

Board Member Gilpin asked was Mr. Gardenhire proposing to replace one of the directors.

Mr. Gardenhire said they are in the process, at the direction of Superintendent Barresi, of examining how to move forward with reorganizing the SDE.

Board Member Gilpin asked if replacing one or all of the current communication directors is being considered.

Mr. Gardenhire said no determinations have been made as of yet.

Superintendent Barresi said there are currently three persons directing that department.

Board Member Gilpin asked Mr. Gardenhire if he would be an addition to the three directors.

Mr. Gardenhire said that was not what he stated.

Board Member Gilpin asked what title was he asking the Board to approve.

Mr. Gardenhire said communications director.

Board Member Gilpin asked is there a communications director currently.

Mr. Gardenhire said there are three.

Board Member Gilpin asked you would be an addition to the three.

Mr. Gardenhire said he did not state that.

Board Member Gilpin asked Mr. Gardenhire if he could tell the Board who has paid him up to date?

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Mr. Gardenhire said he could not say specifically where the funds have come from. Superintendent Barresi has stated she will provide Board members with a list of donors of the private funds.

Superintendent Barresi said she would be happy to provide the information.

Board Member Gilpin asked Mr. Gardenhire how many paychecks had he received from the private funds?

Mr. Gardenhire said one.

Superintendent Barresi said the Communities Foundation of Oklahoma issued the funds.

Board Member Gilpin asked who was Communities Foundation of Oklahoma?

Superintendent Barresi said it is an organization setup to receive contributions under a 501 (c) (3) designation.

Board Member Gilpin asked Mr. Gardenhire had he been representing himself to the public and legislators as the current director of communications for the SDE?

Mr. Gardenhire said director of communications for Superintendent Barresi.

Board Member Gilpin asked if he sent out releases indicating he was the director of communications for the SDE.

Mr. Gardenhire said the releases he has sent state communications director for Superintendent Barresi. Ms. Shelly Hickman actually sends out releases.

Board Member Gilpin asked have the releases been on state SDE letterhead/identification.

Mr. Gardenhire said probably, but could not say off the top of his head.

Board Member Gilpin asked did he have a state issued telephone.

Mr. Gardenhire said no.

Board Member Gilpin asked did he have a state issued email.

Mr. Gardenhire said yes.

Board Member Gilpin said what other state property or equipment are you currently using.

Mr. Gardenhire said he was sitting in a chair at a desk.

Board Member Gilpin asked if he was planning to revamp the SDE communications network, internet system, and things of that sort.

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Mr. Gardenhire said it would certainly be a goal of his to completely overhaul the current Web presence. It is not user friendly, and presents a barrier to the public.

Board Member Gilpin asked if he has made changes on the SDE Web site such as streaming videos.

Mr. Gardenhire said yes. Mr. Marty Fulk, Director, Media Production, has been videotaping a weekly message for superintendents on the homepage.

Board Member Gilpin asked was there anything else added besides the videotaping on the SDE network.

Mr. Gardenhire said there are some social media presence of which Superintendent Garrett also had. There has been some photo streaming presence as well.

Board Member Gilpin asked if complaints from school districts about no longer being able to receive communications from the SDE due to the additional streaming items been received.

Mr. Gardenhire said he had a conversation with the systems director at Norman Public Schools who wanted to be able to see the video. Their instructional technology (IT) staff had frozen out the provider(s) such as YouTube and others. It will be a goal of the SDE to have videos in another format like iTunes so schools can have access.

Board Member Gilpin asked had he received complaints or concerns because school districts cannot receive communications from the SDE because of the filters required by law districts must have in place. Board Member Gilpin asked if he was aware of state and federal laws regarding filters being placed for internet communications between the SDE, districts and schools.

Mr. Gardenhire said he was not an attorney. He was not aware of the laws.

Board Member Gilpin said being in communications, you are not aware of the state and federal laws.

Mr. Gardenhire said no, but he had researched the state social media policy and developing a social media policy for the SDE is being considered.

Board Member Gilpin asked about his experience with a state department rules, regulations, and laws that govern how it communicates. In this case, school districts.

Mr. Gardenhire said he worked as communications director at the Oklahoma House of Representatives for three years under the direction of two Speakers of the House. He has not worked for another state department/agency. Mr. Gardenhire said for most of his career he has worked in the private sector as a spokesperson for Integrus Health. He was a television reporter and anchor.

Superintendent Barresi said any critical information that districts need come directly from her office and in communications from her. Mr. Gardenhire is acting under her supervision and on her behalf. He does not transmit mission critical information and information that districts have. She assured the Board that any of the communications come directly from her.

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Board Member Gilpin thanked Superintendent Barresi for the information. He asked Mr. Gardenhire in the past weeks had anyone come to him and discussed the activities he had implemented so far and how they affect the privacy and privilege laws regarding student information.

Mr. Gardenhire said no.

Board Member Miles-Scott said superintendents have had access to student's test grades. You are now saying they are being given sensitive information. She said she has received calls from superintendents reporting they cannot get access to that information.

Superintendent Barresi said the system has been down twice this week. What is the nature of the complaints? Is it the Web site?

Board Member Miles-Scott said no, not the Web site, but the available information pertaining to their student's tests, grades, etc.

Superintendent Barresi said that is not a part of what is coming out of the communications department.

Mr. Gardenhire said only cosmetic changes that have been made to the Web site, The Web site itself has not been substantively changed.

Superintendent Barresi said she is moving forward with the reorganization of the SDE, talking to people about their interest in other jobs/positions they might like to take where vacancies exist. She will also be looking into the qualifications for those jobs/positions. Many people have personally come to her and discussed interest in other areas/vacancies, and they will be considered first.

Board Member Gilpin asked if Superintendent Barresi was unwilling to work with the three directors of communication who have experience, degrees, and are currently in position.

Superintendent Barresi said Superintendent Garrett informed her when she took office she made many changes within the SDE. It was also a difficult transition. She can provide the Board with the considerable savings within the SDE and savings in the senior administrative staff.

Board Member Miles-Scott said she does not have a problem with change and change is good. Will the Board receive any information regarding where the direction Superintendent Barresi plans to take the SDE.

Superintendent Barresi said certainly.

Board Member Miles-Scott said once again there is a statute for the way funds come into the SDE and funds go out. There are also federal requirements that must be followed and if not followed the federal government will want to know why. Have these things been taken into consideration in the last three weeks?

Superintendent Barresi said absolutely. Particular consideration has been taken of federal reporting requirements. At this time, she is working with the Office of State

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Finance on the issue regarding the \$16 million dollars and appropriate reporting of that. Work is being done to resolve the issue with the teacher's retirement fund.

Superintendent Barresi asked were there anymore questions of Mr. Gardenhire.

Board Member Rozell said in the capacity you work in now, there are three people already in that area. Is that correct?

Mr. Gardenhire said the SDE has a number of communications personnel throughout the agency.

Board Member Rozell asked did he make changes with them or give directions to them.

Mr. Gardenhire said he had not made any substantive changes within the communications functions of the agency.

Board Member Rozell asked you just introduced yourself and said good job and left?

Mr. Gardenhire said no. He had been in communication with them repeatedly.

Board Member Rozell asked you have been guiding them and their process?

Superintendent Barresi said he has done so under her direction.

Mr. Gardenhire said under the direction of Superintendent Barresi they have talked about the communications function in the department.

Board Member Rozell asked so you gave directions even though the directions came from Superintendent Barresi?

Board Member Rozell said Mr. Gardenhire is drawing a check. Who signed the check?

Superintendent Barresi said the executive director of the Oklahoma Communities Foundation.

Board Member Rozell said you are saying someone from the outside the SDE signed a check to Mr. Gardenhire and he has given state employees directions. Am I getting this correct.

Superintendent Barresi said yes, under her orders. Mr. Gardenhire worked for her.

Board Member Rozell said he was not trying to make trouble but wants to be sure everything is legal because what Mr. Gardenhire is doing cannot be legal.

Superintendent Barresi said his employment would start today and he is not being paid for past work.

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Board Member Miles-Scott said Superintendent Barresi said the consultants that are coming in will be paid with private funds as well.

Board Member Gilpin said the effective date of their employment will go back to January and the Board is being asked to legitimize what she has done, which will get everyone sued individually.

Board Member Miles-Scott said the rules the State Board of Education must follow are totally different than the rules that Governor's office has to follow.

Board Member Gilpin said the Governor's office does not have a Board that is by law responsible for doing these type things.

Superintendent Barresi said obviously the Board is opposed to this, and asked to move forward to a vote.

Board Member Gilpin said he wants to know if a crime has been committed on the record.

Superintendent Barresi said she is asking to approve Mr. Gardenhire to be an employee of the SDE.

Board Member Rozell said he did not have a problem that when you tell me what you have been doing with private funds is legal.

Superintendent Barresi said it is not your private funds. Mr. Gardenhire is working for her, on her behalf.

Board Member Rozell asked he was giving orders to state employees?

Superintendent Barresi said under her direction. He never represented himself as an employee of the department but represented himself as her employee.

Board Member Gilpin and Miles-Scott said Mr. Gardenhire said he did represent himself as an SDE employee.

Superintendent Barresi asked can the Board move forward.

Board Member Gilpin said no, discussion.

Board Member Gilpin said if the Board does not explore and discover it, Board members individually will be held responsible when someone from the outside decides to go to court.

Superintendent Barresi said feel free to take your own action. May we call for the question?

Board Members Miles-Scott and Gilpin said no. Any actions can be taken against the Board members, not the Board taking actions against you. We want to prevent any actions against us.

Board Member Gilpin said also to prevent actions from the SDE.

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Board Member Gilpin said if he understood correctly, there are three current directors of communications with the SDE.

Ms. Wendy Pratt, Director of Communications said the positions are director of communications, director of public affairs/press, and director of internet communications.

Board Member Gilpin said are they still present and working?

Ms. Pratt said yes.

Board Member Gilpin said Mr. Gardenhire, who would be paid \$92,000 will just deal with cosmetic issues for and streaming video of Superintendent Barresi.

Superintendent Barresi said she plans to take senior staff and ask them to staff their department. Currently we are visiting with people to determine what other areas they would like to work. Mr. Gardenhire assures me he is looking at trimming down that staff and handling the duties just described to the Board. He will have less employees working with him, of which he may keep some employees. But none of this has been discussed or determined at this time.

Superintendent Barresi said she has nothing to do with the organization that pays Mr. Gardenhire. She is separate from the organization nor did she authorize the check.

Board Member Rozell asked did the organization pay her, and then asked Mr. Gardenhire did an outside organization pay him?

Mr. Gardenhire said yes he received a paycheck from the Oklahoma Communities Foundation organization.

Board Member Rozell asked how does he get out of this legally?

Board Member Gilpin said you do not. The Board will be held responsible.

Superintendent Barresi said she did not think so. It will not happen. The Board is expressing a lot of outrage and asked to continue.

Board Member Rozell said we live by the law.

Superintendent Barresi said great. Let us start following the law and looking at the will of the Legislature and following that as well.

Board Member Mabry said Mr. Gardenhire's qualifications fit ideally.

Board Member Mabry said if she understands the position, Mr. Gardenhire has the qualifications.

Board Member Miles-Scott said she was concerned about the \$92,000.

Board Member Mabry made a motion to approve Mr. Gardenhire for the position of director of communications with the salary requested. She requested further clarification once the reorganization is complete.

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The motion died for lack of a second.

Board Members Gilpin made a motion to not hire Mr. Gardenhire.

Board Member Rozell seconded the motion. The motion passed with the following votes: Mrs. Arnn, yes; Ms. Foresee, yes; Mr. Gilpin, yes; Ms. Miles-Scott, yes; Ms. Mabry, no; and Senator Rozell, yes.

Superintendent Barresi presented Ms. Jill Geiger for consideration as the Director of Finance.

Board Member Gilpin asked if Ms. Jan Smith could be next.

Superintendent Barresi said Ms. Smith is an administrative assistant and is working for three people. Ms. Smith is quite capable and continues to work within the capacity that she has worked in the past but not in the SDE. Superintendent Barresi said she has yet to hire an executive assistant and staff has been wonderful in sharing those responsibilities.

Ms. Smith has been at SDE serving as an executive assistant to three people.

Board Member Gilpin asked if Ms. Smith was being paid by private funds?

Superintendent Barresi said yes.

Board Member Gilpin asked if the Board does not act on hiring her, will you continue having her at the SDE?

Superintendent Barresi said everyone before the Board for consideration are currently being paid with private funds, with the exception of Ms. Jill Geiger.

Board Member Gilpin said his concern is if the Board does not act on Ms. Smith, she would continue working and the Board would be acquiescing, in law, saying it is okay have this person paid by private funds continuing in the SDE.

Superintendent Barresi asked for a motion.

Board Member Gilpin said his concerns are if the Board does not address these people they will continue in the SDE as privately funded contractors, and the Board will be held responsible by acquiescing to fact if it is later found to not be proper.

Superintendent Barresi said Board Member Gilpin has made his concerns very clear. You are done.

Board Member Mabry asked if the Board can vote on Ms. Smith.

Board Member Gilpin said yes.

Board Member Mabry said Ms. Smith has a teacher education degree.

Board Member Gilpin said she does but at \$46,000.

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Board Member Foresee asked had there always been an executive assistant to the chief of staff?

Board Member Gilpin said they made \$28,000 or \$32,000 not \$46,500.

Superintendent Barresi said Ms. Mosely made \$53,000.

Board Member Mabry made a motion to approve hiring Ms. Jan Smith as Executive Assistant to Superintendent Barresi. Board Member Foresee seconded the motion.

Board Member Gilpin asked what the prior executive assistant to Ms. Garrett made?

Superintendent Barresi said \$53,000

Board Member Foresee asked did Superintendent Barresi have an executive assistant at this time.

Superintendent Barresi said no.

The motion passed with the following votes: Senator Rozell, yes; Mrs. Mabry, yes; Ms. Miles-Scott, yes; Mr. Gilpin, yes; Ms. Foresee, yes; and Mrs. Arnn, yes.

Superintendent Barresi said Ms. Jill Geiger is next for consideration. Ms. Geiger is not currently being paid with private funds. She is employed by the Office of State Finance.

Board Member Miles-Scott asked if there is not already a director of finance.

Superintendent Barresi said she selected Ms. Geiger to be the director of finance. People within that department have expressed interest in working in other areas.

Superintendent Barresi said Ms. Geiger is before the Board for consideration.

Board Member Gilpin said he did not see if Ms. Geiger had a degree in finance or certified public accountancy(CPA). He asked did she have one?

Ms. Geiger said she was not a certified public accountant. Her resume indicates has degrees are in Spanish and communications, and a master's in organizational and intercultural communications. She said it was her work experience that led Superintendent Barresi to put her before the Board's consideration for the position. She said she has been the education budget and policy analyst for Governor Henry for six years.

Board Member Gilpin said the SDE budget in-house that is presented to the Legislature and how it is handled with federal and state mandates, regulations, etc., and actually about the most complicated monster one could imagine. I appreciate you worked for Governor Henry but apparently that does not mean much anymore.

Board Member Miles-Scott asked if Ms. Geiger worked with Brenda Bowlander.

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Ms. Geiger said Ms. Bowlander is at the Office of State Finance in the comptroller area. She is in the budget area.

Board Member Gilpin asked about Ms. Geiger's experience assisting the SDE with the budget and working with the Legislature.

Ms. Geiger said she has been working with the SDE and other agencies in the education cabinet from the central services government perspective for six years. The Office of State Finance considers itself as a service agency for other state agencies, in that capacity, not for the Department of Central Services.

Board Member Rozell asked if she is familiar with the funding formula for each student in the schools money it sent to.

Ms. Geiger said she was familiar.

Board Member Rozell asked did she know the weights and all of it.

Ms. Geiger said she did.

Board Member Gilpin asked who is the SDE current director of finance.

Superintendent Barresi said Dr. Jack Herron is the Assistant Superintendent, Financial Services Division.

Board Member Gilpin asked Dr. Herron what were his degrees and background?

Dr. Herron said he has a bachelor's degree in science education, a master's in secondary education, a Ph.D in general administration, and many hours of coursework in fiscal control, public school finance, administration of public schools, and school transportation.

Dr. Herron said, he and Superintendent Barresi have had discussions, but have not discussed the total organization of the financial services division and SDE.

Board Member Gilpin asked how long has he been with the SDE.

Dr. Herron said he had been at the SDE since July 6, 2010.

Superintendent Barresi said there is no intent to cast any dispersion on Dr. Herron or his performance. She is simply asking to approve a position with Ms. Geiger.

Board Member Rozell asked is this a new position.

Superintendent Barresi said Ms. Geiger would replace Dr. Herron and there have been discussions about other positions he would like to be moved to.

Board Member Rozell asked she is taking his place and you would move Dr. Herron. Is that what you have in mind.

Superintendent Barresi said yes.

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Board Member Gilpin asked if Dr. Herron had an assistant.

Dr. Herron said he supervises a department with five different sections, with two vacancies.

Board Member Gilpin said maybe Ms. Geiger could be an assistant director of finance.

Superintendent Barresi said Ms. Geiger is before the Board for consideration for the position of director of finance. She asked if there was a motion.

Board Member Gilpin made a motion to continue discussion of Ms. Geiger's employment. Board Member Arnn seconded the motion. The motion passed with the following votes: Mrs. Arnn, yes; Ms. Foresee, yes; Mr. Gilpin, yes; Ms. Miles-Scott, yes; Ms. Mabry, yes; and Senator Rozell, yes.

Board Member Gilpin said he is concerned because the Legislature has announced the budget will be cut and that he has information regarding Superintendent Barresi's presentation to the Education Subcommittee that indicates she agrees with the cuts to the state budget for education by substantial amounts. He prefers to have someone as director of finance who is familiar with addressing the Board as a whole and can help us through the trying times. If Superintendent Barresi has strong feelings about Ms. Geiger maybe she could be an assistant and fill one of the vacancies Mr. Gilpin said.

Superintendent Barresi said there are multiple vacancies around the department. She is asking the Board to consider Ms. Geiger for the position stated.

Board Member Gilpin said he liked Ms. Geiger but thinks in these terrible times the person needs to be qualified and asked if Superintendent Barresi would consider Ms. Geiger being an assistant?

Superintendent Barresi said no. Ms. Geiger is her choice for the head of the department.

Board Member Gilpin said thank you. He wants it to be clear and the record clear. He requested Board members receive a CD recording copy of the board meeting. Board Member Gilpin asked again if she would consider Ms. Geiger as an assistant to Dr. Herron.

Superintendent Barresi said Ms. Geiger was her choice for the director of finance position and asked if there was a motion regarding Ms. Geiger's employment.

Board Member Gilpin made a motion to deny employment to Ms. Geiger and to later consider employment as an assistant. Board Member Arnn seconded the motion. The motion carried with the following votes: Senator Rozell, yes; Mrs. Mabry, yes; Ms. Miles-Scott, yes; Mr. Gilpin, yes; Ms. Foresee, yes; and Mrs. Arnn, yes.

Board Member Miles-Scott said much of this could have been alleviated had the Board been made aware of the changes that will be made and the direction the department will be heading. It is very unfair to the Board members.

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Superintendent Barresi said before she took office she tried meeting with all the Board members. She was unable to meet with Board Member Mabry because of weather conditions. Board Member Miles-Scott was unable to meet due to personal reasons. During meetings with others she attempted to discuss her overall view and some members let her know how they felt about that. It simply gave her an indication of some of the challenges she would have in running the SDE.

Board Member Miles-Scott said she did telephone Superintendent Barresi and left a message but never received a return call. To her this is very chaotic.

Superintendent Barresi said before she took office she attempted to not make it chaotic and to gather a great deal of information about the SDE, but only received limited information. The last three weeks staff has worked hard trying to get reorganized and review employee information. When all of the information is complete it will be presented to the Board.

Board Member Foresee said she appreciated Superintendent Barresi wanting to bring her own people. The concern again is in these trying times that Ms. Geiger does not have a finance degree and the current director of finance is qualified.

Board Member Gilpin said Board Member Miles-Scott had an excellent point about this being chaotic to the Board members. In November 2010 he asked for the resumes of those people she wanted to bring on board so they could be considered immediately by the Board. Even consider them at the December 2010 meeting but he never received a response.

Superintendent Barresi said she asked if they could be on the December 2010 Board meeting agenda and Mr. Gilpin said he would not favorably consider them considering their backgrounds and qualifications.

Board Member Gilpin asked did she receive his email he passed out to Board members?

Superintendent Barresi said she did.

Board Member Gilpin said he was asking for the information in order to consider their employment as soon as possible but she never responded.

Superintendent Barresi said that it was not in keeping with past procedures.

Board Member Gilpin said he gave her a copy of the statutes that state the duties of the Board. She did not respond, nor did she respond to his December 2010 and January 2011 emails.

Superintendent Barresi said it was not in keeping with what the former superintendent had done.

Superintendent Barresi presented Ms. Jessica Russell for employment as the Legislative Liaison. She asked the Board to allow Ms. Russell to remain seated due to nervousness and her condition. It is going to be very strenuous on her.

Board Member Gilpin asked Ms. Russell did she graduate college in 2006.

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Ms. Russell said yes.

Board Member Gilpin asked did she work for the State House of Representatives.

Ms. Russell said yes in the office of the Speaker of the House.

Board Member Gilpin asked did she do research for them?

Ms. Russell said yes, a variety of issues particularly education for Speaker Benghe.

Board Member Gilpin asked she also worked for Senator Coburn's office?

Ms. Russell said yes.

Board Member Gilpin asked what did she see as the most important job of the legislative liaison for the SDE.

Ms. Russell said it is keeping the Superintendent, as well as department heads informed about what is going on at the Legislature, keeping everyone up-to-date, making sure SDE goals are being accomplished at the Legislature.

Board Member Gilpin asked who would she work for the Superintendent or the Board as a whole.

Ms. Russell said the SDE.

Superintendent Barresi said she works for the SDE under direction of Superintendent Barresi.

Board Member Gilpin said Ms. Russell would actually work for the State Board of Education. His concern is that Ms. Russell appreciate that the legislative liaisons have always reported to the Board every meeting. People will ask for help or to contact senators and representatives for different issues the Board does/does not support. Have you had that kind of experience in working with a board.

Ms. Russell said she did not have experience in working with a Board. She has worked in various capacities and feels comfortable if that is a part of her duties, that is what she will do.

Board Member Gilpin asked if she was being paid by private funds.

Ms. Russell said she had not received a paycheck.

Board Member Gilpin asked had she been told she would receive a paycheck.

Ms. Russell said yes. She would be paid by private funds.

Board Member Gilpin asked was she aware of the current SDE legislative liaison or policy analyst.

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Superintendent Barresi said currently there is none. There are 271 bills related to education before the Legislature at this time.

Board Member Mabry said the SDE and Board needs a legislative liaison and she liked Ms. Russell's qualifications and experience, especially in Washington, D.C. The SDE needs a bridge between this Board room and this building and the Legislature. Will the Board receive reports from Ms. Russell.

Board Member Gilpin asked Ms. Russell if she was prepared to realize who she works for is the Board as a whole?

Ms. Russell said yes. If that is who she works for, then that is who she works for.

Board Member Mabry said the Board will receive reports from Ms. Russell.

Superintendent Barresi said yes she will be happy to send out reports.

Board Member Rozell said that would be the reason Ms. Russell is at the Capitol, because who would she report to if she did not report to the Board about the legislation.

Board Member Mabry made a motion to approve the employment of Ms. Jessica Russell as the legislative and policy analyst at the salary of \$40,000. Board Member Gilpin seconded the motion.

Board Member Rozell asked Ms. Russell if she worked for the House of Representatives.

Ms. Russell said yes.

Board Member Rozell asked did she work any with a senator.

Ms. Russell said she worked with various senators on different issues, but had not worked directly for a senator.

Board Member Rozell asked when a bill came over.

Ms. Russell said yes when working to get a bill passed she worked with various ones.

The motion was passed with the following vote: Mrs. Arnn, yes; Ms. Foresee, yes; Mr. Gilpin, yes; Ms. Miles-Scott, yes; Mrs. Mabry, yes; and Senator Rozell, yes.

Board Member Rozell asked Ms. Russell will she be taking six weeks off when she has her child? If she has the child in April and takes off six weeks she is worthless to us. She will not be able to keep up with the bills.

Superintendent Barresi said Board Member Rozell's comment was inappropriate and not worthy of this Board or the SDE. She asked him to withdraw his statement. Superintendent Barresi asked for a ten minute recess. Ms. Russell was highly offended by Board Member Rozell's statement and is now in tears and it was a feminist statement.

Board Member Gilpin said Superintendent Barresi could not make that type of allegation of a Board Member and be serious. He was clear that Board Member Rozell's statement was of a humorous joking nature, and if he was not, he apologized.

Superintendent Barresi said it was highly degrading and she is offended.

Board Member Gilpin said she had a thin skin for a politician.

Superintendent Barresi said she had very thick skin in view of what happened during the campaign. She declared a 10 minutes recess.

RECESS

Superintendent Barresi recessed the state Board of Education meeting for ten minutes. Board Member Miles-Scott made a motion to approve the Recess. Board Member Gilpin seconded the motion. The motion passed with the following votes: Senator Rozell, yes; Mrs. Mabry, yes; Ms. Miles-Scott, yes; Mr. Gilpin, yes; Ms. Foresee, yes; and Mrs. Arnn, yes.

SCHOOL IMPROVEMENT DIVISION

Office of Innovation, Support, and Alternative Education

Update on 1:1 Digital Classroom Project

Mr. Eric Hileman, Director, Instructional Support, said 19 schools received grants using stimulus funds to fund a 1:1 laptop or wireless handheld initiative for 24/7 take home access for all seventh and eighth grade students. The purpose of the initiative was to assure eighth grade technology literacy and to increase academic performance and student achievement. The grants also required that districts hire a technology integration specialist. Grand View Public School and Ponca City Public Schools are two districts that received the grant.

Mr. Dave Pennington, Superintendent, Ponca City Public Schools, said technology is a key to transforming education. Keeping students engaged is a struggle at the middle school level and there has been a tremendous turnaround in how students are engaged since this program has been implemented.

Ms. Barbara Davis, Principal, Ponca City East Middle School, said teacher instruction and student learning has changed since the implementation of this project. Ms. Davis and students presented an overview of the project at East Middle School.

Mrs. Mabry said the reason to target eighth grade students on any reform measure is that those students are like the gateway to high school and the rest of their lives. She congratulated the Ms. Davis and the students on a wonderful presentation.

Ms. Cheryl Beaman, Grand View Public School, said it is critical to make available to students every resource possible with regard to technology. This program helps students develop critical thinking skills and problem-solving skills. Ms. Beaman and students made a presentation about the implementation process of the 1:1 digital classroom project at their school.

Senator Rozell said he visited Grandview School and it was amazing to see all the students engaged. He congratulated the students on a job well done.

Superintendent Barresi introduced Representative Charles Ortega and Representative Holland.

PROFESSIONAL SERVICES DIVISION

Recommendations from the Teacher Competency Review Panel Approved

Mr. Paul Simon, Director, Alternative Certification presented the recommendations from the Teacher Competency Review Panel for applicants to receive a license.

Ms. Miles-Scott made a motion to approve the motion and the motion carried with the following votes: Mrs. Arnn, yes; Ms. Foresee, yes; Mr. Gilpin, yes; Ms. Miles-Scott, yes; Mrs. Mabry, yes; and Senator Rozell, yes.

ACCREDITATION/STANDARDS DIVISION

Update on White Oak Public School

Dr. Sharon Lease, Assistant State Superintendent, Accreditation/Standards Division presented an update on White Oak Public School to Board members.

Senator Rozell asked about the enrollment numbers.

Mr. David Money, Superintendent, White Oak Public School, said enrollment has remained steady. There are 54 students enrolled at the physical site and 982 students enrolled in the virtual school.

Ms. Miles-Scott noted that the largest increase in withdrawals was in the area of general dissatisfaction. In what areas are students/parents dissatisfied?

Mr. Money said the coursework is usually more rigorous than in the public schools.

A representative of OK Virtual Academy said this time in particular there is a larger withdraw of students who are not satisfied with the program for different reasons. Many students do make a change at the semester.

Senator Rozell asked what type records are kept on students who withdraw.

Mr. Money said if a student transfers to another district there is a paper trail.

Ms. Miles-Scott asked for those students who do not do well on the weekly classroom tests, what is being done differently to help them make a turnaround.

The representative from OK Virtual Academy said teachers work in a group environment and will put together individual work groups for the students who are struggling. Students can attend sessions and receive one-on-one instruction with the teacher.

Senator Rozell asked who monitors the testing at the end of the year.

Mr. Money said that last year the entire White Oak staff was present during testing and representatives from K-12.

This was a report only and no action was taken.

FINANCIAL SERVICES DIVISION

Pro-Rated National Board Certified Teachers and Nationally Certified Speech Language Pathologists, Audiologists and Psychologists Bonuses Approved

Mr. Jack Herron, Assistant State Superintendent, Financial Services Division said this year there are 2,319 National Board Certified teachers and 695 Nationally Certified speech language pathologists, audiologists and psychologists eligible to receive a bonus. For the past several years, funds have not been appropriated to fund totally the bonuses.

One option would be to pay two different amounts to the two groups. The other option would be to pay a pro-rated amount to the entire group.

Senator Rozell asked if the request is to divide the funds equally between the two organizations.

Superintendent Barresi said funds were not divided equally. One group is National Board Certified teachers and the other group is speech pathologists, counselors, and school psychologists. The bonus for the Nationally Certified speech language pathologists, audiologists, and psychologists was \$800 each and the bonus for the National Board Certified teachers was \$5,000 each. It is requested the Board approve to combine the two groups so funds may be distributed equally.

Senator Rozell asked what kind of message the Board will send to the National Board Certified teachers regarding the \$5,000 bonus set by the Legislature.

Mrs. Arnn asked what will the amount of the bonus if it is pro-rated.

Mr. Herron said original legislation set an amount for the National Board certified teachers, but the Legislature has never fully funded the amount for the speech pathologists, audiologists, and psychologists. Without combining the two groups, the National Board Certified teacher bonus will be \$4,936. The bonus amount for the speech pathologists, audiologists, and psychologists will be \$374. Combining the total number of individuals eligible for a bonus the amount will be \$3,935.

Mr. Gilpin asked if the speech pathologists, counselors, and psychologist paid on the same pay scale as teachers.

Mr. Herron said that in Oklahoma there is a salary schedule if they work within a school. However, many speech pathologists, audiologists, and psychologists contract and are hired outside the school.

Ms. Foresee said speaking as a counselor; she is not paid more than a classroom teacher.

Mr. Gilpin asked if statute specifically states National Board Certified teachers will be paid a bonus of \$5,000.

Mr. Herron said original statute stated \$5,000.

Dr. Candace Hogan, Oklahoma Delegate, National Association of School Psychologists reviewed and answered questions about the national certification for speech pathologists, audiologists, and school psychologists. The bonus would go to only those psychologists employed by public schools.

Senator Rozell made a motion to distribute funds equally to all eligible individuals. Mrs. Mabry seconded the motion. The motion carried with the following votes: Senator Rozell, yes; Mrs. Mabry, yes; Ms. Miles-Scott, yes; Mr. Gilpin, yes; Ms. Foresee, yes; and Mrs. Arn, yes.

Sub-Allocation of Qualified School Construction Bonds Approved

Ms. Cathleen Guthery, Director, Architectural Services said qualified school construction bonds were tax credit bonds created by the American Recovery and Reinvestment Act. The federal government made allocations to states in 2009 and 2010. Oklahoma's total allocation for those two years was \$178,235,000. The bonds are to provide zero interest financing to school districts to make capital improvements. Thirty-six applications with a total request over \$216,000,000, which was more than \$38,000,000 available, were evaluated. The final determination was to allocate the full amount requested to 27 districts that requested less than \$8,400 per student for a total of \$120,477,500 and to allocate an amount equal to \$8,400 per student to the seven districts that requested more than \$8,400 per student, for a total of \$35,820,960. The remaining allocation of \$20,936,540 was split between the two districts that decisively failed bond issues in December. It is recommend a deadline of December 31, 2011, be established for each district to submit their plan indicating how the bonds will be used.

Mr. Gilpin made a motion to approve the request and Mrs. Mabry seconded the motion.

Senator Rozell said the bonds are no interest bonds and the funds must be paid back to the state.

Ms. Guthery said that is correct. Most districts will need to pass a bond election and funds be repaid with ad valorem taxes.

Senator Rozell asked if schools have held bond elections.

Ms. Guthery said four districts that applied for these bonds that have passed bond elections and four more districts have bond elections scheduled for February and four more in March.

The motion carried with the following votes: Mrs. Arnn, yes; Ms. Foresee, yes; Mr. Gilpin, yes; Ms. Miles-Scott, yes; Mrs. Mabry, yes; and Senator Rozell, yes.

LEGAL SERVICES DIVISION

Community Strategies, Inc. vs. the State of Oklahoma ex rel. Oklahoma State Department of Education, Oklahoma State Board of Education and Independent School District I-89 of Oklahoma County and Western Heights Independent School District, Oklahoma County vs. the State of Oklahoma ex rel. Oklahoma State Department of Education, Oklahoma State Board of Education and Sandy Garrett, Oklahoma State Superintendent of Public Instruction

Convene Into Executive Session Approved

Mr. Gilpin made a motion to convene into Executive Session at 12:00 p.m. Mrs. Arnn seconded the motion. The motion carried with the following votes: Senator Rozell, yes; Mrs. Mabry, yes; Ms. Miles-Scott, yes; Ms. Foresee, yes; and Mrs. Arnn, yes.

Return to Open Session Approved

Mr. Gilpin made a motion to return to Open Session and Mrs. Arnn seconded the motion. The motion carried with the following votes: Mrs. Arnn, yes; Mr. Gilpin, yes; Mrs. Foresee, yes; Ms. Miles Scott, yes; Mrs. Mabry, yes; and Senator Rozell, yes.

Mr. Hammonds said for the record that the Board discussed two proposed items in Executive Session. No action was taken.

Ms. Miles-Scott made a motion to direct Superintendent Barresi to move forward with the settlement as discussed in Executive Session. Mrs. Arnn seconded the motion. The motion carried with the following votes: Senator Rozell, yes; Mrs. Mabry, yes; Ms. Miles-Scott, yes; Mr. Gilpin, yes; Ms. Foresee, yes; and Mrs. Arnn, yes.

REPORTS

Superintendent Barresi said the reports on alternative placement and Troops to Teachers and the Professional Standards production report were behind tab 10 for the Board's review.

NEW BUSINESS

Mr. Gilpin suggested the Board ask the Attorney General for an Opinion as to the use of private contractors in the SDE and in what capacity that can be done.

Superintendent Barresi said that item was covered within the original Board agenda so it is out of order and that item can be considered at the next Board meeting.

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Mr. Gilpin said it was not on the agenda.

Superintendent Barresi said it was regarding employment.

Mr. Gilpin made a motion the Board request the Attorney General review the parameters of when a private contractor, paid by unknown sources, can be used in the SDE and under what circumstances.

Superintendent Barresi asked Mr. Hammond's opinion on the motion.

Mr. Hammonds said this issue was discussed during the agenda item regarding personnel changes and the ruling of the motion being out of order is valid. If the Board wishes this issue be on the agenda for the next Board meeting that would be valid.

Mr. Gilpin asked that with the vote of the Board regarding the contracted employees who are paid with unknown sources, does Superintendent Barresi plan to keep them within the SDE.

Superintendent Barresi said yes.

Mr. Gilpin made a motion that Jennifer Carter, Damon Gardenhire, and Jill Geiger be removed from the building by 5:00 p.m. Friday, January 28, 2011. The rationale is not to be rude or disrespectful, but the Board has expressed the intent that their employment not continue and Superintendent Barresi has said their employment will continue.

Superintendent Barresi said Mr. Gilpin the motion is out of order and that those employees will be working for her.

Mr. Gilpin made a motion for a special Board meeting to address the issues of a possible Attorney General's Opinion, personnel issues including the use of private contractors, the presence of Ms. Carter, Mr. Gardenhire, and Ms. Geiger, in the building using state resources.

Senator Rozell seconded the motion.

Superintendent Barresi said she believes the motion to be out of order because the motion is about issues on the agenda regarding employment.

Mr. Hammonds said employment has been discussed. The request for an Attorney General's Opinion was not contemplated on the personnel agenda item.

Superintendent Barresi said she would be happy to discuss those items at the February State Board meeting. A special Board meeting is unnecessary.

Mr. Gilpin said the motion for a special Board meeting is on the table and seconded. Statute states the Board, by quorum, can set a special meeting at any time and set the agenda.

Mr. Hammonds agreed that the statute states a majority of Board members can call a special meeting. He recommended Superintendent Barresi allow that vote at this time.

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The motion carried with the following votes: Mrs. Arnn, yes; Ms. Foresee, abstain; Mr. Gilpin, yes; Ms. Miles-Scott, yes; Mrs. Mabry, no; and Senator Rozell, yes.

Superintendent Barresi suggested the Board consider three different dates and agree on a date.

Mr. Gilpin asked if Superintendent Barresi instructed the Department division heads that they were not to report to the Board on a monthly basis.

Superintendent Barresi said yes and that all communication to the Board needs to go directly through her office.

Mr. Gilpin said it is required, by law, a variety of reports be presented to the Board.

Superintendent Barresi said SDE staff was instructed to make all communications through her office and she would review and then have them communicate in a specific way.

Mr. Gilpin asked if staff was told reports could be put on the Web site and reviewed there.

Superintendent Barresi said it was discussed that non-action items could possibly be reviewed on the internet. The intent is to make the State Board meetings more efficient.

Mr. Gilpin said some meetings are short and some are not.

Superintendent Barresi said her position is that all Board communication with employees goes through her and she would report the information to the Board or the employee report back to the Board directly.

Mrs. Mabry asked what type of reports is in question.

Mr. Gilpin said reports that have been presented by division heads.

Mrs. Mabry said that does not mean the Board's communication lines to employees are severed.

Superintendent Barresi said that is correct.

Mrs. Mabry said she often has questions and knows what questions to ask.

Superintendent Barresi said she will make sure the Board receives the information needed. Accountability and transparency are very important.

Senator Rozell said the word reorganization has been used several times and asked Superintendent Barresi if there is a reorganization chart available.

Superintendent Barresi said employees will be interviewed to discuss work product, work flow, responsibility, and reporting. When that information is complete then that information can be used for reorganization.

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ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 2:20 p.m. The next regular meeting of the State Board of Education will be held on Thursday, February 24, 2011, 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