

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

June 5, 2012

The State Board of Education met in special session at 9:35 p.m. on Tuesday, June 5, 2012, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:30 p.m. on Monday June 4, 2012.

The following were present:

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

Members of the State Board of Education present:

State Superintendent Janet Barresi, Chairperson of the Board
MG (R) Lee Baxter, Lawton
Ms. Amy Ford, Durant
Mr. Brian Hayden, Enid
Ms. Joy Hofmeister, Tulsa
Mr. William "Bill" Price, Oklahoma City

Member of the State Board of Education absent:

Mr. William "Bill" Shdeed, Oklahoma City

Others in attendance are shown as an attachment.

**CALL TO ORDER
AND
ROLL CALL**

Superintendent Barresi called the State Board of Education special meeting to order at 9:35 a.m. and welcomed everyone to the meeting. Ms. Holland called the roll and ascertained there was a quorum.

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

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

STATE SUPERINTENDENT

Superintendent Barresi thanked Board Members for attending the special meeting. Superintendent Barresi also thanked State Department of Education (SDE) staff for the hard work performed in a short period regarding the ACE appeals and the FY 2013 budget request.

PUBLIC COMMENT

Dr. Carol Collier, Director, Federal Programs, Norman Public Schools, said she wanted to appeal to the Board concerning state activity funds in relationship to the adult education matching funds. Having more requests than funding is a dilemma. She said she hoped as the Board considered the budget, they would think about the two key issues of what is good for children and what is good for the communities. When children enter school from a professional environment, they have 4,000 words in their vocabulary, but when children enter school from poverty, they know about 400 words. Norman Public Schools have had the opportunity to work with families in the Family Literacy Program to close some of that gap. Time is spent teaching parents how to help their children with reading. Over 500,000 people in Oklahoma do not have a high school diploma. It is very important that these issues are considered when looking at what is going to happen to our state and economy. She said this year, because there were no matching state funds, the family literacy program was continued, but that will not happen next year. Because almost one-third of the funding was lost without state matching funds, half the number of evening classes were offered, which was devastating. There were only 58 graduates from the program in May. It is good for children to have parents who have an education and value education. It is good for the community to build the economy. Those two things come out of the state adult education program. Dr. Collier said she understood there was interest in moving adult education to a different agency, but she hoped the Board would use the state matching funds as the enticement for another agency.

Ms. Jessica Martinez Brookes, Oklahoma City Community College, said she operates one of the largest adult learning centers through Oklahoma City Community College. The center serves over 3,000 adult learners annually. We help the parents learn the English language so they can better communicate with their child's teacher, doctor, and help their child with homework. Many parents come in at the third grade reading level and eventually they earn a GED. Mostly the students are given the self-confidence they need to help them motivate and inspire their child to stay in school and continue thinking about attending college. There is

currently not enough funding for the coming year to continue serving in the same way. At any given time, there is a waiting list of 450 people needing services of the program. Adult education is the best student support service. If parents do well, then the K-12 students will do well. She encouraged the Board to continue supporting the adult education programs offered throughout the state of Oklahoma.

Mr. Jared Mendenhall, Broken Arrow Public Schools, said Broken Arrow became a school district in 1904. For over 100 years, Broken Arrow Public Schools has provided diplomas for successfully completing coursework. It is amazing that now we have decided that making it a requirement to pass the end-of-instruction tests has become quite daunting for everyone. Broken Arrow had a graduation of over 1,000 students. Four students did not qualify, and the district is working diligently with each student and their parents. Six years ago, Governor Brad Henry signed the ACE legislation into law. It is amazing that we have been worrying and paying attention to this issue as educators for that entire time, but the appeals have been changed repeatedly by the SDE, which is very discerning for the people of this state. Rob Miller has spoken to the Board about the Educational Quality and Accountability Board. It is scary that board has not met. This was an accountability board that was supposed to meet, and they have met one time. The board was to look at cut scores and all the information needed to make sure that end-of-instruction was done correctly. End-of-instruction has not been done the right way. He said the best thing for the Board to do today and in the future is to grant every waiver received. There are over 2,000 waiver requests, and the right thing to do is grant every one of them. If we are going to be in high stakes testing, then do it right.

Ms. Janet Dunlop, Broken Arrow Public Schools, said she came to be a voice for the four remaining students. It is fascinating that many times we are blessed to come into this world into families with parents who have a voice in the public setting or have the means to provide extra help to meet academic goals. She said she was representing students who may or may not have that ability. Student Number 1 was denied an appeal because of Algebra I. He has taken the test three times, WorkKeys, and is currently working on a project. However, he is enrolled in a technical program at Tulsa Technology Center. If this student does not receive a diploma, then he cannot continue the tech program free of charge. He could enroll, but he would have to pay as an adult without a diploma. This student is on self-support and lost both parents. Student Number 2 was denied an appeal. This student has taken the Algebra I test three times and has done WorkKeys. This student has goals to attend the tech school and complete the program they are enrolled in currently and then attend community college. This student must work to support the family because they are homeless because of a fire last year. Student Number 3 was denied an appeal, currently maintaining a 2.5 GPA, and qualifies for the Tulsa Achieve Scholarship. The Tulsa Achieve Scholarship is for attending a community college, which does not qualify as a selective college, but that is misleading. To qualify for Tulsa Achieve, a student must have a 2.5 GPA, maintain that GPA, and conduct hours of community service. This student moved to the United States from another country and would be the first child in the family to graduate high school. Student Number 4, who was denied, wants to be a mechanic. He is enrolled in the tech program but cannot continue the tech program free of charge without a high school diploma. He has taken the English EOI five times. The total number of EOI tests he has taken is 15, plus the WorkKeys, and the PLAN test twice.

Ms. Lisa Johnson, Director, Chickasha Adult Learning Center with oversight of Grady and Canadian counties, said the loss of state funding this past year has had a tremendous impact on the number of students the learning center has been able to assist. At this time last year, over 500 students were served. The total number today is 351 served. Classes were lost in Mustang, El Reno, and Newcastle, and the teaching staff reduced by six total teachers. Even though the number has decreased, the number of GED graduates has remained just about the same. In June

last year, 124 students graduated, and this June 113 students will graduate. Adult education is so much more than graduating GED credentialed students. Adult education supports national priorities. People with more education are more likely to get and keep jobs, lift themselves out of poverty, reduce health costs, and take better care of their families. They are better equipped to support their children's education and break the cycles of illiteracy and poverty. Adult education supports jobs. Research studies indicate that by 2018, 63 percent of all jobs in the United States will require at least some postsecondary education. Many adults must refresh their skills in order to get back into education and the training pipeline, and that is the services offered through adult learning centers. Adult education supports children's education. A mother's reading skill is the greatest determinate of her children's future academic success. Adult education and English language instruction help immigrants learn the English language. Programs designed to boost the academic achievement of children from low-income neighborhoods would be more successful if they provided parents with education at the same time. The limited access to adult education literacy services is hampering the success of many other state and educational initiatives in the lives they touch. Making adult literacy a priority would have a positive impact on many of society's pervasive problems. The Board has the opportunity to legitimize adult learning in the public eye and with local and state governments.

CONSENT DOCKET

Superintendent Barresi asked for the Board's consideration of the ACE appeals listed on the Consent Docket. Item 5(a) are the ACE appeals approved based upon verified evidence meeting the criteria for granting an exception to ACE graduation requirements.

General Baxter said as a Point of Order, would the Board deal with items individually as items on the Consent Docket. Will we vote on each one?

Superintendent Barresi said that is correct. Any item on the Consent Docket can be pulled for discussion now or defer discussion until the possible Executive Session for deliberation only.

General Baxter made a motion to approve Consent Docket item 5(a), approval of ACE appeals based on verified evidence meeting the criteria for granting an exception to ACE graduation requirements. Mr. Hayden seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes, General Baxter, yes; and Mr. Price, yes.

Ms. Ford made a motion to approve Consent Docket item 5(b), approval of ACE appeals based upon provided evidence of being accepted into a selective university. General Baxter seconded the motion. The motion carried with the following votes: Mr. Price, yes; General Baxter, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

General Baxter requested Consent Docket item 5(c), denial of ACE appeals based upon verified evidence meeting the criteria for granting an exception to ACE graduation requirements, be removed from the Consent Docket for consideration in Executive Session.

Mr. Hayden made a motion to approve Consent Docket item 5(d), dismissal of ACE appeals based upon verified evidence meeting the criteria for granting an exception to ACE graduation requirements. General Baxter seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; General Baxter, yes; and Mr. Price, yes.

Ms. Hofmeister requested Consent Docket item 5(e), continuance of ACE appeal application to June 28, 2012, due to lack of FERPA waiver, be removed from the Consent Docket for consideration in Executive Session.

Convene Into Executive Session Approved

Ms. Ford made a motion to convene into Executive Session at approximately 10:00 a.m., and General Baxter seconded the motion. The motion carried with the following votes: Mr. Price, yes; General Baxter, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

Return to Open Session Approved

Ms. Ford made a motion to return to Open Session at approximately 11:50 a.m. General Baxter seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; General Baxter, yes; and Mr. Price, yes.

Superintendent Barresi said let the record reflect the Board deliberated over Consent Docket item 5(c) and 5(e) in Executive Session.

Ms. Hofmeister said she wanted to question Legal Counsel regarding the statute.

Ms. Ford said clarification on specifics of the statute would be great.

Ms. Hofmeister asked Ms. Kim Richey, Assistant General Counsel, to explain what it is the Board has the ability to do on item 5(c) regarding denial. What is it that the Board would deny based on provisions in the rule or the statute?

Ms. Richey said the basis of denial would be that the Board would determine that an appeal or a waiver of the statutory ACE requirements would be inappropriate based on rules promulgated by the SBE in 2009. There have been several lengthy discussions about those rules and the parameters determined by those rules. There are extenuating circumstances that have been determined by the Board. The waiver authority is limited to those extenuating circumstances.

The rule approved by the Board in 2009 states the Board has the authority to waive one or more of the requirements in Section b(1). The requirements in Section b(1) detail the steps students go through when they complete the EOI process. The waiver refers to the steps students must go through. The waiver is limited to one EOI exam based on the language in the rule promulgated in 2009. This is the controlling authority since the statute is silent as to waiver. The statute directed the Board to promulgate rules that outline exemptions and exceptions.

General Baxter said the rules promulgated in 2009 restrict the Board from granting a waiver to a student needing two EOI exams and grants the Board the authority to grant a waiver to only those students who have one EOI required. Is that correct?

Ms. Richey said based on this language. The Board could waive the steps and allow a student to bypass the steps outlined in the rule, or if the extenuating circumstances exist, the Board could waive one EOI exam based on the current language in the rule.

Ms. Hofmeister said if a student has not met two of the four required EOI exams, then the Board is restricted from being able to grant a diploma based on language in the rule from 2009 or the rules the Board just approved

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Ms. Richey said the rules from 2009. The rules the Board adopted two weeks ago do not address this issue. The issue we are discussing right now regarding waiver authority goes back to the 2009 rules.

Ms. Hofmeister said House Bill 2970, which gave the language of the 30 days from when a diploma was denied a window for a student to appeal and then 45 days for the Board to act. Is that in any way affecting the rules the Board is using as their authority right now?

Ms. Richey said they are not in conflict.

General Baxter asked if the Board denies an application for an appeal today what impact does that have on the ability of any student being denied to obtain a high school diploma.

Ms. Richey said the decision before the Board today with regard to the appeals that have been filed is just one issue. Are the ACE requirements set forth in the law to be waived for this individual student is the issue. That is the only issue for the Board to determine today. A Board vote does not foreclose a student's ability to continue working end-of-course projects, continue with summer school, or continue to try to meet the ACE graduation requirements in some other way. The only issue the Board is determining is whether those graduation requirements should be waived.

Superintendent Barresi asked could the students persist into the 2013 school term.

Ms. Richey said yes. Even though a student was notified they did not meet ACE graduation requirements this year, there is nothing prohibiting them from going throughout the summer until September 30. A student would have to meet graduation requirements by September 30 to be considered a 2012 graduate. There is nothing that prohibits a student from going into the next school year and meeting graduation requirements to be considered a 2013 high school graduate.

Ms. Hofmeister asked what are the restrictions on extenuating circumstances. The Board recently promulgated rules that expand extenuating circumstances to include an automatic waiver of the EOI no matter how many were missing if a student was given confirmed admission to a selective university or college. There are many compelling scenarios. She asked if she feels a student has extenuating circumstances that would make it difficult for them to complete a project or some other alternative pathway, is that enough to waive all of the requirements.

Ms. Richey said the short answer is yes. There is not an exhaustive list of extenuating circumstances. The Board has not adopted a list of specific cases determined to be extenuating circumstances. The most the Board has done, referring to the 2009 rule, is to define what an extenuating circumstance is. That definition is circumstances which are unexpected, significantly disruptive beyond a student's control, and which may have reasonably affected his or her academic performance. Two weeks ago the Board modified that definition and added language that says or any other special circumstances identified by the Board. The Board gave authority to the ACE Appeals Committee to automatically approve certain situations. The only one the committee has authority to grant is for a student accepted into a selective college or university and that was adopted under the guise of the extenuating circumstances.

General Baxter said he recalls the reason for that is to give the Board as much flexibility as it felt it needed in defining what an extraordinary circumstance was based on the information presented. He would prefer that rather than some rule dictum that this is an extraordinary circumstance and this is not.

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Ms. Richey said the language used in the rule to modify the definition of extenuating circumstance really left it up to the Board to let the SDE know when that would be appropriate.

Superintendent Barresi said to be clear, if the Board determines that an extenuating circumstance exists, does that then exempt the student from one EOI or if they have failed more than one, does it exempt them from all of those tests.

Ms. Richey said under the current language of the rule it is one end-of-instruction exam. Obviously, this is promulgated by rule and if the Board wishes to review or re-examine, that is within their discretion.

Mr. Hayden said what resources are available to help a student meet the requirements going forward and receiving their diploma if the Board denies an ACE appeal application.

Ms. Melissa White, Executive Director, ACE/Counseling, said other alternatives are still available. For example, at the last Board meeting, it was discussed that a student accepted into a junior college or community college, or a student who does not have admission requirements of a selective university, if they complete 30 credit hours, and then at that time they do receive a high school diploma. If a student demonstrates proficiency on any alternate assessments or EOI exams including the end-of-course projects, at that time a diploma would be issued.

Mr. Hayden said his question deals more with what resources are still available through either the district or SDE to provide tutoring or other assistance to students whose appeal is denied.

Ms. White said if a student returns to school, the remediation classes of the failed EOI shall be offered. Students work on the projects individually, but that is something the district should provide for students.

Ms. Ford said so they either finish through the summer or become a fifth year senior.

Ms. White said that is correct.

Ms. Hofmeister asked what is the number of students who have not met ACE requirements and been denied a diploma. Are those numbers still being reported? How is that final data collected?

Ms. White said October 1 was the date the official child count was released. The total number of seniors is the snapshot needed. At this time it is difficult to distinguish without the surveys that are going out to districts how many students are not graduating solely because of ACE or because they are credit deficient.

Ms. Ford said we do not know the number of students that met the additional requirement of being admitted to a university.

Mr. Price said there will not be a final number because through September 30 students will graduate due to taking the tests or doing the projects, be enrolled in college and have the 30 college credit hours, and the students going back to school as a fifth year senior. There will never be a final number, but snapshots of different times.

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Ms. Hofmeister asked are schools providing information to the SDE that they have denied a diploma and they have informed students, or is the SDE notifying those students that there is an appeal process with a 30-day window.

Ms. Richey said she was not aware of the schools' duty to inform the student of the appeals process available to them. The law is very specific that this is a right delegated to the students. The law is silent as to the duty of a school district to provide that opportunity.

Superintendent Barresi said it is first the primary responsibility of the student if they are 18 years old or of the parent to file the appeal. The appeal is not to be filed by the school district. It is the district's responsibility to inform the student of their rights under this law and to provide supporting documentation according to the waiver application. Districts are to present an ACE record of the student's history, the examinations, and their attempts to become successful

Ms. Hofmeister asked Lisa Endres, General Counsel, if she had any concerns regarding due process. Has the State Board's obligation been fulfilled?

Ms. Endres said the obligation to fulfill due process begins when the petition is received. It does implicate in the rules that any decision the Board makes with regard to a waiver is a final agency Order. The final Order would be subjected to an appeal process through the Oklahoma Administrative Procedures Act. Under the Oklahoma Administrative Procedures Act, anyone who has a final Order from any state agency has the right, within 30 days, to appeal to district court. With regard to administrative due process, the Board's decision is final.

Ms. Hofmeister asked what are the other options regarding agenda item 5(c).

Ms. Endres said regarding agenda item 5(c) the Board can vote to deny everyone listed at once, vote on each individually, continue a matter until the June 28, 2012, Board meeting, vote to grant a due process hearing to any one of the individuals, or vote to deny the recommendation which would mean the waiver would be granted.

Ms. Hofmeister said as a Board member we have the right to say there are extenuating circumstances that could be about events in someone's life and the circumstances of what they are dealing with right now, and as a Board, we have the option to waive all of the ACE requirements. Is that correct?

Ms. Richey said no, that is not correct. The rules state an EOI.

Ms. Hofmeister said so if a student is missing two, no matter how compelling, we are restricted.

Ms. Richey said yes.

Ms. Ford said she would like to remove from Consent Agenda item 5(c) Polly Nubine.

General Baxter made a motion to uphold the recommendation of denial for agenda item 5(c) and Mr. Price seconded the motion. The motion carried with the following votes: Mr. Price, yes; General Baxter, yes; Ms. Hofmeister, no; Mr. Hayden, yes; and Ms. Ford, yes.

Ms. Ford made a motion to continue consideration of Polly Nubine's appeal to the June 28, 2012, State Board meeting. Mr. Hayden seconded the motion. The motion carried with the

following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; General Baxter, yes; and Mr. Price, yes.

Superintendent Barresi said let the record reflect that a FERPA waiver for Monique Vann is on file.

Ms. Ford made a motion to deny the appeal application of Monique Vann and General Baxter seconded the motion. The motion carried with the following votes: Mr. Price, yes; General Baxter, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

Mr. Price said item 5(d) was a docket of 15 out of 16 from Broken Arrow. All of those students filed waivers but continued to complete projects in the meantime. It is interesting that of the seven, four are from Broken Arrow, and some of them were not offered an end-of-course project or did not even make an attempt. That is a critical analysis. The vast majority of students will end up doing projects and will end up graduating. Throwing it on this Board, in many cases prematurely before projects were attempted, does somewhat of a disservice to the Board. Districts knew about this long in advance and should have been doing the work with the students on the projects so we were not facing these last minute concerns. He said he hopes that there is the recognition that the school districts have the primary responsibility to work with the students on passing the EOI tests or completing a project. He said his hope going forward is that will be done and no school district will assume that the law will be repealed or that the Board will grant waivers in mass that would eviscerate the law. That is important and school districts need to know that in order to help students pass the ACE requirements. He said he thinks the Board is sending a message that those school districts need to work with the students to make that happen.

Superintendent Barresi said the denial of any waiver does not prohibit the students to persevere and complete their graduation requirements and receive their diploma.

Ms. Ford commended SDE staff and the Board for a lot of hard work in a very short period. Staff did an outstanding job. None of these decisions were made easily.

FY2013 Activities Fund Budget Request Approved

Superintendent Barresi introduced Ms. Colleen Flory, Assistant State Superintendent, Policy Implementation. Ms. Flory will review the philosophy and goals set by the SDE regarding the budget request.

Ms. Flory said goals that have been set are part of the C³ Plan so that each student will graduate college, career, and citizenship ready by 2020, which is the aspiration of the SDE.

Ms. Flory reviewed the seven goals of the SDE beginning in kindergarten through graduation. The seven goals are that each student will enter kindergarten ready to learn and succeed, each student will be ready for fourth grade, each student will be ready for sixth grade, each student will be ready for high school, each student will graduate high school ready for college, careers, and citizenship, each student will be ready for postsecondary work and careers, and each student will have effective teachers and leaders. These seven goals make up the work of the agency, and in so doing we will be aligning strategies, current projects, and programs with the seven goals. The budget items have been aligned to the seven goals.

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Superintendent Barresi presented the FY2013 activities appropriation summary and a comparative of the FY2012 budget request. She reviewed the line items and directed Board members to reform implementation of Senate Bill 346 and House Bill 1456. Those bills deal with third grade graduation requirements and the implementation of A through F requirements. The programs that will aid in the implementation of both initiatives have been identified. Some of the programs will also aid in the implementation of the Oklahoma C³ standards.

The reward school grant competition is an opportunity that will be extended to districts to potentiate peer-to-peer intervention between reward schools and a priority school matching demographics and size of that particular reward school. Districts will compete for the grant, and it will be a very sizeable grant based on the size of the district. As part of the grant competition, districts will agree to engage in a specific amount of interactions with the priority school by all educators and share best practices. Grant funds will be unrestricted to that school site making application.

After the line items, funding for \$10,593,143 is left for other school activities. The amount required for remaining programs is greater than the remaining \$1,062,000.

General Baxter asked about the line item for the truancy diversion program and Street School. He said he understood the intent was that line item was in fact for Street School. If that is the case, it appears it would be funded twice which should not be done.

Superintendent Barresi said when the appropriation was received and the narrative read related to the truancy diversion program, there were capital letters under the words truancy diversion program. We were aware of a truancy diversion program in both Tulsa and Oklahoma City. It was assumed the funding was intended to be used for either one or both of those programs and proceeded forward. Since that time, it was brought to our attention that the money was intended for the Street School. The focus of Street School is dropout prevention and credit recovery. There was a concern that if funds were spent under truancy diversion the other two entities would come forward. To clarify the issue is why there is a recommendation for Street School.

General Baxter said he was not sure the legislation stated truancy diversion program. There are many areas to fund with \$185,000.

Superintendent Barresi said in previous years those programs were funded at least partially by the SDE.

General Baxter said he had no objection to \$185,000 going toward a truancy diversion program but wanted to make sure that was the priority because there are two matching quantities that seem to be aligned.

Ms. Ford said there would be \$185,000 going to Street School.

Superintendent Barresi said that is the recommendation, but the line items specifically state truancy diversion program. We are bound to appropriate money according to the bill. Since then, information has been received that it was the intent the money go to Street School. We are concerned those with the truancy diversion program will raise the issue.

Ms. Hofmeister said she understood legislators specifically used the precise language that was used in 2011, the last time this was funded, at \$185,000. It was the intentional care to make it the same to make apparent that was the intent.

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Superintendent Barresi agreed. However, we were wondering why the description was not a school focused on dropout prevention and credit recovery in the Tulsa metropolitan area.

Ms. Hofmeister said that makes a lot of sense except that Representative Sears has said that this is precisely what was written and meant for Street School, and those who constructed the language did so purposely to make sure it would be understood. She said she would like to see the \$185,000 that in a sense we are funding twice used in another way.

Ms. Ford said we are going to end up not funding Street School.

Ms. Hofmeister said Representative Sears has made himself available.

General Baxter said Street School would be budgeted.

Ms. Ford said the Board needs clarification of the intent.

Mr. Price said regardless if both are funded the question becomes if Street School is fully funded at \$185,000 and a truancy diversion program is a worthwhile item to fund in addition to the Street School, then that makes sense.

Superintendent Barresi said the appropriation bill leaves the awarding of the funds to the discretion of the SDE, which confused the issue even more.

Mr. Price asked is the program in Oklahoma City worthwhile.

Superintendent Barresi said the program has been around for a while and is a program in conjunction with the Oklahoma City Police Department, Oklahoma City Public Schools, and the district attorney's office.

Mr. Price said if the program in Oklahoma City is very successful, then the right solution was determined.

Ms. Ford asked if the Board could have clarification of the intent of that line item.

Mr. Hayden said the request for the remaining programs is over \$3,000,000, but only \$1,000,000 available to work with.

Superintendent Barresi said that is correct.

General Baxter said he had a problem with the fact that a Board member talked with a representative who said what the intent was. Whom do you want to talk to? Do you not believe them or what?

Superintendent Barresi said she was fine with that, and if that is what the Board decides to do, that is fine, and the Department will deal with the protests from Oklahoma City and Tulsa who are on truancy diversion.

Ms. Hofmeister said there are many programs protesting because they are not going to be funded, and she appreciates that this is an issue.

Superintendent Barresi said we wanted to make sure funding was provided to Street School.

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General Baxter said regarding the overage from reform implementation of \$147,831, where does that money go.

Superintendent Barresi said regarding the overage, she could not give an exact figure but anticipates a carryover in the Department budget from FY2012. The other option is to go back to the entities listed under reform implementation and decrease the number of students served or the number of teachers served.

General Baxter said the operative problem is that there is \$1,000,000 to distribute against \$3,000,000 in programs.

Superintendent Barresi said that senate staff has confirmed that it was intended for the truancy diversion program to be for Street School. She said it is the Board's pleasure on the remaining budget items.

General Baxter said the \$2,000,000 for Teacher and Leadership Effectiveness (TLE) implementation is more than needs to be dedicated in 2013-14. The TLE implementation is just beginning, and this is really to assess how TLE is working and suggested funding be \$500,000.

Superintendent Barresi said the value added component is the other half of the TLE evaluation system. There are provisions to implement the qualitative component this year as a pilot year. Developing the quantitative, which is the value added, which is our work to implement because the entire system must be fully implemented in the 2014-15 school year.

General Baxter said he would fund it at \$500,000. He suggested fully funding robotics. The requested amount for the Oklahoma Technical Assistance Center (OTAC) is a lot of money for the program. There is controversy about the program and suggested funding OTAC at \$200,000. He suggested fully funding Street School for \$185,000 and funding A+ Schools at half of what is shown.

Ms. Ford said Street School would be funded as a line item.

Ms. Hofmeister said that leaves an extra \$185,000.

Superintendent Barresi said the budget request must be approved today.

Mr. Hayden asked for an explanation of the adult education matching funds.

Superintendent Barresi said adult education matching funds were facing a \$57,000,000 deficit last year that was zeroed out. A match of federal funds is approximately a two to one match. Since the state did not fund the program at all last year, obviously, services were decreased, and this year this level of funding is needed in order to maintain some level of federal funds. Knowing that the budget would be very tight, there have been discussions with the Regents for Higher Education, and they have expressed a willingness to take on this budget item, but they are also concerned about budget constraints. No action has taken place, but those discussions with Regents for Higher Education will continue. This program provides services from different types of organizations. CareerTech has 12 individual centers that provide students an opportunity to gain a GED, which is the focus of the program.

Mr. Price said the Legislature left approximately \$10,500,000 in discretionary funds. We are trying to fund all the reforms at the K-12 level. The adult education program belongs in higher education, and he would like to do everything possible to get the program funded because

it is important. Trying to implement the reforms, the SDE has no room for that high item in the budget, and higher education does. We should do everything possible to try to make sure that program is funded.

Superintendent Barresi said there has been a discussion with leadership about the possibility of a supplemental request. We would certainly join in a discussion with higher education and legislative leadership concerning this issue. We have some serious concerns regarding reading sufficiency. We are very distressed there is no funding for ready sufficiency. Professional development is another critical item.

Mr. Hayden said there is proposed funding of \$1,000,000 for benchmark testing, and last year there was nothing. What is the difference?

Superintendent Barresi said this particular request for this level of benchmark testing is devoted toward the contract that the Department of Central Services is contemplating for EOI testing. This would provide two additional benchmark tests per EOI test for the state. Benchmark testing has not existed, and districts have been on their own and at their own expense to find commercial benchmark tests as close as possible to the EOI exams. The same company that is granted the contract to do the EOI tests will develop the benchmark tests, and the benchmark testing would be completely aligned. If there is enough carryover, we will devote another \$1,000,000 for benchmarks in Grades 3-8 testing.

Ms. Hofmeister said in approving the \$1,000,000 for benchmark testing we are not adding more testing to that year but providing funding for testing that is already in place, correct.

Superintendent Barresi said districts would have the option to use it. It is not for accountability but only for the information for the student in the district.

Ms. Hofmeister asked if the \$1,000,000 divided equally to all districts.

Superintendent Barresi said the money is not given to the districts. The testing company that receives the contract to develop the EOI exams will have this money devoted toward developing the benchmark tests that will be available to all districts in the state.

General Baxter asked if the Department has a recommendation regarding the \$185,000.

Superintendent Barresi said there is a shortfall of \$147,000.

General Baxter said that is probably not a bad solution to take care of the shortfall.

Superintendent Barresi said the Advanced Placement test fee assistance has been kept stable this year. The demand for that has increased dramatically every year.

Ms. Hofmeister asked about the flexible benefit allowance.

Superintendent Barresi said a 1.5 percent increase in insurance rates was built in because there will not be a definite answer until August. If the increase is less, we will adjust down, and if the increase is over that amount, that will go towards the supplemental request.

Mr. Hayden said \$6,600,000 in funding is going toward ACE remediation, which is \$1,000,000 less than funding for this year.

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Superintendent Barresi said we took \$1,000,000 of those funds for the benchmarks. Districts indicated that would be a useful tool on ACE remediation.

Mr. Hayden said \$6,600,000 is needed for ACE remediation.

Superintendent Barresi said yes, at minimum.

Mr. Hayden said he would hope over time as the reform efforts are funded that less ACE remediation would be needed and less adult education.

Mr. Price said he does have some concerns about cutting out the truancy diversion program in Oklahoma City without knowing whether there is efficacy to it or not.

Ms. Hofmeister asked how the SDE knows that RISE needs the amount shown.

Superintendent Barresi said in past years the RISE School at Oklahoma State University had been funded at higher amounts, but because of budget cuts, the amount of funding was gradually reduced. This amount was the amount it was funded at last year, which was a cut from a request of \$600,000. She said in the year prior to her taking office the funding was supplanted with federal dollars. The Department was required to notify the United States Department of Education (USDE), and we have been advised that was not allowable and they want the money back. The USDE has advised that no other RISE School in the country is funded with state dollars but funded with private dollars. The RISE School is a program for infants and pre-school age children. The school is located at Oklahoma State University and is staffed and run by university personnel. The school serves children with multiple handicaps, but also children with no type of a handicap attend the school. Counseling services for parents are provided, a laboratory setting for pre-service students at OSU is provided, speech and physical therapy is provided. The RISE School is a service to the students, parents, OSU students, and the community.

Superintendent Barresi said with the growing demands in common education she urged the Board to work with the Department on a strategy of how to approach the Legislature about the funding requests going forward. Perhaps look at alternatives to make sure these worthy programs continue and thrive and also possibly making sure they provide a certain level of public and private partnerships as well. For every program recommended for funding, there are many programs receiving no state funding.

Ms. Hofmeister said regarding RISE, if the approximately \$500,000 is not spent for RISE. . .

Superintendent Barresi said the budget has been set for OSU, and the school will be negatively affected in terms of any services and programs they can provide for those children.

Ms. Hofmeister said in terms of the federal money . . .

Superintendent Barresi said that last year the decision was made to replace that supplanting of money with state dollars. This year the budget request is for the same state dollars for the RISE program.

Superintendent Barresi said \$50,000 for the charter school incentive fund is the amount of an award for one new charter school.

Mr. Hayden suggested putting the remaining \$28,000 back into ACE, and Ms. Hofmeister agreed.

Ms. Hofmeister asked what is the value added component training for schools.

Superintendent Barresi said it is to develop the system.

General Baxter made a motion to approve the FY2013 budget allocating the last \$57,052 to ACE remediation. Ms. Hofmeister seconded the motion.

Mr. Price made a motion to amend to have the \$57,052 allocated to AP teaching training and test assistance.

Superintendent Barresi asked if General Baxter would accept the amendment.

General Baxter said no.

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

Superintendent Barresi said she did not hear the motion to approve the budget. If it pleases the Board, can we have one final vote?

General Baxter made a motion to approve the FY2013 activities budget and Mr. Hayden seconded the motion. The motion carried with the following votes: Mr. Price, yes; General Baxter, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

Mr. Hayden asked if there was something the Board could do to support adult education going to higher education for funding.

Superintendent Barresi said if the Board would like to consider a Resolution, we could bring it up at the June 28, 2012, Board meeting.

INFORMATION TO THE BOARD

Superintendent Barresi said VISION 2020 will be held June 12-15, 2012, in Oklahoma City and is available to every educator in the state. Board members are welcome to attend.

ADJOURNMENT

There being no further business the meeting adjourned at 1:35 p.m. Ms. Ford made a motion to adjourn and Mr. Hayden seconded the motion. The motion carried unanimously.

The next regular meeting of the State Board of Education will be held on Thursday, June 28, 2012, at 9:30 a.m. The meeting will convene at the State Department of Education, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma

Janet Barresi, Chairperson of the Board

Connie Holland, Chief Executive Secretary