

**The 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**

**March 29, 2012**

The State Board of Education met in regular session at 9:35 a.m. on Thursday, March 29, 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 9:20 a.m. on Wednesday, March 28, 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  
Ms. Amy Ford, Durant  
Mr. Brian Hayden, Enid  
Mr. William "Bill" Price, Oklahoma City  
Mr. William "Bill" Shdeed, Oklahoma City  
Ms. Joy Hofmeister, Tulsa

Members of the State Board of Education not present:

MG (R) Lee Baxter, Lawton

Others in attendance are shown as an attachment.

**CALL TO ORDER  
AND  
ROLL CALL**

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

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

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

**FEBRUARY 23, 2012 REGULAR BOARD  
MEETING MINUTES APPROVED**

Board Member Ford made a motion to approve the minutes of the February 23, 2012, regular state Board of Education meeting. Board Member Hayden seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Mr. Shdeed, yes; and Mr. Price, yes.

**MARCH 5, 2012, SPECIAL STATE BOARD OF  
EDUCATION MEETING MINUTES APPROVED**

Board Member Hayden made a motion to approve the minutes of the March 5, 2012, special state Board of Education meeting. Board Member Ford second the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

**STATE SUPERINTENDENT**

**Information from the State Superintendent**

Superintendent Barresi said work continues on the Teacher and Leader Effectiveness (TLE) system and an update will be presented to Board members. A town hall TLE question and answer session will be held in the afternoon today. It is one of the many events and forms of communications to further inform districts regarding the qualitative frameworks that are available. Participation has been good however, some districts have not participated and efforts will be made to give them additional opportunities to clarify things. The Oklahoma State Text Book Committee has changed the textbook subject cycle of which school districts were notified. Social studies and science has been reversed this year and Board members will be presented social studies standards. Governor Fallin signed supplemental appropriations for National Board Certified Teachers and the flexible benefit allowance. Eligible teachers will complete an online verification application on or before April 30, 2012, in order for payments to be issued in May 2012.

In the past several weeks a series of email newsletters was launched for superintendents. More will be available for educators, parents and communities. We are interested in tailoring the newsletters with items of interest.

Board Member Hayden said he received comments from superintendents who were very appreciative of the information. They have expressed the need for more information coming from the SDE.

Superintendent Barresi thanked Board Member Hayden and superintendents for the comments. She said the SDE launched the new Website but that it was not 100 percent complete as yet, however the most critical information is available. Another REAC<sup>3</sup>H Summit is scheduled for next week. Several nominated superintendents would be participating in her Superintendent's Advisory Roundtable which will meet regularly and participants will advise her on a wide range of issues throughout the state.

Superintendent Barresi invited Board members to the April 19, 2012, digital learning summit. This will begin the developing process of the statewide digital learning initiative which will include but not be limited to the broad areas of infrastructure, instructional strategies, and online learning opportunities. This will be a long process with many more meetings as we make certain these are the best policies for children.

### **CONSENT DOCKET APPROVED**

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

- (a) **Allow Two School Days in a 24-Hour Period – 70 O. S. § 1-111**  
Colbert Public Schools, Bryan County  
Healdton Public Schools, Carter County  
Marietta Public Schools, Love County  
Navajo Public Schools, Jackson County  
Porum Public Schools, Muskogee County
- (b) **Cooperative Agreements for Alternative Education Programs – 70 O. S. § 1210.568**  
Ringling Public Schools, Jefferson County
- (c) **Abbreviated School Day – OAC 210:35-29-2 and OAC 210:25-3-46**  
Strother Public Schools, Seminole County
- (d) **Planning Period – OAC 210:35-9-41 and OAC 210:35-7-41**  
Crooked Oak Public Schools, High School, Oklahoma County  
Ninnekah Public Schools, High School, Grady County
- (e) Request for Marietta Public Schools, Love County, to use \$50,000 of its general fund to make expenditures for capital needs – OAC 210:25-5-4
- (f) Request for Shawnee Public Schools, Pottawatomie County, to use \$50,000 of its general fund to make expenditures for capital needs – OAC 210:25-5-4

- (g) Request for Twin Hills Public School, Okmulgee County, to use \$50,000 of its general fund to make expenditures for capital needs – OAC 210:25-5-4
- (h) Request approval of recommendations from the Teacher Competency Review Panel for applicants to receive a license - 70 O. S. § 6-202

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

## **TEACHER CERTIFICATION**

### **Report on Alternative Placement Certification and Troops to Teachers Professional Standards Production Report**

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

These were reports only and no action was required.

## **TRANSPORTATION**

### **2012 Oklahoma Minimum School Bus Specifications Approved**

Mr. Trent Gibson, Director, Transportation, presented a request for changes to the 2012 Oklahoma Minimum School Bus Specifications which are revisions to the 2010 minimum standards document. Mr. Gibson said the National Congress on School Transportation meets every five years to review and update the national school transportation specifications and procedures. They serve as guidelines for state policy makers and are designed as minimum standards to assure the safe operation and transportation of students. These changes will improve the comfort, safety, and efficiency of the school bus for Oklahoma schools and be effective in six months. Mr. Gibson reviewed the recommended changes that included child check alarm system, bus roof color, alternator output, identification specifics, lights/signals, mirror requirements, steering gear accommodation, window tinting, hand rail requirements, suspension equipment on specially equipped buses, and used bus standards. He reviewed CNG operated bus options/advantages, district costs, and suppliers/partnerships.

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

## **ACADEMIC AFFAIRS**

### **Office of Educational Support**

#### **Update on the Teacher and Leader Effectiveness Evaluation System (TLE) Implementation**

Ms. Alicia Currin-Moore, Executive Director, Teacher and Leader Effectiveness (TLE), presented an update on the implementation of the TLE. The TLE questions and answer session hosted by the SDE today will be addressing the teacher frameworks and leader frameworks. Representatives from each framework will be available for questioning. Districts must provide their framework decisions by April 16, 2012, and a survey will be mailed detailing the decisions the district(s) have made. Three TLE informational meetings were held February 28, 29 and March 1, 2012, across the state. On March 22, 2012, the TLE Commission met regarding the quantitative portion of the evaluation system. A representative from the Center for Excellence in Education presented information on “value added models.” The Center for Teacher Quality report card on teacher evaluations across the state was made available. Oklahoma received a ‘B minus’ on our teacher evaluation system which is up from a ‘D plus’ in 2009, and tied second in the nation.

This was an updated report only and no action was required.

#### **Update on Exceptions and Exemptions to Achieving Classroom Excellence (ACE) Assessments (Alternative Tests and/or End-of-Course Projects)**

Ms. Melissa White, Executive Director, Counseling/ACE, presented an update on the ACE exceptions and exemptions for students who do not meet state ACE testing requirements for graduation. The SBE approved these exceptions and exemptions in 2009 for students who do not attain a satisfactory or proficient score on the required graduation tests or may have special or extenuating circumstances and must be provided alternate testing options. Ms. White referred to a flow chart detailing a step-by-step process to determine exceptions and exemptions, as well as, a breakdown for out-of-state students, private school transfers, course credits for proficiency based promotions, and EOIs that would put back the graduation date. She said the list of alternative assessments Board members reviewed regarding the ACT, the plan, etc., are the exceptions and exemptions to ACE, and the most recently passed ELL exception.

Board Member Hofmeister asked if the information is available to the public and if so, where the information could be found.

Ms. M. White directed Board Members to the ACE page on the SDE Web site and reviewed the available information.

Board Member Ford asked how many alternative test options are available?

Ms. M. White directed Board Members to the ‘Test and Resources’ page on the ACE page on the SDE Web site.

Board Member Hofmeister asked how long had the ACE exceptions and exemptions information been posted on the Web?

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Ms. White said since 2009 when they were approved.

Board Member Hofmeister asked when were the projects added.

Ms. Kerri White, Assistant State Superintendent, Office of Educational Support, said the first set of projects were approved in December 2010, additional projects were added in April 2011 and August or September 2011, with plans to update and add options for students on the projects throughout.

Board Member Hofmeister said students who are graduating this year have not had the ability or would they not have qualified yet to be a participant with projects until their junior and senior year?

Ms. K. White said it is possible for the student to begin working on a project earlier in their high school tenure. However, having the year and a half is more than sufficient time to complete projects if they are needed. The projects typically take approximately 30 hours to complete.

Board Member Hofmeister asked what qualifies the student to able to take a project and use a project instead.

Ms. M. White said a student project depended upon the different exceptions. The out-of-state student who is in their senior year can go straight to an alternative method. The home schooled or private school student who has been in Oklahoma since their freshman year are allowed two attempts at the state EOIs or an alternative EOI before starting a project. Technically the testing windows are in April and a retest window available in the summer, so within four to five months the student would have had two opportunities.

Board Member Hofmeister asked what the opportunity is for students taking the test in April, and what if it is their second attempt.

Ms. M. White said the student could start the project immediately.

Board Member Hofmeister asked does the student find out right away they did not pass.

Ms. M. White said no. An online test version provides an immediate score to the local district, which has the authority to accept the score, but the score is not an official score. The results of a paper/pencil test version are available two weeks after the close of the testing window.

Board Member Hofmeister said she was concerned because she continues to hear the online results are not received until the summer or later.

Ms. M. White said in the past that was the case.

Board Member Hofmeister said changes have been made to improve that issue, correct.

Dr. Marydith McBee, Assistant State Superintendent, Accountability/ Assessments, said we know it is important for students and schools to receive their information quickly.

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For online assessments that are all multiple choice the student receives their performance level or they will know that they are proficient or advanced within 48 hours of taking the test(s). This provides the student with a heads-up on when they can start an alternative option.

Board Member Hofmeister asked what are the online tests and are they all available online.

Dr. McBee said Algebra I and II, Geometry, Biology I, and United States History are online. At the high school level, English II and III are not online because of the writing component that takes longer to score.

Board Member Hofmeister asked which tests are students required to pass?

Dr. McBee said Algebra I and English II.

Board Member Hofmeister asked this addresses the senior that moves from out-of-state?

Ms. M. White said yes or any year. Upon receiving a call to the SDE, the student is provided and walked through the out-of-state test(s) Oklahoma approves and accepts assuring alignment to the Oklahoma standards, and the student can go straight to any alternative method.

Superintendent Barresi said we continue to work on reciprocity with other states that have high stakes testing for transferring students.

Ms. M. White said a project reporting window closes on April 1, 2012, and she will report the exact number of students that have started projects, projects in progress, completed projects, and incomplete projects and proficiencies at the April 26, 2012 SBE meeting.

Board Member Hofmeister asked her to explain the reporting window to close of the testing window.

Ms. M. White said the law states school districts are to report to the SDE on April 1, August 1 and November 1, the number of projects started and the progress. She said most projects will be in progress but some school districts have reported completed projects and inquired what their next step will be. Visitations were made to school districts to provide assistance and guidance to help better understand the process and immediate use.

Board Member Ford said a school in her district had a high percentage who had not met the requirement but a small number of students did take the alternative testing. Why would that be?

Ms. M. White said she did not know. The most recent numbers reported by school districts from a March survey revealed an increase to 93 percent from 86 percent of students that will graduate. However, the percentage may be higher due to errors in the reports. Ms. White said less than 300 districts have reported.

Board Member Ford said 765 students in Oklahoma City Public Schools, Oklahoma County had only taken the EOIs and 243 students used an alternative method.

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Ms. M. White said the 765 students have shown proficiency on four of the seven subjects solely by the EOI assessments and the 243 students took the alternative method plan. It does not mean they have not had the opportunity to assess other ways.

Board Member Hofmeister referred to the extenuating circumstances on the exception and exemption list and asked for further information.

Ms. M. White said students with extenuating circumstances will be presented to the SBE after the internal review committee determines the extenuating circumstance exists based on all reasonable options.

Board Member Hofmeister asked what is the appeal process and how does it work?

Ms. M. White said upon receipt of the student inquiry and/or request for an extenuating circumstance, all options are reviewed and discussed. The information received is made available to SDE supervisory staff at which time it is determined whether or not the request will be presented to the SBE.

Board Members Ford and Hofmeister asked how many appeals for extenuating circumstances calls and/or emails had been received?

Ms. M. White said any form of contact to her office will be taken into consideration. Currently only one extenuating circumstance has been presented to the SBE but she has received inquiries as to whether or not a student's situation meets the requirement.

Board Member Hofmeister clarified that the extenuating circumstance decision is made internally before it is presented to the SBE. She asked for examples of what a student is told, right now, that would help them since graduation is approaching.

Ms. M. White said students are asked to explain what they have done, discuss what projects they have reviewed, and it is revealed during this question and answer dialog that there are other things available the student(s) can look into. Most often the reasons were due to lack of information, all appropriate steps had not been completed, or the winter testing scores had not been received. Follow up calls are made to the school counselors and/or administrators to further discuss available alternative options.

Ms. K. White said in order to be fully transparent we are working through another potential extenuating circumstance situation. Information gathered from the school district the student currently resides, the original district the student resided, parent information and other involved organizations will be presented to the SBE. She clarified SDE staff does not determine if someone qualifies for an extenuating circumstance, but gathers all information in order for the SBE to decide whether or not a request is an extenuating circumstance and what waiver might be granted. However, the student is taking some of the alternate tests for the first time and there may not be a need for an extenuating circumstance.

Board Member Hofmeister said if it potentially can be presented what is the remedy now that there are six-weeks before graduation? The one student she has been informed about has a scholarship offering and will not be able to accept unless she has a



diploma. What will be the steps and how is the SBE going to be informed of those kinds of things before it is too late?

Ms. M. White said we are collecting the information, asking questions, reviewing test history, and consulting with the school district, in order to present documentation for the SBE to make an informed decision.

Superintendent Barresi said Ms. White works with the parent and/or student and requests that they work through the school counselor as well. In many cases the parents/student, indicate they had never been made aware of the alternatives or claim they were not aware of all the alternatives and had not pursued an alternative.

Board Member Hofmeister said there is no scenario where a student would have tried everything and still cannot graduate.

Ms. M. White said there could be and they would be the extenuating circumstances.

Ms. K. White said the definition of extenuating circumstances refers to something unexpected or beyond the student's control. As an example, Ms. White said she and a school administrator were discussing a student's situation and it became clear there was nothing in the student's life that was an unexpected circumstance, but that the student had not learned the material. The ACE is about students demonstrating mastery so that the diploma has meaning. It would not have been appropriate for the school or the SDE to request an exception from the SBE because the student did not know how to read at a high school level or because the student was not able to do Algebra I. The extenuating circumstance component was designed for cases where a student has a car wreck prior to testing and is unable to take the test or due to a medical circumstance the student cannot sit through a full assessment. The extenuating circumstance component is designed to protect children from things we are unable to predict, not designed to protect children from learning.

Board Member Hofmeister asked would a report be made available to the SBE and how will the SDE determine what the SBE should see?

Superintendent Barresi said school districts are required to notify parents of all the options. We talk with school districts that are at 100 percent and discuss their scenarios to achieve success. Districts have reported some parents refuse remediation and they are urged to document the information with a parent signature.

Board Member Ford said the telephone survey inquiries to schools within her district reported a number of students had been flagged either this year or earlier and students are working on projects while waiting for test results. They simply were not waiting on test results.

Ms. M. White reiterated there are three testing windows through the year and every student scoring unsatisfactory on an exam should be given an opportunity to test again in the subjects during all the retake opportunities.

Superintendent Barresi said a parent or student who feels they have an exceptional situation can make an exception application directly to the State Board Chief Executive Secretary who will provide the information to the SBE and SDE.

Board Member Hofmeister said a student can appeal to the Board in writing? Where can the appeal information be obtained?

Ms. Lisa Endres, Legal Counsel, said if they go through the process with Ms. White and it is determined the request does not meet exceptional circumstances the parent receives written notification from the SDE informing them the request will not be recommended to the SBE. The Oklahoma Administrative Rules provide that a direct appeal process is available to an individual when any type of decision at the administrative level is not acceptable to the individual. Individuals have the ability to make an application and file it with the Chief Executive Secretary of the SBE. The application request will be included on the SBE meeting agenda at which time Ms. White and parents will present their cases before the SBE. Today's exception and exemptions update is to inform the Board of the process on how the SDE would make the recommendation(s).

Board Member Hofmeister said that is a good distinction. Her question comes back to access to the information for parents to clearly understand.

Ms. Endres said before an appeal can be made all available steps must have been followed and a final determination made. Parents would then be advised at that time of their rights to appeal if they do not agree with the SDE decision(s).

Superintendent Barresi said we are doing our best so that the SBE is not asked to hear 300 cases.

Ms. K. White said to clarify SDE staff has not had any conversations with parents, students, or school districts where it was determined their situation was not an extenuating circumstance and the parents, student, or school district did not agree.

Ms. White reviewed the testing windows, testing options, steps, and processes for these students in order to demonstrate mastery in end-of-course examinations, and the appeals process for extenuating circumstances and waiver possibilities. In the future, reports will be provided to Board Members regarding school district student projects for alternative testing and graduation data reports.

This was an updated report only and no action was required.

### **FIRST-YEAR SUPERINTENDENTS**

First-year superintendent(s) attending the meeting were Mr. Scott Farmer, Superintendent, Sallisaw Public Schools; Mr. Ty Harman, Superintendent, Bowlegs Public Schools; Ms. Vickie Johnson, Superintendent, Alva Public Schools; Ms. Victoria Lynn Nance, Superintendent, Navajo Public Schools; Mr. Rodney Vollmer, Superintendent, Billings Public Schools; and Mr. Billy Taylor, Superintendent, Kenwood Public Schools.

## **ACADEMIC AFFAIRS**

### **Office of Instruction**

#### **Focused Field of Career Study in Pre-Engineering and Biomedical Sciences at Great Plains Technology Center Approved**

Mr. Jeff Downs, Director, Science, Technology, Engineering, and Math (STEM), presented a request recommending the Project Lead the Way's focused field of study pre-engineering and biomedical sciences at Great Plains Technology Center. It was determined that Trigonometry, Pre-Calculus and Pre-Advanced Placement (AP) Geometry and math content be cross-walked to Oklahoma C<sup>3</sup> (Common Core) standards from the Priority Academic Student Skills Standards (*PASS*) and are given approval by College Board for the AP status. Documents have been received and at this time are under review. The cross-walk will be submitted for final approval at the April 26, 2012, Board meeting

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

#### **Oklahoma Parents as Teachers (OPAT) Annual Program Evaluation Approved**

Ms. Erin Nation, Director, Early Childhood and Family Education, presented a request to submit the annual evaluation of the Oklahoma Parents as Teachers (OPAT) program evaluation for the 2010-2011 school year. The OPAT program is a home visitation program that serves families with young children birth through age three. A parent educator from the school district makes monthly home visits, hosts monthly parent group meetings, delivers developmental screenings, reviews age appropriate developmental information, and utilizes the Born to Learn curriculum by the National Parents as Teachers program. Ms. Nation reviewed the program goals, locations, programs funding/requirements, enrollment/costs, service characteristics and risk factors, health screening, program participation/benefits and parent survey and statistics, overall child growth/performance, yearly program growth/outcomes, statewide participation, and legislative funding.

Board Member Hofmeister said significant research has been done and the Kaiser Foundation through Tulsa EduCare invested money in the six-week to three-year-old programs because of the significant educational gains in early learning. The OPAT is a great step for Oklahoma to be ready to meet goals, rigor, and high standards and every dollar is well spent.

Maybe when the SBE meets in Tulsa for the April 26, 2012, meeting we could visit these public schools that have high free and reduced-lunch with significant socio-economic impact where programs are. They are purposely placed to begin a partnership with the community to make an impact beyond just those who would ordinarily look for some type of enrichment for children.

Board Member Hayden said OPAT was very helpful when he participated in the program with his first child. It is a great program but sad that only five percent of the eligible population can be served due to funding.

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

### **Priority Schools and Report as to the Progress of the C<sup>3</sup> Partnership Schools**

Mr. Richard Caram, Director of C<sup>3</sup> Schools, presented a report on progress of the priority schools in the C<sup>3</sup> placement. Schools were required to submit district capacity determination documents and evaluators were set up to review. Evaluators were made up of school superintendents, administrators, retired teachers, community stakeholders, CareerTech staff, and SDE staff. Mr. Caram reviewed the evaluator selections, capacity review criteria/definitions, process, components and test results, matrix, final decisions, and recommendations.

Mr. John Kraman, Director, Student Information, reviewed capacity reviews, evaluation scale, results, and comparisons.

Mr. Caram reviewed school district concerns regarding partnership purpose, intention, and processes.

Superintendent Barresi said schools will be provided AP professional development, literacy coaches, and Office of State Finance technology options. Tulsa Public Schools, SDE and the Tulsa community are exploring options for a charter school for McLain Mid-High School. The community advisory board will determine the course. All schools are asked to form a community and/or parent advisory board. As planning goes forward the Board will receive progress reports for each school. If districts determine there are regulations or mandates inhibiting their flexibility they will be offered the opportunity to present to the Board with a plan and/or to consider deregulation. The Title 1 pooling is offered to all priority school districts for the first year. At a later date implementing the pooling system statewide will be considered.

Board Member Price asked if deregulation legislation for priority schools is being considered?

Mr. Caram said yes. To also clarify, the SDE will not bring education maintenance organizations (EMO) in to run schools nor be offered to schools. It is the schools' decision should they chose to do so. The SDE closing schools is not an option.

Superintendent Barresi said the EMOs are not for profit organizations that will manage schools, which is a strategy used by other states in situations similar to these. We are not initiating, but should a district want to go in that direction, it would be explored with the district EMOs.

Mr. Caram reviewed the C<sup>3</sup> priority identified schools, scores, and levels. The Level I schools included Keyes Elementary School, Farris Public Schools, Santa Fe South Middle School, Okay High School, Shidler Elementary, Roosevelt Middle School-Oklahoma City Public Schools, and McLain Mid-High School-Tulsa Public Schools.

Level II schools included Caney Elementary School, Webster Elementary School; Bokoshe Middle School, and Graham High School.

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Mr. Chris Brewster, Superintendent, Santa Fe South Charter School-Oklahoma City Public Schools, and Mr. Karl Springer, Superintendent, Oklahoma City Public Schools, were present. Mr. Brewster said Santa Fe South Middle School's placement on the C3 priority school list was inappropriate and perhaps incorrect. His concerns and justifications were shared with SDE officials on March 28, 2012, and he reviewed those concerns for the Board's consideration.

Ms. Maridyth McBee, Assistant State Superintendent, Accountability and Assessments, reviewed the criteria, formula, and process used to calculate the priority schools when applying for the ESEA waiver.

Superintendent Barresi said the SDE would provide Board members with any information and clarification before the April 9, 2012 meeting.

Board Member Hofmeister asked was the timeline the same across the board for all schools or does that depend if they were C<sup>3</sup> or C<sup>2</sup>. When does the SDE anticipate these initiatives and partnerships? Even though the partnerships have begun is that varying from school to school on when it rolls out and looks different?

Superintendent Barresi said great point. We were pretty far down the road with Tulsa which is why we are able to put a finer line on that situation. The work with Oklahoma City took a different direction. But with all the schools we will continue to dive in this and begin the discussions and move forward. It will be an iterative process as all schools have been told everyone would look different because every school has different challenges in their settings. Our primary focus is on the students. All the priority schools encumber 28,000 students. The question is how can the SDE turbo charge what the school(s) are doing to help each student be successful which is why it will be individual. There is no cookie cutter on this and it is not appropriate. Webster Elementary Schools-El Reno has completely changed out their student population, yet because of the statistical analysis that came up in their capacity review, we have been in discussion with them, the school is in Level II at this time. A year ago Caney Schools requested SDE assistance and reported this year their seniors are 100 percent of passing ACE and will be moved into Level II. These same types of conversations are going on with the priority schools recommended for C<sup>3</sup> status. Representatives from all C<sup>3</sup> schools (principal and or superintendent, a board member, and a community representative) will be invited to a special conference in Orlando, Florida in June. It is important the C<sup>3</sup> schools see model schools that have faced challenges but through their implementation of turnaround principles or models installed have had success to giving them a vision and going forward of what is possible.

Board Member Ford requested to see the district capacity reviews submitted for the schools identified.

Board Member Hofmeister said she is nervous thinking about all this. It is fabulous to offer this much help, but what is the SDE doing. Clearly there has been some planning.

Mr. Caram said the capacity has always been there but had not been collected and utilized in the way it should have been in the past. We are making steps in that direction to be a part of school district's capacity rather than just the SDE.

This was a report only and no action was required.

## **FINANCIAL SERVICES**

### **FY2012 General Fund Balance Penalties Approved**

Ms. Renee McWaters, Executive Director, State Aid, presented request for waiver of the general fund balance penalty for five schools. Pursuant to Title 70 O.S. § 18-200.1 (G) the state aid formula limits allowance on a school district's general fund balance carryover. School districts exceeding the allowable amounts are assessed a penalty against the current year state aid allocation. Ms. McWaters reviewed general fund collection calculations, carry over percentages, exceptions and provisions, general fund balance reductions, federal tax settlement deductions, statewide aid increases, incentive aid, gross productions, consolidation/annexation participation and exclusions, and received federal funds. Sayre Public Schools and Cleora Public Schools submitted letters of acceptance of their general fund balance penalties. The Kiowa Public Schools, Sweetwater Public Schools, and Hammon Public Schools, submitted letters of protest and requested a waiver from the 2012 general fund balance penalty assessment.

Board Member Shdeed asked if any of the three schools had penalties in the past.

Ms. McWaters said yes. Kiowa penalties have been waived seven years, Sweetwater waived six years, and Hammon waived three years.

Mr. Michael Kellogg, Superintendent, Kiowa Public Schools, said this was the school district's eighth waiver request due to not receiving any state aid funds since 2003. An electric generating power plant replaced the state aid and the school receives 58.62 percent of the revenues. The district operates on a calendar year, not fiscal year, therefore, without a large carryover at the end of the fiscal year the December payroll is jeopardized before receiving tax revenues in January. The district has been involved in a lawsuit for the last three years and has paid a large amount in attorney fees. The lawsuit is against the county/power plant of which the school district is a part of the consortium and pays the attorney fees and additional protest amounts. Should the county lose the suit the district will be in financial trouble and will have to consider cutbacks. The issue is the district is the guinea pig for defending how plants are valued in the future not only on the amount they are worth but how much they can make.

Mr. Don Riley, Superintendent, Sweetwater Public Schools, said having too much money has not always been the case at Sweetwater. Wind farms have provided a windfall from tax exemptions. The school district has persevered through tornadoes over three years including loss of insurance and raised deductibles. Mr. Riley requested Sweetwater be allowed to retain the \$4675 carryover money to partially pay for new school buses and reward teachers for being a Reward School.

Mr. Randy Stickney, Superintendent, Hammon Public Schools, said their waiver request did not fit into any of the exceptions. Hammon will use the excess funds toward

a new cafeteria and classrooms. The current facilities are over 50 years old and needs replacing.

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

**Oklahoma Cost Accounting System (OCAS)  
Penalties for Districts in Noncompliance of  
the September 1 Submission Date Approved**

Ms. Mathangi Shankar, Director, presented a request to waive penalties for late Oklahoma Cost Accounting System (OCAS) submission. Pursuant to 70 O.S. § 5-135 school districts are required to submit by September 1 a summary expenditure revenue financial transaction via the OCAS reporting system. Failure to meet the deadline results in reduction of state aid funds. The six school districts in non-compliance of the deadline include Timberlake Public Schools, Alex Public Schools, Kildare Public School, Shady Point Public School, Billings Public Schools and Waynoka Public Schools.

Shady Point School and Waynoka Public Schools submitted letters explaining the delay in meeting the deadline.

Board Member Price and Ford requested the Board be provided school district waiver request history and pattern of non-compliance information in the future.

Mr. Rodney Vollmer, Superintendent, Billings Public Schools said on August 9<sup>th</sup> he was hired as a first-year superintendent and on that same night tornadoes moved through the area. Billings's schools sustained severe wind damage and were without utilities and access to school technology for days/weeks. He was not knowledgeable about the deadline but called after receiving SDE notification and did not submit a request in writing.

Board Member Hayden made a motion to approve waiving the penalties but for future years along with explanation of circumstances include if a school is a repeat offender.

Board Member Price amended the motion to approve the waiver penalty request for Kildare Public School, Shady Point School, Billings Public Schools, and Waynoka Public Schools. Board Member Ford seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

Board Member Ford made a motion to assess waiver penalties for Timberlake Public Schools and Alex Public Schools. Board Member Hofmeister seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Mr. Shdeed, yes; and Mr. Price, yes.

**Report and Possible Action on School Districts Who Did Not Meet the  
Administrative Cost Criteria for the 2010-2011 School Year Approved**

Ms. Lisa Endres, Legal Counsel, advised Board members Oklahoma statute states the SDE shall assess the penalties if they exceed the allowable percentage of the administrative cost. The SBE considers whether a clerical error was made and incorrectly coded. There is no appeal process to waive the penalty(s).

The following school districts received an administrative cost penalty due to OCAS coding errors. Correction of the coding errors resulted in the administrative cost not being exceeded.

Mr. Don Riley, Superintendent, Sweetwater Public Schools said he does not receive state aid and penalty was due to incorrect clerical coding error.

Board Member Price made a motion to approve the penalty waiver request for Sweetwater Public School. Board Member Shdeed seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

Mr. Dennis Hensley, Superintendent, Fanshawe Public School said had a decline of state aid and penalty is due to clerical coding error.

Board Member Ford made a motion to approve the penalty waiver request for Fanshawe Public School and Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Mr. Shdeed, yes; and Mr. Price, yes.

Mr. Greg Fouse, Superintendent, Terral Public School said the penalty is due to his coding clerical error.

Board Member Hayden made a motion to approve the penalty waiver request for Terral Public Schools and Board Member Ford seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

Mr. Mike McGregor, Superintendent, Foyil Public Schools said penalty was due to coding errors for personnel disruptions, changes and cuts.

Board Member Ford asked that the penalty waiver request for Foyil Public Schools be tabled for further review.

Mr. Lucky McCrary, Superintendent, Gore Public Schools, said the penalty is due to previous year coding errors.

Board Member Ford made a motion to approve the penalty waiver request for Gore Public Schools. Board Member Hofmeister seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

Mr. William Skimbo, Superintendent, Tannehill Public School, said the penalty is due to improper coding.



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

Mr. Rodney Vollmer, Superintendent, Billings Public Schools said the penalty is due to incorrect coding.

Board Member Ford made a motion to approve the penalty waiver request for Billings Public Schools. Board Member Hayden seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

Ms. Heather Hendricks, Attorney, Center for Education Law and Mr. Ty Harman, Superintendent, Bowlegs Public Schools. Penalty is due to code used because of the lack of one for legal settlement to former superintendent.

Board Member Hayden made a motion to approve the penalty waiver request for Bowlegs Public Schools. Board Member Shdeed seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Ms. Hayden, yes; Ms. Hofmeister, yes; Mr. Shdeed, yes; and Mr. Price, yes.

Mr. Greg Gregory, Superintendent, Gage Public Schools, said the penalty is due to coding errors regarding the death of superintendent and new hiring dates.

Board Member Hofmeister tabled the penalty waiver request until the April 9, 2012, State Board of Education meeting.

Mr. Ronnie Grant, Business Manager, Santa Fe South High School-Oklahoma City Public Schools, said the penalty is due to personnel coding errors.

Board Member Ford made a motion to approve the penalty waiver request for Santa Fe South HS. Board Member Price seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

Mr. Billy Taylor, Superintendent, Kenwood Public Schools, said the penalty due to personnel coding errors.

Board Member Ford made a motion to approve the penalty waiver request for Kenwood Public School. Board Member Hofmeister seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Mr. Shdeed, yes; Mr. Price, yes.

Mr. Larry Larmon, Superintendent, Spavinaw Public School said the penalty was due to personnel coding errors between consolidated school districts.

Board Member Shdeed made a motion to approve the penalty waiver request for Spavinaw Public School. Board Member Ford seconded the motion. The motion carried with the following votes: Mr. Price, yes, Mr. Shdeed, yes, Ms. Hofmeister, yes, Mr. Hayden, yes; and Ms. Ford.

Mr. Donald Pullen, Superintendent, Wickliffe Public School, said the penalty is due to personnel coding errors.

Board Member Ford made a motion to approve the penalty waiver request for Wickliffe Public School. Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Mr. Shdeed, yes; and Mr. Price, yes.

Mr. Boyd Braden, Superintendent, McCord Public School, said the penalty is due to miscoding error.

Board Member Hofmeister made a motion to approve the penalty waiver request for McCord Public School. Board Member Ford seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

Ms. Shankar said Albion, Monroe and Avant Public Schools submitted penalty waiver request letters. The penalties for all were due to coding errors.

Board Member Ford made a motion to grant Albion Public Schools based on a clerical error that will offset the penalty. Board Member Shdeed seconded. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Mr. Shdeed, yes; and Mr. Price, yes.

Board Member Ford asked to table the remaining school districts on the noncompliance list until the April 9, 2012, State Board of Education meeting.

## **LEGISLATIVE UPDATE**

Mr. Joel Robinson, Chief of Staff, presented an update on education legislation and reviewed bills regarding the SDE. Legislation was reviewed regarding architect requirement, EOI test scores on transcripts, Paperwork Reduction Act, moratorium extensions, A through F rules, SDE Website penalties, appropriation reductions, appeals process for not meeting EOI requirements, ACE rule amendment and application process, C<sup>3</sup> partnership school language, School District Empowerment Act for deregulation, virtual education commission, and virtual school statewide charter.

## **LEGAL SERVICES**

### **Permanent Rule Adoption Approved**

Ms. Kim Richey, Assistant General Counsel said a public hearing was held March 19, 2012, regarding adoption of permanent rules. Seventy-five people attended the public hearing. Board members were provided copies of all public comments received by the SDE and an audio recording of the public hearing. Public comment was received for four out of the nine rules being considered for permanent adoption.

Ms. Richey presented Chapter 15. Curriculum and Instruction; Subchapter 8. Six-year Comprehensive Local Education Plan, which alleviates the reporting burden for

school districts and eliminates a section of rule relating to the six-year plan that was not authorized by statute for permanent adoption.

Ms. Richey said the recommendation of the SDE is for this rule to be stricken because it is an undue reporting requirement on schools. No public comment was received related to this rule.

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

Ms. Richey presented Chapter 15. Curriculum and Instruction; Subchapter 3. Priority Academic Skills, which are new Oklahoma College, Career, and Citizen (C<sup>3</sup>) Standards for Social Studies. Rules formally enact recently revised Social Studies standards for permanent adoption.

Ms. Richey presented a recommendation to strike the pre-kindergarten and kindergarten section of the social studies rules. Currently pre-kindergarten and kindergarten social studies rules are located in a different section than the remaining social studies rules. The proposed rules will place all social studies curriculum, pre-kindergarten through Grade 12 in one place. The other rule amendments are for Grade 1-12 social studies. Public comment was received relating to these rules. Public comments were considered and based on those comments changes were made.

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

Ms. Richey presented Chapter 15. Curriculum and Instruction; Subchapter 23. Gifted and Talented Education Regulations and Program Approval Standards, which establishes a process for withholding gifted and talented education funds for school districts who fail to submit a statutorily required gifted and talented education report by August 1 of each school year for permanent adoption.

Ms. Richey said the purpose of this rule is to implement a current statutory school district reporting requirement of gifted and talented (GT) funds by August 1, and the manner in which they expend the GT funds. The rule will allow the withholding of GT fund money until reporting requirements are met. No public comment was received relating to this rule.

Board Member Ford asked if this was necessary because of a statutory requirement.

Ms. Richey said the rule deals with two statutory requirements. The first requires that school districts report by August 1 the manner in which they have expended GT fund money. A portion of the statute allows withholding funds if schools fail to meet reporting requirements. The rule ties the two issues together.

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

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Ms. Richey presented Chapter 20. Staff; Subchapter 9. Professional Standards: Teacher Education and Certification, which establishes a world language certification and an international visiting teacher certification for permanent adoption.

Ms. Richey said the rule proposes two new types of teacher certifications. The first certification will be available for visiting teachers from a foreign country who have been contracted and hired by an Oklahoma school district; the second is a world language certification for languages that Oklahoma does not currently have an examination. A national world languages examination is currently used for certification in lieu of a state examination. No public comment was received relating to this rule.

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

Ms. Richey presented Chapter 25. Finance; Subchapter 5. Budgeting and Business Management which provides specific authority for the State Board of Education to obtain copies of recommendations, notes, and expectations pursuant to 70 O.S. § 22-108 for permanent adoption.

Ms. Richey said public comment was received regarding the auditing rule. Currently auditors are hired to conduct audits of school districts and note actual deficiencies within those audits. Auditors will provide other types of comments referred to as recommendations, exceptions, or notes. It has been the intent of the SDE to create rules to allow for access to those recommendations, exceptions, and notes included in the audits. Based on public comment certain portions of the rules were changed.

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

Ms. Richey presented Chapter 10. School Administration and Instructional Services; Subchapter 1. General Provisions, which implements provisions of the Oklahoma School Bullying Prevention Act; monitoring school districts for compliance with this section and providing sanctions for noncompliance with this section for permanent adoption.

Ms. Richey said public comment was received. This rule implements the provisions of the *Oklahoma School Bullying Prevention Act*. The SBE is required to adopt rules for monitoring and provide sanctions for noncompliance. A majority of recommendations received at the public hearing were implemented.

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

Ms. Richey presented Chapter 10. School Administration and Instructional Services; Subchapter 9. Lifelong Learning which establishes a GED computer-based testing fee for permanent adoption.

Ms. Richey said the need for the rule is because the GED testing service is requiring all states implement a computer-based testing program by 2013. The rule allows for a

rollout in Oklahoma. Oklahoma will allow schools to begin offering online testing by September 1, 2012, and requires all GED online testing be conducted by January 1, 2013. No public comment was received regarding this rule.

Mr. Shdeed asked what the fee is and who pays the fee?

Ms. Richey said the student will pay the fee.

Ms. Stephanie Curtis, Executive Director, Adult Learning, said the reason for the fee is that no federal or state funds are received to operate the GED testing program. Currently a \$10 fee is charged for the paper-based test but when that is no longer available, the revenue source will be lost. A fee needs to be established for the computer-based testing. The cost for the computer-based test will be \$4 per content area, of which there are five.

Board Member Ford said this rule would go through a different process because there is a fee associated with the rule.

Ms. Richey said that is correct. In order for the rule to become effective, an author is required to be assigned to the rule. Any rule establishing a fee must be passed by affirmative action by either a concurrent or joint Resolution of both House and Senate in order for the rule to be effective.

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

Ms. Richey presented Chapter 10. School Administration and Instructional Services; Subchapter 13. Student Assessment which establishes an "A" through "F" grading system for certain public schools and school districts. Defines and clarifies criteria, which relate to each letter grade, establishes guidelines for the issuance of school report cards, and addresses information regarding school improvement for permanent adoption.

Ms. Richey said the proposed A through F rule enacts provisions of House Bill 1456, which was passed last legislative session. The rule defines and clarifies criteria that relates to each letter grade and establishes guidelines for the manner in which grades will be earned by schools in Oklahoma.

Comments were received at the public hearing that administrators and superintendents had not been consulted prior to the drafting of the rule. The drafting process for this rule began in early December 2011. During the drafting process the SDE conducted conference calls and meetings with superintendents, administrators, principals, and teachers to seek input on the manner for implementation statewide prior to drafting the rules. Staff met with the authors of the bill to confirm their vision. Public comment relating to the rule was received. Each public comment was considered in drafting this rule.

She clarified public confusion as to whether just school districts would be given a grade. The law specifically states that every school and every district shall be given a grade. To clarify that point the word site was inserted in the rule.

The language defining an eligible student was made clearer. The rule now states that an eligible student is a student that has been enrolled for the full academic year and taken all state annual standardized assessments or end-of-instruction tests excluding students who have taken the tests on multiple occasions.

The words previous school year were clarified and the words percent tested were changed to the percentage of students assessed, based on public comment. The words prior school year were changed to previous school year. This is a change that occurs throughout the document. The word gains was replaced with the word improvement.

The number of eligible students with valid state standardized testing scores required before grades are assessed was clarified. Previously in the rule the minimum number was set at 10. Public comment was received questioning whether that was a valid sample number. Statutory language requires an Nsize that matches industry standards. The typical number sample size used is 30, which is the number currently used in the NCLB system. In the rule, the number was raised to be an Nsize of 30 eligible students.

Board Member Hofmeister asked does that mean certain schools would not receive a grade.

Dr. Maridyth McBee, Assistant State Superintendent, Accountability and Assessments said when the N count was raised to 30 we had looked at the impact on how grades would fall out by site. When the Nsize of 10 was used, two percent of schools did not have enough students to have the growth calculation. Using a 30 N-count increased the growth calculation to eight percent. If a school is in the situation of not having enough students to qualify to have a growth score, it has been suggested in the guidance that their report cards would be 50 percent performance and 50 percent whole school improvement.

Ms. Hofmeister asked if that would be 140 schools.

Dr. McBee said yes, approximately 140 schools.

Ms. Hofmeister asked if those schools would receive a grade.

Dr. McBee said yes.

Ms. Richey said clarification was given to the statement both state standardized assessments and end-of-year were required. The word or was added to clarify it is one or the other. The words administered to eligible students was added referencing what constitutes an eligible student. Public comment was received related to the fact that previously students who scored limited knowledge on state standardized assessments were not given a point valuation with regard to this particular 33 percent that is based on total test scores. In response to public comment, a value was assigned to students scoring limited knowledge.

Still in the section measuring whole school growth, questions were received that schools should receive credit for moving students from proficient or satisfactory to advanced. It was never the intent to not assign a point to those students. The language was not clear in section (b) 6 that stated remains proficient or above from year one to

year two is where the students were counted. It was articulated more clearly the growth that will actually receive a value point.

Clarification to section 3(a) regarding the 17 percent addressing the growth of the bottom 25 percent of students in the particular school. It now reads the calculation of a positive change in OPI score, or exceeds the state average growth, represents the number of eligible students who have.

A request was received to insert some type of timeframe reference in the rule relating to when the SDE technical assistance would be published. Public comments were received asking specifically why the mathematical criteria for the bottom 33 percent were not specifically included in the rule. The reason was that it is a four-month long process to change any of the information in order to provide more flexibility to the department and to the SBE. In adjusting the mathematical criteria either as new data becomes available or as deficiencies are identified in the current formula, the way we addressed it was to require by rule that the SDE publish technical assistance annually notifying the schools on how that particular portion of their grade will be calculated. Language was inserted requiring that the technical assistance be published in time for school districts to use the information and data.

High school graduation rates were questioned as to how the rate is calculated. The federal government has specific requirements for how graduation rates are calculated and will be changing. Language was inserted to clarify as defined by federal regulations. Schools will be required to report to the SDE in the same manner the dropout rate is required to be reported to the federal government.

There was confusion about the words dual enrollment and based on public comments that has been changed to read concurrent enrollment. Questions were received relating to AP/IB and AICE calculation of participation; specifically students who are enrolled in those classes do not always take the examinations for various reasons. This criteria was taken out of the rule and now participation in the accelerated coursework in all aspects will be based on the student earning a passing letter grade. Public comment was received regarding the percentage to earn an A, B, C, should be modified. The percentages were modified so that the bottom of the A classification was lowered to 70 percent also with B and C grades. The same scale was also applied in the performance of advance placement and IB classes.

Public comments were received regarding unclear wording relating to the phrase one time for each test examination because it was unclear if that meant each test examination or each time the test was taken. The language was modified to reflect that a student would be counted once for the SAT and once for the ACT regardless of the number of times taken or the grade when the tests are taken. In addition, language was modified regarding the participation rate required to earn an A and B was lowered from 80 percent to 75 percent. The same clarification was applied to ACT and SAT performance count.

Public comments were received regarding section 7 that refers to exams as criterion reference tests. All other references in the statute refer to the test as the state's standardized test. There is no difference and it is the same test that is considered. Language added was administered pursuant to the Oklahoma State Testing Program for clarification.

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Comments were received regarding graduation rates of high school students who scored unsatisfactory or limited knowledge on the eighth grade assessment. That portion of the rule was clarified and states that the school in which the student graduates will receive the credit for the student, regardless where the student attended the eighth grade.

Calculations were made for the middle and elementary school grades in the same manner so that all three considered the percentage of students taking higher level course work at a satisfactory level or higher, both were counted towards attendance and counted towards dropout rate. The calculation of accelerated course work was removed from the elementary school calculation and only remains as part of the formula in the middle school calculation of the 33 percent. In the rule, it has been moved as a bonus point for elementary schools because there is no way to track advanced courses being offered in elementary schools. Due to the changes, two new sections created for the calculations on the 33 percent will be calculated for middle schools and calculations for attendance and dropout rate.

Attendance rate calculations for schools reporting on an hourly basis were questioned. Schools have the option to report required attendance rate by hourly computation or school days. The rule clarifies how schools will calculate based on hourly computation.

Board Member Hofmeister said elementary schools will receive a bonus because of advanced coursework and students taking the EOI. That was part of the statute, correct.

Ms. Richey said yes the elementary school would receive a bonus. Yes, it was part of the statute and that is the reason it is included as a bonus. The compromise, even though we cannot capture the data at this time, was to make it a bonus so that schools who offer advance courses to elementary students will benefit from the statutory provision.

There are no criteria changes to the attendance or dropout rate. The new calculation for the 33 percent on whole school improvement for elementary schools will only include dropout and attendance.

Language addressing bonus points was stricken in Section G, and language added that schools will receive the technical assistance in time to make meaningful use regarding the bonus section. All schools, high schools, middle schools, and elementary schools, will receive a bonus based on the school climate factors and parent and community engagement factors. A new section added specifically addresses bonus points elementary schools earn for offering higher-level coursework. Earned bonus points specifically relating to high schools for providing college preparatory coursework and college remediation were unmodified. No changes to bonus point allocations based on a grade point average scale. It was specified that schools shall have 30 calendar days, not business days, to review data on which the performance grades were based. The time limits language specified by State Superintendent was stricken and clarified there is only one timeline, 30 calendar days, for schools to raise issues related to the performance data.

School representatives expressed during public comment they did not want the scale continually moving. The intent was to allow the SBE to exam criteria, the manner in which grades are issued annually to determine whether it is meeting our needs, to determine it is based on the most current data available, and determine whether



adjustments should be made to the criteria. In Section A the first part of the sentence was stricken and the word 'upward' was stricken to clarify the original intent.

Board Member Hayden asked for further explanation about what the 30-day roll out looks like. Santa Fe challenged the metrics and their score and he wants to feel comfortable that the score and the appealing process around that is finalized before going out with public grades. Because once you throw something out and have to go back and correct it for mistakes it is too late, the damage is done.

Ms. Richey said she agreed that once the grade is issued it is out there. That was the purpose for implementing the 30-day review period. There is not a formal appeal process, necessarily, but a review process to look at the data. The SDE's first contact with the school to discuss the performance data and grade issuance is not released publicly. The 30-day period begins upon that notification to the school to engage in dialog as to whether the data that the grade was based on is accurate. Grades would not be publicly released prior to that point.

Board Member Hayden said hypothetically, when a school receives a 'C' and they think it is not accurate, they have the 30-day window, they talk with SDE staff, and the SDE says "sorry, it is a 'C'". At this point, is it a done deal? Is there not any appeal process to the SBE?

Ms. Richey said there is no subsequent appeal process.

Board Member Hofmeister asked why an appeal process could not be written into the rule.

Board Member Ford asked what would constitute a reason to appeal.

Board Member Hayden said this is still an extremely complicated process. The letter grade of an 'A, B, C, D' visually is a simple process to understand. However, the metrics calculator to get to there has many components that make it extremely complicated. There may be sections where full due diligence has not been given to certain segments, which may have a material effect on the grade. The cut score is so fine and if you're one point on the wrong side of the range, the consequence is a whole letter difference. The SDE makes the letter grade determination based on the criteria, notifies the schools/districts, and within 30 days the school disagrees, but the SDE may say the decision is final.

Board Member Ford said where do you draw that line.

Board Member Hayden said based on the criteria, the SDE will make the grade.

Board Member Ford said that is the 30-day appeal process – the discussion of the data.

Board Member Hayden said but the SDE makes the final decision. The SDE makes the initial decision and then the final decision. There should be a step in the appeal process where the Board is involved.

Board Member Shdeed said by putting the appeal process step in, everyone would appeal even if they thought they were wrong.

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Board Member Hayden said he is more for making sure there is a good solid fair outcome. If a school feels they have an unfair result, he is willing to commit the time to listen to them, regardless of how many.

Board Member Ford agreed, but this is the criteria to get a grade. This is the data that they have 30 days to work with.

Board Member Hayden said he wants to see the data.

Board Member Ford said when schools come before the SBE to argue against the approved criteria, it puts us in a position to say what works for one and not another. There has to be a process that the Board must agree with or not agree.

Board Member Hayden said he was not challenging the process.

Board Member Hofmeister said the absence of an appeal process is significant. Even in school, you can appeal your grade.

Board Member Hayden said a process was established for end-of-instruction giving an opportunity to appeal to the SBE. Why would we not do the same for 'A through F', where a school district may disagree with the determination?

Board Member Hofmeister said there are so many moving parts in this rule and she appreciates all the work done. However, to think there is never going to be something that is an error that would need to be explained, why not do it right the first time?

Ms. Richey asked Board Members to clarify what they were envisioning outside of what the 30-day process provides. She said it is her understanding the school will not be able to ask questions, to disagree with the grade, or to request reconsideration of the determination. That is all part of what the SDE envisioned with the 30-day process. What beyond that is the SBE envisioning for schools?

Board Member Hayden said he is envisioning a system where the person making the initial determination is not the final judge and jury of that decision. Because there will be a tendency to defend the initial rating. He is not saying the SDE will have malicious intent, but in a Court of Appeal, you do not go back to the same judge to have an appeal, you go through another part of the process and let other people look at the data because you might make a mistake. In his business there is a chain of command and an open door policy. When a supervisor makes a decision and the employee disagrees, they have an opportunity to appeal the decision with that person's supervisor up one level.

Board Member Price said he understands there are minuses and pluses so a grade does not go from a C to a B. There will be language in the rule to allow for a C+, a D-, B, or B-, etc. There will be gradations of different grade levels.

Board Member Hayden asked if that was correct.

Ms. Richey said that is correct.

Board Member Hofmeister asked how is that explained in the rules. How does a school receive a plus or minus. She said she was not clear on that issue.

Board Member Hayden said he had not seen that information anywhere.

Dr. McBee said the Board has not seen that portion of the rule yet. We were responding to state law that requires writing rules for the A through F. The next phase will include a response to federal law. According to the annual measureable objectives if schools get all or most of their annual measureable objectives, a plus is added to their grade. The Board does not have that information yet because it is another step and refers to a different piece of legislation.

The current process for appealing may need to be included in the guidance. There is an appeals process for the current adequate yearly progress. After districts receive their report cards they have the opportunity to appeal to a committee that reviews reasons why the district should have received a different score and a determination is made.

Board Member Hayden said he wants to make certain some kind of appeal process is in place for the sake of fairness and equity. He said he was still confused about the minuses. When will the grades be released?

Dr. McBee said by November 1 of next year and possibly September.

Board Member Hayden said for example if Enid Public Schools has a 3.74, what grade would they receive.

Dr. McBee said overall, they would receive a B.

Board Member Hayden asked where the pluses and minuses come into play.

Dr. McBee said it is a completely different system. Each subgroup must make a certain amount of achievement and gain and that is part of the wavier. It is the same criteria used now. The difference will be that if all annual measureable objectives are made that will result in a plus on the grade.

Board Member Ford said under the rule the grade will not include a plus or minus.

Dr. McBee said that is correct.

Board Member Price asked when will the plus and minus be available.

Dr. McBee said as soon as possible.

Board Member Ford said the plus and minus will use different criteria.

Dr. McBee said that is correct.

Board Member Hayden said the other area of concern is understanding how we came up to 3.75 to 4.0 as the overall school grade. Why was 3.75 chosen.

Dr. McBee said there is a 90 percent spread for each component. The grade will reflect the generosity of not being perfect but to be down to 90 percent. The percent of schools that would have each letter grade. If the 3.75 is kept and the attendance criteria the way it is stated in the rule there would be approximately ten percent of sites would make an A, approximately 50 percent of sites would make a B, 30 percent would make a

C, and approximately eight percent would make a D, and two percent making a grade of F.

Board Member Ford said that is based on the 3.75 cut.

Superintendent Barresi said 60 percent of school sites would receive an A or B grade.

Board Member Ford said ten percent of the sites would be considered excellent, 60 percent would be considered above average, and 30 percent considered above average.

Board Member Hayden said he has talked with SDE staff and he has a difference of opinion of what the cut score should be. His rationale is the number should be 3.60. If you convert a GPA into a percentile then 90-100 percent is an A. It appears the A section is out compared to everything else. We want to have rigor but is it fair. The only way a school could have an overall A without having straight As is to have one B in one of the 17 percent categories, which would translate out to 3.83. The next combination below is 3.67.

Dr. McBee said the calculation was ran with the new figures and if a school could make an A in two-thirds and a B in one-third and still make an A, that would mean 20 percent making an A grade, but over half would make a B grade.

Board Member Hayden said he is speaking from the fairness standpoint and he feels the SDE standpoint is there cannot be 200+ schools with a grade of A. A logical system of grading would be scoring 90-100 percent is an A. The proposed four-point system would take 90 percent of 4.0 and come down to 3.6.

Dr. McBee said a 3.6 GPA would not mean straight As.

Board Member Hayden said we are not talking straight As.

Board Member Ford said we are talking about a grade of excellence.

Board Member Hofmeister said the statute states excellent progress. That is an A and a B is above average progress. What is average for the state of Oklahoma? That is really what this is about. Average is somewhere between a B and C. A grade of C is just satisfactory.

Board Member Ford said she understands the concerns but there is a reason it is called excellence and there is a reason that you try to attain that goal. Ten percent are going to be at that level and then there is another 50 percent that are above average. If we move the bar down enough, then why bother.

Board Member Hayden said he is not arguing that the number of As is satisfactory, but the fairness of the scale.

Board Member Hofmeister said the rule was designed to give more information to the community, parents, and teachers. What the Board does today will be presenting an idea of what an A and B means. Schools will be shocked to find out how hard it is to attain an A. She said she feels that would be doing a disservice to the students.

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Board Member Ford said the information is already there.

Board Member Hofmeister said in an effort to be transparent and clear and with best practices use a definition that matches what we are doing.

Board Member Ford said she and Board Member Hofmeister disagree on what that definition is.

Dr. McBee said if the 3.6 or 3.7 rounds up to be the same. There would be one-half of a percent making an F and five percent making a D.

Board Member Hayden said the argument he is making is not to any other scale other than to the cut score on the A from 3.75 down to 3.6.

Board Member Hofmeister said the Board has had a short period of time to review the rule revisions. She said she is not comfortable making a decision in such a short time.

Superintendent Barresi said you have actually had the rules for a while.

Board Member Hofmeister said yes the Board has had the rules for a while, but not the revisions and had a way to see how this will be calculated and processed. She said she was worried because some communities might have things happen because of the grade that cannot be taken back.

Superintendent Barresi said what the SDE would like to do, with the Board's indulgence, is to move forward as the rule is written. Sixty percent of school sites will receive a grade of A or B. Florida and Indiana have implemented this system and the outpouring of community activity was transformational to the schools. This is not about focusing on those things which concern adults, but this is a reflection of how the children are doing in those schools. She said she was sorry if the Board perceived the process as a fast one. Oklahoma's rule process is fast and furious and we are sorry it is that way.

Board Member Price said now it is five times as many As as Fs and six times as many Bs as Ds. The problem is if the grading system is structured too high, there is not the same kind of incentive to improve. The disaster is people being satisfied with their school when they really should not be. If Oklahoma were one of the best states in the nation, getting an A out of an A state would be glorious. Oklahoma is one of the poorest states in terms of every standard and an A or B school is not going to rate that good on a national or international scale. The experience in Florida and Indiana has been that every year there has been big improvement, to the point where the standard was raised. The concept of the law is primarily to get improvement and he would rather err on the side of encouraging improvement than err on the side of contentment, especially when Oklahoma is doing poorly in terms of education. The public needs to realize this is much better than the academic performance index (API) which was purely achievement and took almost no regard for progress. The balance is moving in the right direction. He said one concern is the students who cannot afford an ACT test and would support supplemental funding for that area. He commended SDE staff and the Board for their work on the rule. The rule as presented is a good compromise and will give superintendents the ability to mobilize their community and schools.

Board Member Hayden said he respects Board Member Price's position, but does not agree with everything he said. He said he is thinking of what is a fair system. Most

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schools are probably using a 90-100 scale as an A. In many sections of the rule, 90-100 is an A and 80-90 is a grade of B, but then when it comes to the overall school grade it states 94 percent or higher is an A.

Board Member Price said he does not look as much to the raw scores as the Bell curve percentage which is 60 percent on the higher side versus much less on the D-F side.

Board Member Hayden asked what he would feel five years down the road if everybody is an A and B. Will he have the same argument about the Bell curve?

Board Member Price said apparently states have moved up to create more incentive every year. That has been the judgment of Indiana.

Superintendent Barresi said when that happens it is important to see the effect of the raised cut score on the grade, so not changing the formula in response to a change in the cut scores is critical.

Board Member Price said that is correct. For a couple of years the cut scores are not changed and the schools are doing better for those years to the point schools are grouped at the top which is wonderful, but then the Bell curve moves and schools try to keep up that incentive.

Board Member Hayden said he keeps hearing not that many A grades are wanted to begin.

Board Member Ford disagreed. Excellence needs to mean something and there is a difference of opinion. She said she does understand and respect Board member's concerns, but staff has done an excellent job of laying out what needed to go into this rule.

Board Member Hayden said as we get further down the road that he would be very interested in seeing the correlation of an A to a reward school and the priority schools to an F. That will be interesting to see how well that correlates and he hopes there is a very strong correlation.

Board Member Price said he hopes it is a strong correlation, but not a perfect correlation because if it is a perfect correlation, we were just as well off with the old system. The old system did not reward progress and did not reward a school taking on a hard socioeconomic group and bringing them up.

Board Member Hofmeister said just this week Indiana made a decision to put together a commission to study this more because of the impact. She wants Oklahoma to learn from Indiana and get it right the first time.

Board Member Price said they raised it four times, so maybe the four raises were too much.

Board Member Ford said there is a law that is in full force and effect with or without the guidelines of how to govern.

Superintendent Barresi said there is a law and if these rules are not passed then No Child Left Behind goes away and approximately 425 school districts in Oklahoma

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will be listed as failing AYP. Those 425 schools would have to put aside 20 percent of the Title I money to do SES.

Board Member Hofmeister said she is sure the Board will be able to approve the rules at some time, but she suggested it be done correctly and then if a school earns an A they receive an A.

Board Member Ford said she would like to be able to say when she casts her vote she will walk out of the room with 100 percent assurance the Board was 100 percent right, but there are so many unknown unknowns. That is why there is some flexibility. It is not just data the SDE reviews, it is special circumstances. There is some flexibility about what can be done.

Board Member Hofmeister said that is a good argument as to why there needs to be an appeals process included in the rule.

Board Member Hayden said what would happen to a community that receives a D grade that really should have gotten a grade of C.

Board Member Price he believes it would cause the community to start questioning the superintendent. Sometimes there will be excuses, but sometimes there will be valid reasons.

Board Member Hofmeister said this process is brand new and it is hard to be omniscient and think we can anticipate every scenario and everything that has happened.

Board Member Shdeed said but it is brand new and needs to be worked through. It can always be changed.

Board Member Hofmeister said that is why she wants an appeals process included to protect districts, schools, and the community to have transparency.

Board Member Hayden said it is like the fox watching the hen house.

Superintendent Barresi said every parameter included in the rule is already public information. We are trying to bring clarity and transparency to the process.

Board Member Hayden said legislation does not say 3.75 to 4.0 is an A. That is discretionary and something the SDE has included in the rules and is asking the Board to approve.

Board Member Price agreed.

Board Member Hayden said the quality of education and outcomes is a high priority to people involved in economic development. Until we get to the point with the process that we feel we do not need to be involved, an appeal process should be included.

Board Member Ford said there is an appeals process for the end-of-instruction exams.

Board Member Hofmeister said that is questionable.

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Board Member Ford said it is not. The Board listened to an appeal. There is a process. One person has utilized the process and another may be considering utilizing the process, and we now have legislators changing statute to have an appeals process. If we do not follow the criteria, how will we make a determination?

Board Member Hayden said regarding the bonus points, how would you know all those components.

Board Member Price said he has concerns about some areas such as climate, but it is a minute part of the grade and is unlikely to have a true impact. The questions about bonus points and other areas that could be questioned are small enough items they are not central to the system. He said he is concerned about the impact of the plus and minus part of a grade.

Board Member Ford she is from a small community and she will know the ramifications when the school receives a grade. However, she believes it is her responsibility as a community member to help make the school better because it is an economic driving force.

Board Member Hayden said he did not disagree with what she said or the legislation, and for the most part the rules match the legislation. The problem is the cut score set for an overall school grade of A is at 3.75. That is too high.

Board Member Hofmeister asked how many school districts would receive an A.

Dr. McBee said no, that simulation has not been run.

Board Member Hofmeister said that will be very significant because imagine a school district with few schools.

Superintendent Barresi said 60 percent of school sites would receive an A or B grade.

Dr. McBee said given there is such a large number of districts and only a few have many school sites, what is seen at the sites will probably be mirrored.

Board Member Hofmeister asked if a district has an A and B school, what is the grade.

Dr. McBee said the grades would not be added together. Each individual student will count independently.

Board Member Hofmeister said so they will not receive, as the statute states, a letter grade for the district.

Dr. McBee said no, the school districts will, but it will not be adding up the grades of the schools within the district, it will be adding up the performance of the students within the district.

Board Member Hayden said he appreciated the good dialog. This is probably the most important rule the Board has considered. It is a game-changer not only from the



standpoint of driving educational excellence, but also important how a community will be looked at from an economic development standpoint.

Board Member Price made a motion to approve the A through F rule and Board Member Ford seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Ms. Hofmeister, nay; Mr. Hayden, nay; Ms. Ford, yes; and Superintendent Barresi, yes.

Board Member Hayden said he does believe in the democratic process. He said he voted against approving the rule, but the Board has rules, the decision was made, and he supports the decision made.

### **EXECUTIVE SESSION**

**Update State Board Members with Regard to the  
Lawsuit of Jack Herron v.  
State of Oklahoma ex rel OSDE,  
Oklahoma County District Court,  
Case no. CJ-2011-5109-25 O.S. § 307 (B) (2) and (4)**

#### **Convene into Executive Session Approved**

Board Member Shdeed made a motion to convene into Executive Session at 3:55 p.m. Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Mr. Shdeed, yes; and Mr. Price, yes.

#### **Return to Open Session Approved**

Board Members reconvened to Open Session at 4:05 p.m. Superintendent Barresi said no action was required.

### **PUBLIC COMMENT**

Mr. Ben Guinn, Broken Arrow, Oklahoma, said his daughter, Kelli Guinn, entered her freshman year on an IEP and the tests were not modified. The tests were modified in her sophomore year and she passed three. In Kelli's junior year she was in a semi-truck accident and nearly lost her life. She was homebound after the accident but continued her school course work through online learning. At the end of April, Kelli took EOI tests at the Broken Arrow High School but the school lost her name, and the English III test was not modified for IEP. The fairness of it all is questionable. In September of her senior year Kelli was informed she had not passed the tests taken in April. A test was given in December; Kelli took the test but found out in February that she had failed the history test. She did not do as well as the time before due to the amount of time that had lapsed. Panic set in at Broken Arrow High School. Kelli has been emailing everyone who will listen and the SDE for an extenuating circumstance appeal. Three weeks ago we were informed there was an ACE testing she could take. We were never at any time informed during Kelli's freshman and sophomore years at other schools nor by Broken Arrow when Kelli began her junior year that alternative testing was available. Mr. Guinn said his daughter is stuck in the middle because of the lack of communication. Kelli and

family members have emailed and written to Superintendent Barresi and the SDE for an extenuating circumstance appeal based on all the information. Mr. Guinn said he would take the responsibility to help Kelli in the multiple alternative testing avenues to meet the requirements for graduation.

Mr. Steven Crawford, CCOSA, said he wanted the Board to realize that Mr. Guinn and daughter, Kelli's situation is not an isolated one. There are multiple situations like this. He is excited the SDE is considering rewriting the rules around the appeals process because there will be many. Mr. Crawford said CCOSA would be encouraged to be a part of the process. He has heard about a lot of these type situations and it is very important the SBE realize this. He cannot understand why it is thought that school districts are not doing everything they can do to get students to graduate. Bartlesville is not an isolated school district. The SBE needs to know every school district is trying to do everything in their power. Granted there will be some students caught in this trap because it is the first time we have been through this mouse trap and the SBE should consider this. He hoped the appeal process will not be as restrictive as it currently is because it is more restrictive than the statute that drives it. When comparing language to statute the appeal process would be found to be more restrictive than what is allowed in the law itself. He encouraged the SBE to spend time preparing for this, and CCOSA supports House Bill 2970. The bill does not change the fact that there is an appeals process but the timeline is critical. The students, their diploma's, and future are at stake. If they do not receive a diploma their entire life will be affected. Mr. Crawford challenged the SBE to not take lightly the example of Mr. Guinn which is a very important topic.

### **ADJOURNMENT**

There being no further business the meeting adjourned at 4:35 p.m. Board Member unanimously agreed.

The next regular meeting of the State Board of Education will be held on Thursday, April 26, 2012, at 9:30 a.m. The meeting will convene at the Will Rogers College High School, 3909 E. 5<sup>th</sup> Place, Tulsa, Oklahoma.

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Janet Barresi, Chairperson of the Board

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Connie Holland, Chief Executive Secretary