

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

July 28, 2011

The State Board of Education met in regular session at 9:30 a.m. on Thursday, July 28, 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 9:25 a.m. on Wednesday, July 27, 2011.

The following were present:

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

Members of the State Board of Education present:

State Superintendent Janet Barresi, Chairperson of the Board
Mr. Lee Baxter, Lawton
Mr. Phil Lakin, Tulsa
Mrs. Betsy Mabry, Enid
Ms. Gayle Miles-Scott, Oklahoma City

Member of the State Board not present:

Ms. Gail Foresee, Shawnee

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 9:30 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.

**JUNE 23, 2011 REGULAR BOARD
MEETING MINUTES APPROVED**

Board Member Mabry motioned to approve the minutes of the June 23, 2011, regular Board meeting. Board Member Baxter seconded the motion. The motion passed with the following votes: Mrs. Mabry, yes; Mr. Lakin, yes; General Baxter, yes; and Ms. Miles-Scott, yes.

STATE SUPERINTENDENT

Superintendent Barresi recognized Dr. Phyllis Hudecki, Secretary of Education, Representative Jason Nelson, and Mr. Karl Springer, Superintendent, Oklahoma City Public Schools.

FIRST-YEAR SUPERINTENDENTS

First-year superintendent(s) attending the meeting were Mr. David Eads, Superintendent, Bray-Doyle Public School.

Superintendents attending the meeting were: Mr. Lloyd Snow, Sand Springs Public Schools; Mr. Jerry Garrett, Velma Alma Public Schools; Mr. Tony O'Brien, Frederick Public Schools; Mr. Bob Bush, Seiling Public Schools; Mr. Wade Stafford, Hardesty Public School; Mr. Tom Wilsie, Tecumseh Public Schools.

Information from the State Superintendent

Superintendent Barresi said the September State Board meeting date will be changed due to a conflict in scheduling. The State Department of Education (SDE) has been active with processing and forwarding allocations to school districts. The allocations under the *Lindsey Nicole Henry Act* were withheld because it is now under the direction of the SDE. Computations were made based on needs for last year and a slight increase for this year. Corrections will be made in the mid-year allocation if the funds are not needed. The Commissioners of the Land Office reported a \$29 million distribution was made to school districts for July 2011. The distribution funds are based on revenues for two months and bonuses from mineral lease sales/auctions. Bonuses are distributed to

school districts through the funding formula. Even though revenues increased and are welcomed school districts are cautioned these numbers are volatile and inconsistent.

Superintendent Barresi said the SDE has been conducting the Teacher and Leader Effectiveness Commission meetings of which a second meeting was held on July 27, 2011. The meeting was very productive and informative, working parameters were set, and three systems for evaluation were presented and reviewed. Representatives from Oklahoma City Public Schools and Crutcho Public School presented their school district leader effectiveness models and others will be presented in the future. The Commission is currently viewing qualitative sides of leader effectiveness models, and will later focus on quantitative evaluation models that will define effective teaching practices in the classroom. The intent of the Commission is to assure there is an effective teacher in every classroom.

CONSENT DOCKET APPROVED

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2010-2011 and 2011-2012 school years, and other requests:

- (a) **Allow Two School Days in a 24-Hour Period – 70 O. S. § 1-111**
Caney Public Schools, Atoka County
Harmony Public School, Atoka County
Moyers Public Schools, Pushmataha County
Wetumka Public Schools, Hughes County
- (b) **Cooperative Agreements for Alternative Education Programs - 70 O. S. § 1210.568**
Eldorado Public Schools, Jackson County
- (c) **Length of School Day – 70 O. S. § 1-109**
Crescent Public Schools, Logan County
Frederick Public Schools, Tillman County
- (d) **Abbreviated School Day – OAC 210:35-29-2 and OAC 210:35-3-46**
Beggs Public Schools, Okmulgee County Alternative Academy,
Okmulgee County
Clinton Public Schools, Gold Academy, Custer County
Purcell Public Schools, Purcell Alternative School, McClain County
- (e) **Library Media Services – OAC 210:35-5-71 and OAC 210:35-9-71**
Dickson Public Schools, Elementary and High School, Carter County
Felt Public Schools, Cimarron County
Hardesty Public Schools, Texas County
Norman Public Schools, Dimensions Academy, Cleveland County
- (f) **Library Media Specialist Exemption – 70 O. S. § 3-126**
Choctaw-Nicoma Park Public Schools, High School, Oklahoma County
Elgin Public Schools, Elementary School, Comanche County
Reydon Public Schools, Roger Mills County
Sapulpa Public Schools, Creek County
Sayre Public Schools, Beckham County

- (g) **Planning Period – OAC 210:35-5-42**
Jones Public Schools, High School and Middle School, Oklahoma County
- (h) **Principal Certification – OAC 210:35-9-46**
Bray-Doyle Public Schools, Stephens County
- (i) 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 – 70 § 13-101.2D
- (j) Approval requested for Oklahoma Parents as Teachers Parent Training Program grants for 2011-2012 – 70 O. S. § 10-105.3
- (k) Request for **Bethany Public Schools**, Oklahoma County, to use \$50,000 of its general fund to make expenditures for capital needs – OAC 210:25-5-4

Board Member Mabry complimented Hardesty Public Schools Superintendent and school board on instituting a tuition reimbursement policy that encourages staff to add certification areas that are difficult to fill. She said library media services are a concern of hers and a difficult area to staff.

She complimented Eldorado Public Schools for their cooperative agreements for alternative education and plans to work with the local CareerTech Center. Mr. Steve Shiever, Superintendent, Crescent Public Schools, request for early release for teachers stated professional development was the key to their success. Board Member Mabry said she appreciated the comments of the superintendents when making their request.

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

Board Member Miles-Scott asked was there an annual conference of superintendents in June? It was not mentioned at the June 23, 2011, State Board meeting and the night before the conference she received an email from Mr. Damon Gardenhire. She said the annual conference has always been a good meeting to attend because you hear the superintendent's reports and meet with teachers.

Superintendent Barresi apologized the information did not reach Board Members. The conference has a new name, "Innovation 2011" and that was probably why it was missed. The focus was different this year and highlighted work done throughout the state by districts. It was important that districts be able to report during the 65 breakout sessions about innovative things they are doing such as operations and instructional practices and for them to show the work they have done. It was very fast paced, and attendance was great. A report will be issued to Board Members after all data is compiled.

DIVISION OF PROFESSIONAL SERVICES

Exceptions to Teacher Certification Regulations Approved

Mr. Jeff Smith, Director, Teacher Certification, Division of Professional Services, presented an exception request for Mr. Jared Keester, Edmond Public Schools, to teach AP physics.

Dr. Debbie Benedict, Principal, Edmond Memorial High School and Mr. Randy Decker, Edmond Public Schools, said Mr. Keester has passed the physics test. He taught upper middle math classes last school year.

Board Member Mabry asked had Mr. Keester taken the general education test and received test results?

Mr. Keester said yes he has taken and passed both required tests.

Board Member Mabry asked what was his plan to take AP physics up another level?

Mr. Keester said he has attended AP physics professional development training where he viewed how it is performed. He felt he is capable of teaching the course.

Board Member Mabry applauded his efforts and said students do not normally enroll in physics much less AP physics. Internationally, our students are below other countries in this area. She asked was he committed in making every moment count with the students?

Mr. Keester said exactly. Keeping the student engaged is the key.

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

Mr. Smith presented an exception request for Ms. Niccole Rech, Ft. Towson Public Schools, to teach biological science, chemistry and physical science. Ms. Rech is certified in elementary education and has a master's degree in science education/agricultural science.

Mr. Jason Price, Superintendent, Ft. Towson Public Schools, said an extensive search was made for a science teacher. Ms. Rech has taken the biology test, and is certified in first through eighth grade.

Board Member Miles-Scott asked how many hours of chemistry had she taken? Normally we would have a transcript to view but none was included in the information.

Ms. Rech said she had 15 graduate hours.

Board Member Mabry asked what courses will she teach and the number of students?

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Ms. Rech said she would teach biology, physical science and chemistry. The class size ranges from 20 to 22 and smaller.

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

Mr. Smith presented exception requests for Ms. Nicole Ballard and Ms. Claire Winterrowd Norman Public Schools, Mr. Wesley Hanneman, Putnam City Public Schools, and Mr. Noah Minton, Tecumseh Public Schools, for school psychologist. They all have completed the required one-year internships.

Ms. Mary Sweetwater, University of Central Oklahoma (UCO), said the applicants are students at UCO who completed the required 60 credit hours specialist level training in school psychology. State and national regulations require they serve a post graduate one-year internship. Oklahoma does not have a certificate that allows automatic issuance, therefore, the reason for requesting an emergency certificate. They will be eligible for standard certification upon fulfilling the one-year internship. The Oklahoma Psychological Association has upgraded the psychological services available to public schools. Many people have the idea the school psychologist is a psychometrician and that school psychological services have changed. We are not psychometrist but are very much involved in the activities of the schools.

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

Mr. Smith presented an exception request for Mr. Grant Johnson, Seiling Public Schools, to teach instrumental/general music. He has passed the general education test and will need to take the instrumental test.

Mr. Bob Bush, Superintendent, Seiling Public Schools, said Mr. Johnson had taken the instrumental test and will receive the test results August 19, 2011. Mr. Johnson answered the advertisement on Teachers-Teachers.com after two other applicants were unable to accept the position.

Mr. Johnson provided his general education test results for Board members to review.

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

Mr. Smith presented an exception request for Ms. Deanne Garrett, Velma Alma Public Schools, for school counselor. Ms. Garrett will complete school counselor certification by spring 2012 of which she has completed 18 hours. She took the school counselor test July 23, 2011.

Mr. Jerry Garrett, Superintendent, Velma Alma Public Schools, said due to a retirement and late resignation it has been difficult to hire in this area of the state. Ms.

Garrett has a master's in library media specialist, and has been reassigned to enable instruction for the four core curriculum classes in the Grade 6 through 8.

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

Board Member Miles-Scott requested school transcript be added to the exception requests.

Superintendent Barresi said the information will be provided in the future.

Report on Alternative Placement Certification and Troops to Teachers

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

Board Member Baxter asked what military facilities did the 59 applicants come from?

Mr. Shelby Satterfield, Director, Troops to Teachers, said the majority of troops come from Tinker Air Force Base in Oklahoma City and Ft. Sill Army Base in Lawton, the two largest bases. Altus and Vance Air Force generally have low participation.

Board Member Lakin asked if troops were recruited at the military bases?

Mr. Satterfield said military personnel are recruited on the bases after completing the required transition assistance program prior to ending their military service. The Troops to Teachers program/incentives requires a college degree, six years of active duty, a three-year reserve obligation unless they are a retiree, and application for alternative certification.

This was a report only and no action was required.

Professional Standards Production Report

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

Board Member Lakin said there is a ten thousand number difference between certificates printed last fiscal year and current fiscal year. He asked were the certification numbers off due to not being counted for the end of the fiscal year?

Mr. Smith said the numbers have been around 30,000 for several years and this is the first decline in numbers we have seen. Finger printing significantly increased due to legislation regarding new hires at school districts.

Board Member Lakin asked when do we get into the warning area? When do we not have enough certificates printed? Do we worry when we get to 15,000 or 20,000?

Mr. Smith said the worry would be the applications coming and we are pretty close to there. It will be interesting over the next few months. If we see the same type of trend into July/August we should be able to predict if it will get any worse.

This was a report only and no action was required.

Recommendations from the Teacher Competency Review Panel Approved

Ms. Melissa Newport, Certification Specialist, Alternative Certification, presented the recommendations from the Teacher Competency Review Panel for 95 applicants to receive a license.

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

DIVISION OF SPECIAL EDUCATION SERVICES

Standards Setting Results for the Oklahoma Alternate Assessment Program (OAAP) Portfolio Grades 3 through 8 and End-of-Instruction Approved

Ms. Amy Daugherty, Associate State Director, Division of Special Education Services, reviewed the portfolio assessment review requirements, the standards setting of all grades and subjects assessed, peer review curriculum standard changes, standard functionality and benefit to students, and academic common core standards linkage.

Mr. Stephen Murphy, Pearson, presented the standard setting process and portfolio assessment program (OAP) differences for setting standards. Mr. Murphy said Pearson sets standards for Oklahoma's alternate assessment program that is part of the Oklahoma state schools testing program, an accounting program for severely disabled students. He reviewed the process, updates, Priority Academic Student Skills (*PASS*) alignments, subject tests, committee recruitment meetings, performance descriptors/expectations, cut scores/tools, portfolio evaluations, and standard setting goals/approach.

Board Member Mabry asked if the portfolio assessments were good for special education teachers, and if they thought this was a viable assessment tool?

Mr. Murphy said feedback was better this year than in past years. Ms. Daugherty did a great job of aligning to the *PASS* standards. There is more content understanding at the proficiency levels which has more meaning due to the better alignment than it has in the past.

Ms. Daugherty said this is a little difficult because it is a teacher led assessment. The amount of time spent on this assessment is significantly higher than a general assessment. She has experienced performing these in the classroom for this student population; therefore the complaints regarding the time are legitimate complaints. It is more of an organizational requirement of the teacher to use what they currently have in the classroom and linking it together. Unfortunately, some teachers are not focused on academics for this student population and not utilizing the common core standards within the classroom activities and instruction. The basic needs and activities are also included and linked back to academic skills. A teacher will have a difficult time at the end of the

year collecting and compiling their evidence if they do not focus on this being an academic concept that is taught. In the past few years teachers have made significant gains in making this happen and do a great job in this area. It is difficult to work with this population to begin with and then for teachers to feel they have to assess their skills to do this assessment sometimes becomes controversial. Now that the assessment is more streamlined and made closer to the general assessment teachers do not feel the assessment is so much about their skill, but more about the student, which is what is anticipated and expected.

Ms. Daugherty presented the results from the standard setting and the impact data as it affects Oklahoma, state mandates, impact scores, and professional developments.

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

DIVISION OF ACADEMIC AFFAIRS

Office of Instruction

Report on Gifted and Talented Education for FY2011

Ms. Cathy Seward, Executive Director, Advanced Placement and Gifted Education, presented the 2011 gifted and talented (GT) annual report. She reviewed the 1981 gifted education legislative mandate and 1994 revisions, definitions/identifiers/criteria for GT students, school district state requirements, compliance auditing/reporting, SDE technical assistance, child count and service data, ethnicity/race/gender percentages, district program options, funding, GT teacher data, state certification, and GTC association updates.

Board Member Baxter asked of the two identifying categories criteria, the first criteria is objective top three percent of the national standardized test. The others appear to be subjective, is that right?

Ms. Seward said they can be. Schools have to define what their multi-criteria is.

Board Member Baxter asked if the criteria definition varies from district to district? For instance, a student in Lawton may be gifted but not the student in Oklahoma City?

Ms. Seward said correct. Schools are required to identify ways they can serve the gifted student. If they do not have a way to serve the gifted students the students are not identified. This does not mean the student is no longer gifted. It means if there is no leadership program, which is one of the criteria, and the school has no way of servicing the GT student they do not identify students using that criteria.

Board Member Mabry asked what about the number of gifted students identified but not served?

Ms. Seward said the main reason is that some students and parents chose not to participate in the program.

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Board Member Baxter referred to the ethnicity and race distribution and asked for an explanation of the break down beginning with Asian students.

Ms. Seward said there are 104,660 students identified as GT in Oklahoma and 3738 or four percent are Asian identified GT students.

Board Member Baxter asked to characterize if it displayed in terms of race, what does it tell?

Ms. Seward said the goal would be for the GT population to match the percentage of the total population. So with the Hispanic/Latino we have seven percent GT population and nine percent of the total ethnicity group population. We would hope to raise that GT population to the nine percent. A gifted student is not a matter of race, ethnicity, or socioeconomic status.

Board Member Baxter said 66 percent of the identified GT students are white and the population of the total ethnicity group is 19 percent. What do you conclude from that?

Ms. Seward said she concluded that white students were being over identified.

Board Member Mabry said maybe the Asian group is being under identified, because there is a big gap.

Superintendent Barresi said in light of that over 1000 students have been identified but are not being served.

Ms. Seward said her thoughts were the same. It could also be based on an ethnic group that does not want their children called out or the child does not want to be called out.

Superintendent Barresi asked they can decline by either through parent agreement or child desire?

Ms. Seward said the parent or child can opt out of services.

Superintendent Barresi asked is there any relationship to the incidents of advanced placement (AP) programs across the state for those students in high school?

Ms. Seward said that could be as well because the preponderance in AP as white as well.

Superintendent Barresi asked could she address the racial gap in AP results?

Ms. Seward said she did not have the data readily available, but a similar gap does exist in the AP program which is one way gifted students can be served in high school. Although there are GT students of other races/ethnicities they are not necessarily enrolling in AP classes for various reasons.

Board Member Miles-Scott asked if International Baccalaureate (IB) students fit in that category?

Ms. Seward said yes, they are counted. Both AP and IB should be included as well.

Superintendent Barresi said as we continue with the student data system we can begin drilling down through this information. It would be interesting to track the student's reading and math scores coming out of third grade and their progression through the years. Then overlay that as we work with our teacher and leader effectiveness model on teacher practices within their classroom.

Board Member Mabry asked should the certification requirement be changed if Oklahoma does not require certification in order to work with GT students?

Board Member Baxter said there is no certified special endorsement(s) or GT college degree, right?

Ms. Seward said it is a catch twenty-two because there are not many GT programs so teachers cannot get the certification or degree. At one time there were two or three degree programs but currently only one degree program is offered at Oklahoma State University-Tulsa.

Superintendent Barresi said teachers are making the decisions as to who qualifies for GT. This is something needing to be looked at closer and also visited with the legislature about.

Ms. Seward said the certification programs died when teachers weren't required to get certified. However, teachers working with GT students are required to get GT training.

Board Member Mabry said she is concerned when elementary and middle school GT students are identified and served and put in a program where they get more and more work. That is not GT. Something must be done regarding certification.

Superintendent Barresi said she will inform Ms. Russell.

Board Member Miles-Scott asked if teachers at schools like Classen and Booker T. Washington have to have special training but not special certification or endorsement?

Ms. Seward said yes. There is no mandate for certification or endorsements. The Oklahoma Association of Gifted and Talented and Creative are working with some universities and legislatures to see that begin but we have a long way to go.

Board Member Baxter said he appreciated the very informative report.

This was a report only and no action was required.

Office of Student Support

Achieving Classroom Excellence (ACE) End of Course Projects, Scoring Rubrics, and Evaluation Requirements Approved

Ms. Kerri White, Assistant State Superintendent, Office of Student Support, presented a request for the performance level rubrics in algebra II, biology I, English III,

geometry, and U.S. History used to evaluate Achieving Classroom Excellence (ACE) End of Course Projects and a request to add the ACE end of course projects as alternate methods for meeting ACE graduation requirements. Ms. White said five committees worked on the development of the performance level rubrics for projects in the content areas. She reviewed the committees recommended projects in each course. The committees believed the projects needed to be created from scratch because they are confidential projects. Students will complete the projects independently and a certified educator will serve as their coordinator for the project. The coordinator does not help the student complete the work but processes the paperwork and helps the student meet required deadlines. The committees worked creatively to sum up an entire course in one project for a student to complete in a reasonable time in order to reach graduation requirements.

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

Office of Accountability

Recommendation to the Oklahoma Department of Central Services to Award the Contract for the Oklahoma School Testing Program (OSTP) End-of-Instruction General and Modified Assessments Approved

Superintendent Barresi said Ms. Stegman will discuss several items and asked for Board approval. The first is Oklahoma School Testing Program (OSTP) End-of-Instruction General and Modified Assessments awarding of the contract, correct?

Ms. Jennifer Stegman, Assistant State Superintendent, Office of Accountability, said she had a couple of contracts and talk about the process we go through. She presented a request recommending the Oklahoma Department of Central Services (DCS) award the contract for the general Oklahoma Core Curriculum Tests for Grades 3-8 mathematics and reading, and Grades 5 and 8 science. Ms. Stegman said the Oklahoma DCS has the authority to award contracts for the SDE. A request for proposal (RFP) is submitted describing all products and services that will be required. *An evaluation team reviews vendor responses, criteria is determined, submit recommendation to DCS. The RFPs that meet the criteria are recommended to DCS and DCS awards contract(s) to vendors fulfilling all requirements. The names of the vendors are confidential until contract is awarded.* She said the first RFP is for the end-of-instruction assessments for the *end-of-instruction assessments*, modified and general assessment. *Vendor proposals included cost, program management, plan statement, quality of products and services, online testing, capability/capacity and past performance and professional resources.* The vendor contract identified as company "C" was recommended.

Board Member Mabry made a motion to approve the request recommending the vendor contract to company "C" for end-of-instruction and modified assessments. Board Member Lakin seconded the motion. *Superintendent Barresi said it has been moved and seconded to approve the bid by company C by virtue of the RFP and process from the Office of Central Purchasing.* The motion passed with the following votes: Mrs. Mabry, yes; Mr. Lakin, yes; General Baxter, yes; and Ms. Miles-Scott, yes.

Superintendent Barresi said Ms. Stegman has some additional information also.

Ms. Stegman said that was for the end-of-instruction. We have a contract for our 3 through 8 and we had issue last year with our assessments. So this is for your knowledge some of the steps we are looking at in taking with a renewal of a contract.

Superintendent Barresi said this has already been approved but we are giving a report and steps we are taking because there were some complaints. She asked Ms. Stegman to report even though it was not an action item.

Ms. Stegman said again this is for the 3 through 8 general assessment component and a modified assessment component which was viewed in the power point handout. Ms. Stegman presented a report on the approved renewed contract for Oklahoma Core Curriculum tests and Oklahoma modified alternate assessment program for Grades 3–8 mathematics for July 2011-June 12. The contract with TestNav which is the platform for online assessments had several testing issues. She reviewed test delays, *unmet timelines*, material mishaps, data verifications/corrections, score results, contract costs, recommendations/resolutions, professional development, online study guides, and the addition of Pearson’s Human Resources Organization (HumRRO).

Ms. Stegman reported things that will be put in place so they do not happen again and at no cost to the state, and independent company to verify and review the score results and processesso they are quality assurance processes. The company itself is implementing additional quality assurance procedures, additional services for school and districts to assure scores are accurate and valid. All steps have been taken for assurance and scores for 2011 are valid and reliable. Additional services will be provided to school districts professional development through Americas Choice which will help them move towards the common core state standards and Oklahoma Educator Common Core Item and Resource Bank. This will be a tool teachers can use where they can write items and the professional development will help the items towards the common core state standards to use in the classroom. Online study guides available for Grades 3–8, teachers and parents. The independent company is HumRRO.

Board Member Mabry asked was the Oklahoma educator common core item and resource bank currently available?

Ms. Stegman said the student locator is scheduled for March 2012. The item writing professional development and item bank is scheduled in October 2011.

Superintendent Barresi said there is no charge to Oklahoma. Teachers will be able to engage in instruction on items in writing and orientate them towards the rigor of testing. Parents will be able to go to the Web site through the student locator number. It will list items students can continue working on at home with parents or a teacher to strengthen skills in weak areas and it also points out the student’s strengths.

Board Member Mabry asked will this be accessible through the SDE Web site or a separate site?

Ms. Stegman said it will be a separate Web site with a link on the SDE Web site.

Superintendent Barresi asked Ms. Stegman to report on the negotiation and size of the settlement.

Ms. Stegman said the product and services are equivalent to \$1.3 million. This does not include the HumRRO independent evaluation.

Superintendent Barresi said and RFPs will be issued for the \$1.3 million for additional writing opportunities for students. She asked Ms. Stegman to report on those.

Ms. Stegman said there are good writing tools for students to write a document that is automatically scored and will report the student's strengths and weaknesses. As we transition to the common core standards this type tool will be important. Writing is one of the key tool changes within the standards that will require students to respond in writing and show their knowledge in writing. Currently the assessments are all multiple choice.

Board Member Miles-Scott asked what was the outcome on the erasure problem reported last month?

Ms. Stegman said an analysis report will be provided at the August 25, 2011, State Board meeting.

Board Member Miles-Scott asked if the report was nothing like the Atlanta Public Schools?

Ms. Stegman said no.

Board Member Lakin asked for more information about the erasure problem.

Board Member Miles-Scott said it looked as if eraser attempts were made to change answers in test booklets after they were turned in which prompted an investigation. She explained the testing issues in the Atlanta School District.

**Recommendation to the Oklahoma Department of
Central Services to Award the Contract for the
Products and Services for Alignment Studies for
the General Oklahoma Core Curriculum Tests in the
Oklahoma School Testing Program for Grades 3-8
Mathematics and Reading and Grades 5 and
8 Science Approved**

Superintendent Barresi said this is to award a contract for alignment studies for the OCCT and Oklahoma school testing program for Grade 3-8 math and reading and Grades 5-8 science.

Ms. Stegman presented a request recommending to award contract for products and services for the alignment studies. She provided product/vendor information, committee evaluations and scores. The alignment studies inform the state of the degree of expectations and assessments and serve in conjunction with one another to guide the system towards students learning what they are expected to know and do. The study reviews the curriculum standards and assessments to assure our curriculum standards are being measured and the same as what should be instructing. There were four vendors responding to the RFP and the committee recommended vendor contract "C".

Board Member Mabry made a motion to approve the request recommending the contract to company "C" for alignment studies. Board Member Lakin seconded the motion.

Board Member Baxter said Board members were informed of a \$1 million-plus settlement with a contractor providing services to the Department. He asked do we draw any conclusions from that information of the efficacy of that company or their ability to perform future work?

Ms. Stegman said it is built into the evaluation piece of the contracts.

Board Member Baxter asked was she saying the performance on a contract would impact then how you rate on past performance?

Ms. Stegman said past performance is part the evaluation criteria.

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

**Report on Accreditation Recommendations
for the 2011-2012 School Year**

**Report on Accreditation Recommendations for
School Sites with Warning or Probation for the
2011-2012 School Year**

Mr. Bob Neel, Interim Executive Director, Accreditation/Standards, presented a report on the accreditation recommendations and accreditation recommendations for school sites with warning or probation for the 2011-2012 school year. The accreditation of schools is invested in the State Board of Education and authorizes the SDE to proceed in the process of accreditation. A school district site is required to file an application for accreditation by October 15 of each year. A regional accreditation officer conducts a formal evaluation of the application and school to determine that school sites are in compliance, and upon their recommendation accredit the school. Mr. Neel reviewed school site regulations, statutory requirements, accreditation application process/procedure; school site accrediting recommendations with no deficiencies, with deficiencies, with warning, with probation, nonaccredit; and the requirements and process for schools on the school improvement list for five years to exit off.

Board Member Mabry asked if schools accredited with probation reasons are library media services do not meet State Board regulations.

Mr. Neel said it is difficult finding and hiring librarians.

Superintendent Barresi asked what categories created the most frequent and second most frequent deficiency occurrences?

Mr. Neel referred Board members to the list of deficiencies in the accreditation report on page 21. The top most frequent occurrences cited were teacher credentialing, library media, and school board member continuing education requirements. The Legislature waived some regulations but is reported and noted for the Board's information. Typically, the waived items are expenditure amounts, but the Legislature

recognized funding would be short, therefore, the schools chose what to fund. If they chose not to pay for a library media person or any waived item the SDE notes the information and it becomes a part of the accreditation data.

Board Member Baxter asked what was being done at the CareerTech system level?

Mr. Neel said CareerTech has a separate system of management and the accrediting evaluation process is different. The SDE evaluation of public schools is much more comprehensive. The Legislature also sets the criteria for CareerTech. Local school boards were contacted regarding board member training requirements.

Superintendent Barresi said the SDE is working with the Oklahoma School Boards Association to develop online training modules to better accommodate members.

Board Member Mabry said she would like legislators to receive the report because their help is needed. If we are to move ahead all these waived items are holding us back.

Superintendent Barresi said Ms. Jessica Russell, Legislative Liaison, is developing an agenda for discussion and visiting with Legislators regarding this issue of waived regulations.

Board Member Baxter said the accreditation standards for Career Technology Centers are called into question when 46 perfect is good.

This was a report only and no action was required.

District and Site Accreditation Recommendations for the 2011-2012 School Year Approved

Mr. Neel presented a request recommending district and site accreditation for the 2011-20112 school year.

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

LEGAL SERVICES DIVISION

Emergency Adoption of Rules Approved

Ms. Lisa Endres, General Counsel, presented a request for emergency adoption of Title 210: Chapter 1. State Board of Education; Subchapter 5. Due Process. House Bill 1380 revokes the trial de novo process proceedings for teachers effective August 26, 2011. The revisions and modifications to the rules eliminate all references to the trial de novo process and adopt and modify current probationary teacher due process procedure to apply to all teachers.

Board Member Miles-Scott said in all these cases of amending rules is because of new legislation, correct?

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Ms. Endres said not all of them. One in particular deals with legislation that will become effective this school year and rules must be in place so that school districts will have a guidance.

Board Member Miles-Scott said she was concerned because Board members did not receive any legislative updates. In reviewing the information she sees that there are changes in wording from 'shall' to 'may'. She asked if it was possible before voting to receive a copy of the actual legislation so Board members will know they are not getting into any conflict with what the new legislation/laws says?

Ms. Endres said there is a link on the SDE Web site that provides a link to get copies of all bills. She said she could provide Board members with the information and that these are rules that are currently in existence. The mark through in the rules is what is being deleted.

Board Member Miles-Scott said she did visit the Web site and saw there were over 100 new bills passed that dealt with common education. She was concerned the Board did not receive any updates during the legislative session for the new year. It concerns her receiving Board materials the day before the meeting and being presented information the day of the meeting that requires the Board to vote on. She wants to assure there is no conflict.

As Legal Counsel for the State Board of Education, Ms. Endres said she had reviewed HB 1380 and it does repeal the trial de novo process and varied the Oklahoma Supreme Court network rules. There is an effective date and text is shown for comparison and recommended the emergency adoption. She understood the concern.

Board Member Miles-Scott said she did understand what Ms. Endres was reporting. She said as an eight year member of the State Board being made aware of legislation pertaining to common education, the SDE/State Board would know what would need to be changed or dealt with. She would still like to see the original wording.

Ms. Endres said in the future communication will be made with Board members regarding legislation.

Board Member Miles-Scott said the Board voted in January to approve the employment of a legislative liaison so that the Board would be and could be informed of changes in legislation.

Board Member Lakin said that is a good point. He asked when the Board votes she did not expect that Board members would have gone through HB 1380 to determine all the amendments were correct. When I cast a vote, I am casting a vote that you have done your job?

Ms. Endres said correct and explained the rule revisions are by strike through to delete or underline to show new language.

Board Member Lakin said he understood but if the change is wrong....

Ms. Endres said then we will be back at the drawing board. If there are deficiencies changes can be made prior to permanently adopting the rule.

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

Ms. Endres presented a request for emergency adoption of Title 210: Chapter 10. School Administration and Instructional Services; Subchapter 1. General Provisions. Revocation of these rules will clarify the law regarding student transfers. The *Open Transfer Act* and the rules contradict one another. She said changes to the rules have been needed for some time. There has been an increase in emergency transfers due to the addition of virtual schools and online courses being offered. The existing *Open Transfer Act* has been in existence since 2000, and in 2004 modified and updated. Administrative Code rules refer back to a period of time with regard to a transfer approval process that has not existed in legislation since 2000. It was determined by SDE staff that with the influx of the emergency transfers that an immediate change was needed to alleviate the confusion of the rule and statute contradiction. Rules carry the same weight as a law and when a statute and rule conflict it creates confusion for school districts. She said at this time we are not proposing new transfer rules. Board Members were provided copies of the *Open Transfer Act* to review.

Board Member Lakin asked the entire rule was deleted?

Ms. Endres said yes. Staff members agreed deleting the information would eliminate inter-agency confusion, compliancy issues for school districts, and deadlines for parents.

Board Member Mabry said she spoke with a superintendent who agreed there was much confusion and the change was OK. He is looking forward to the public review procedure for the new rules because he has comments about what needs to be included.

Board Member Baxter asked Ms. Endres explain the relationship between this and virtual school issue?

Ms. Endres said we have implemented virtual classes and some students will want to elect to take virtual classes but their district may not currently offer virtual classes but another does. One of the emergency transfer rules does indicate, as a reason for an emergency transfer, internet courses. The increase in requests for emergency transfers is what brought this issue to light.

Board Member Baxter said the *Open Transfer Act* information handed to Board Members states, "Any student residing in a school district that was not offered the grade in which the student is entitled to pursue shall be allowed to transfer to a school district inside or outside a transportation area in which the student resides which offers the grade the student is entitled to pursue". He asked Ms. Endres to explain how it pertains to virtual schools?

Ms. Endres directed Board Members to the provisions regarding emergency transfers, page 3-4 of the handout. She said the *Open Transfer Act* allows time periods in which parents may apply for transferring the student.

Board Member Baxter said he understood that portion but what does that have to do with the grade the student is entitled to pursue?

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Ms. Endres said it is under the open records transfer and the beginning language of what provides for the transfer. The conflict between the rules and the *Open Transfer Act* was brought to light because of an increase in applications for emergency transfers and confusion of the process, because of students wanting to enroll in virtual schools. She said it does not have anything to do with the virtual schools, but explains the increase in emergency transfers and the reason for the need of clarification.

Board Member Baxter said in order for a child to transfer under the provisions of the *Act* the school the student is currently enrolled in has to not offer the next grade for that student, correct?

Ms. Endres said no, each provision has to be read.

Board Member Baxter said one of the issues is that Ms. Endres is talking and he is reading. It is very difficult to get through all of this when the information is received the morning of the Board meeting. So pardon my questions, but you brought up the virtual schools. Looking at Section 201, explain under what conditions could a student transfer? What is required in order for a student to transfer and leave a district? This says the district the student is in cannot offer the grade he is entitled to pursue, therefore, the student can transfer.

Ms. Endres said this is one of the provisions and reasons for the open transfer. She referred to the sections referring methods for transfers, school handout, and emergency on transfer. She explained the reason and need for the emergency adoption/revocation of the rule when referencing to the virtual school, was because of the spike in student applications choosing emergency transfers because their home schools did not offer virtual online courses in subject areas that they wanted to enroll.

Board Member Baxter asked this is one of the criteria?

Ms. Endres said yes for an emergency transfer. There are seven criteria for an emergency transfer.

Board Member Baxter asked which one references that?

Ms. Endres said number two is applicable.

Board Member Baxter said it reads “the inability to offer the subject if pupil desires to pursue”. So we have students who want to transfer to a virtual school to pursue a subject that a public school does not offer?

Ms. Endres said there is also a 2010 statute that states no school district can deny a student the opportunity to take any course they want to take online. With that addition to the legislation students have indicated they want to take courses online because their school district does not currently offer online courses therefore they utilize the emergency transfer. The spike in the emergency transfer applications this year resulted in confusion that was brought to our attention and needed to be addressed by emergency rule amendment.

Superintendent Barresi said the nature of the confusion was what districts and applicants thought, and what the agency was determining. She asked Ms. Endres to address the conflict and confusion.

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Ms. Endres said under the old provisions of the rule any type of transfer needed to be approved according to the administrative code rule, and not per the *Open Transfer Act*. The rule required the home district and receiving district agree to the transfer after which time it would be presented to the State Board for approval. The State Board was also a tie breaker if one of the districts disagreed to a transfer. The *Open Transfer Act* states when a receiving school district approves the transfer application by the parent the application is then sent through the SDE Wave student information system (SIS) for review and to determine whether the emergency transfer reason is legitimate. The Wave will approve or deny the transfer request. Only one of the seven situations under the *Open Transfer Act* for emergency does not require approval by the sending school district for the transfer. Basically, if the sending school district did not want to approve a transfer because the law said they cannot but the rule said they can causes the confusion.

Board Member Baxter asked what had the SDE been using to make judgments on these transfer requests?

Ms. Endres said the SDE uses the existing *Open Transfer Act* but what has happened is because our rules are in conflict with the existing act that has created confusion and controversy. There should be no controversy because the statute should always be followed.

Board Member Baxter said Ms. Endres interpretation of the statute, which he had not read, is that if a student wants all of his education through online courses regardless of subject area or grade and a receiving school district approves the transfer, the student can then leave the district?

Ms. Endres said with all due respect, this is about emergency transfers not virtual schools.

Board Member Baxter said he was not talking about virtual schools.

Ms. Endres said the statute does not interpret it that way. There is no interpretation with regard to virtual schools.

Board Member Baxter said his question is if a child wants to go to a different school district under the emergency provisions such as if the building was destroyed or the subject was not offered, or due to a catastrophic medical problem, total failure of transportation facilities, the concurrence of both the sending and receiving districts, or the unavailability of remote instruction by course title in the district of residence, then that child can attend any school district that will accept them. Is that what the law states?

Ms. Endres said the law indicates that the receiving superintendent approves the application.

Superintendent Barresi said the concurrence of sending and receiving is what we are changing, correct?

Ms. Endres said these changes, as stated in the rule impact statement and rule facts sheet, are needed because the rules are referring to a pre-2000 transfer law and not the *Open Transfer Act*. With all the new rules, in regard to virtual schools, there has been an increase and spike in transfer applications and the SDE needs clarification as to which transfer rules to follow.

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Board Member Lakin said we are just conforming Board rules to the law?

Ms. Endres said yes to the statute.

Board Member Lakin said asked if there were other superintendents present who would not be in support of the change?

Superintendent Barresi said this is an effort to clear up the confusion. She has received numerous calls from school districts that are looking at this issue and wanting clarification. This was brought to our attention in April and is now being presented to the Board for compliancy with the law that pre-dates 2000.

Board Member Lakin said this will clarify this issue for everybody. There will be open comment that can further clarify or create rules to make it easier on the superintendents and the school districts?

Superintendent Barresi said yes. It is an emergency adoption and will be presented to the Board again for permanent adoption.

Board Member Baxter said he did not think he was the only person present who reads the paper. The issue of virtual schools is tied directly to this and could not be any timelier. That is what this is about. The reason he is asking questions is really about the intent of the law. Is it the intent? What is the intent of the law?

Ms. Endres said basically there are several statutes and the pieces must fit together. When we interpret the *Open Transfer Act* we have to do so in a method that also takes in consideration other legislation and other legislative mandates. Dr. Neel receives the open transfers and approves/denies the request. We are about 50/50 approving/denying emergency transfers at this time which is based upon criteria that has to do with interpretation of the laws by the Accreditation Office.

Dr. Neel said in his analysis, with the advice of counsel to reach a conclusion on what to do, in the cases students applied to take virtual courses so they could take the class work they wanted, he requested school districts provide evidence they had a virtual school available to students in general, and what the course work would be. Course work offered by the location the student was attending was reviewed and it was determined there was a significant difference he would approve the request. If the school district offered something comparable, and the local school board minutes reflected the course it was offered prior to the submission of the application the applicant would be denied.

Board Member Lakin asked do we do any harm by delaying action for a month and allow time to provide better information?

Ms. Endres said this basically is a revocation of outdated laws/references that are no longer on the books. It is the Board's prerogative to keep the administrative code provision on the books but is not and has not been in compliance with the 2000 *Open Transfer Act*. Emergency transfers will still continue to be submitted, and school districts will need the rules, not two outdated rules, to streamline and clarify the process.

Dr. Neel said a clear and concise set of rules is necessary for SDE staff and school districts to follow as well to determine whether transfers should be made between school districts or in the virtual school.

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Board Member Baxter said he appreciated Dr. Neel's report and what he is up against. It will be the superintendents who have to sort it all out. He asked was it something that had to be sorted out today, or delayed 30 days until the Board has a complete layout of all its implications?

Mr. Karl Springer, Superintendent, Oklahoma City Public Schools, said the connection here with the virtual schools is one that has caused the spike in transfer requests. The issue for school districts is unless the rules are followed there is a risk of one school district beginning to franchise its program all over the state. Oklahoma City denied 71 emergency transfers, 28 of which were kindergarten and pre-K to a school that will be established in Oklahoma City without our knowledge. If we are not careful we will set ourselves on a path where an independent school district can basically make an application for a charter school and establish Oklahoma City Charter schools in Muskogee, Okmulgee, and Idabel.

Superintendent Barresi said we are aware of the situation Mr. Springer was addressing and action was being taken. She told Mr. Springer his comments were off the subject.

Board Member Mabry said prior to 2000 when these rules were written online schools were not an enormous issue.

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

Board Member Lakin asked when do you expect to have the new rules ready for the Board to review and for public comment? What is the timeline?

Superintendent Barresi asked if there was a timeline?

Ms. Enders said the regular rulemaking process occurs when the Legislature is in session. Rules that are passed/adopted when the Legislature is not in session are deemed an emergency rule. When the Legislature is in session the emergency rule would then go back through the permanent rulemaking process. There is a public comment time period for permanent rulemaking.

Superintendent Barresi said every effort will be made for Board Members to be fully aware and we will also use several avenues to inform the public on all the rules.

Board Member Lakin said to the extent that it can be provided, more information succinct in fashion, historical to some extent, will help the Board be better informed so they are not trying to learn and decide at the same time.

Ms. Enders said she will include more detailed documentation to Board members in the future.

Ms. Endres presented a request for emergency adoption of Title 210: Chapter 15. Curriculum and Instruction; Subchapter 27, *Reading Sufficiency Act*. The proposed amendments are due to new legislation effective August 2011, will increase the duties

and requirements of school districts to provide reading remediation for Grades Kindergarten through 3. The significant changes require school districts to spend funds in areas where funds have not been spent in the past. It allows for more flexibility and allowable expenses for the school districts to use their *Reading Sufficiency Act* funds. In the existing *Act* language the word “may” is used, when the original rules were passed the words “shall or will” were used. This completely changed the scope of the *Act* which is not what rules must do.

Board Member Lakin asked the word(s) ‘will’ or ‘must make’ are the changes in section K, correct?

Ms. Endres said the word ‘must’ was changed to ‘may’, and also in section E the language was changed to ‘will’ instead of ‘may’.

Board Member Lakin asked these funds cannot be used to fund something else that has nothing to do with reading sufficiency, right?

Ms. Endres said correct. She explained the application process for using funding.

Ms. Jennifer Watson, Assistant Superintendent, Office of Instruction said there are two project codes for regular school year reading sufficiency funds. The funds are referred to in statute as up to \$150 dollars per eligible child of which school districts identify second and third grade students at the beginning of the school year. The Legislature has never fully funded this nor have the school districts received the full \$150 per child. It has always stated you may get \$150 dollars per child but it has never stated shall. The reading sufficiency funds can be used during the regular school year interventions and remediation for first, second, and third graders. The rules contain strict guidelines in terms of how the funds can be used for professional development training of teachers. They have only been allowable in terms of helping teachers to know how to use the screening instruments that identify the children eligible for the funds. In accordance with the statute this allows appropriate charges districts can claim for professional development that is approved by the SDE that will help in the remediation of the children. The rule clarifies the claims reimbursement process and approval, and nothing else is changed in the Act.

Board Member Lakin asked in section L the words summer academy were left but in section K those words were deleted. Is that correct?

Ms. Endres said section L, refers to what is required if a summer academy reading program is offered. The summer reading academy is in statute and guidelines for the school districts are needed.

Dr. Watson said there are numerous small school districts that cannot offer summer academies. The flexibility in the statute gives a base \$1500 dollar allocation to provide a summer academy reading program. The flexibility allows districts to help eligible third graders and to defray costs.

Board Member Lakin motioned to approve the request for emergency adoption amending Title 210: Chapter 15. Curriculum and Instruction; Subchapter 27. *Reading Sufficiency Act*. Board Member Baxter seconded the motion. The motion passed with

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the following votes: Ms. Miles-Scott, yes; General Baxter, yes; Mr. Lakin, yes; and Mrs. Mabry, yes.

Convene into Executive Session

Status Update of Litigation by Former Employee Jack Herron-25 O.S. § 307 (B)(2) and (4)

Board Member Lakin made a motion to convene into Executive Session at 12:50 p.m. and Board Member Baxter seconded the motion. The motion passed with the following votes: Mrs. Mabry, yes; Mr. Lakin, yes; General Baxter, yes; and Ms. Miles-Scott, yes.

Return to Open Session

Board Members returned to Open Session at 1:40 p.m.

Board Member Lakin asked if the Board had to vote to come out of Executive Session?

Superintendent Barresi said no. She stated there was no action taken in Executive Session.

Board Member Miles-Scott requested Board Members be provided copies of the new organizational chart for the Department and a listing of all the legislative updates.

Superintendent Barresi said that information will be provided.

ADJOURNMENT

There being no further business the meeting adjourned at 1:40 p.m. Board Members voted in the affirmative. The motion passed unanimously.

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