

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

May 24, 2012

The State Board of Education met in regular session at 9:35 a.m. on Thursday, May 24, 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, May 23, 2012.

The following were present:

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

Members of the State Board of Education present:

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

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.

STATE SUPERINTENDENT

Information from the State Superintendent

Superintendent Barresi said the Governor has signed the ‘A-F’ rules which are a large part of the overall reform for Oklahoma. Approximately 2,500 students were named Oklahoma Academic Scholars for the class of 2012. The Academic Scholars program requires a student have a 3.7 or better grade point average (GPA), a 27 ACT score, or a 1220 SAT score. Newsweek, U.S. News, and World Report announced the top high schools in the United States and several Oklahoma schools received top rankings including Harding Charter Prep School. The Vision 2020 Summer Conference is scheduled June 12-15, 2012, at the Cox Convention Center.

She said the SDE requested an increase for the FY14 budget in December 2011, that would allow implementation of the reforms but a ‘stand still’ budget was received. The situation is continually evolving at the Legislature; however, the general appropriations bill gives education the same levels of funding. The supplement given this past winter was made permanent and provides funding for National Board Certified Teacher bonuses. There are fewer items to consider on the activities budget this year because many items were line itemed and actually we are at a shortfall. In order to fund projects that are not line itemed plus modest amounts for implementation of the reforms we are short approximately \$11.5 million. Appeals are being made to the Legislature to provide additional funding to provide services for ACE remediation, AP programs, RISE school-OSU, and Arts Institute otherwise it will be difficult to restore any level of quality of funding.

**Recognition of Matthew Benjamin, 8th Grade
Student, Tulsa Regent Preparatory School for Being Named
a National Honoree of the Prudential Spirit of Community Award**

Superintendent Barresi recognized and congratulated Matthew Benjamin on being named by Prudential Financial and the National Association of Secondary School Principals as the National Honoree of the Prudential Spirit of Community Award. Matthew, a student at Tulsa Regent Preparatory School, is one of two state winners selected. He was also named one of the 2012 Top Ten Youth Volunteers in America and a national honoree. In 2010, he visited Uganda where he encountered young people his

age without parents which began him thinking how he could help the children. With the help from family and an organization that built \$20,000 homes, he formed 'A Chance for Children' non-profit. He raised \$30,000 to build a home for 33 orphans in Uganda by attracting sponsorships for his training and participation in half marathons.

Recognition of Anna Zhao, 12th Grade Student, Oklahoma School of Science and Math as a 2012 Presidential Scholar Recipient

Superintendent Barresi recognized and congratulated Anna Zhao on receiving a 2012 Presidential Scholar award. Anna is one of two Oklahoma student finalists chosen on the basis of their academic accomplishments, artistic success, leadership, and involvement in school and the community. Recipients will attend a national recognition weekend in Washington D.C. in June 2012, and receive a commemorative medallion.

Recognition of Harding Charter Preparatory High School for being Named by U.S. News and World Report as the Best High School in Oklahoma and for Recognition by Newsweek On-line Publications as the 9th Best Transformation High School in the Nation

Superintendent Barresi recognized Harding Charter Preparatory High School for being placed on the U. S. News and World Report list of the best high schools in the nation. It was designated as the best high school in the state of Oklahoma.

Superintendent Barresi said she and Ms. Carole Kelley, Principal, co-founded the school. Newsweek also ranked the school the 9th best high school in the nation for transformation of students. She congratulated Harding Charter faculty and Ms. Kelley for their work, dedication, professionalism, integrity, and a legacy for changing children's lives. The 2012 graduating class included a national merit finalist, Gates Millennium Award winner, and 81 students received over \$2.5 million in scholarships.

MARCH 29, 2012 REGULAR BOARD MEETING MINUTES TABLED

APRIL 9, 2012, SPECIAL STATE BOARD OF EDUCATION MEETING MINUTES TABLED

APRIL 26, 2012, REGULAR STATE BOARD OF EDUCATION MEETING MINUTES TABLED

Board Member Hofmeister requested the minutes be revised to include more information. The version presented is not complete and the A through F rules discussion is omitted. Is it possible, in the digital age, to have live transmission of the meeting, or an audio version recording of the meeting posted on the Web site? This will provide greater transparency in these critical discussions and decisions that impact students throughout the state.

At Superintendent Barresi's request Mr. Marty Fulk, Media Director, asked if she wanted the meetings live or played back after the meeting? Audio and video can be streamed live during the meeting and audio can be posted on the SDE iTunes location. The minutes can be posted on the SBE location of the SDE Web site, as well as, handouts for any particular meeting.

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Superintendent Barresi said the reason to change the minutes to this format was not to hide anything but because the audio was available for anyone to listen to. It was simply that we were following a format used in most boards where the minutes are a summary of what occurred. We were trying to be more efficient with the minutes and getting them to Board Members for review but we can return to the old format. She requested the ability to implement with Mr. Fulk audio capability setup. Responding to Board Member Hofmeister's question, she said audio is available by submitting an open records request.

Board Member Ford asked if the minutes will be tabled.

Superintendent Barresi said an issue needing to be determined is if Board members could cast votes when absent from a meeting if they had the ability to watch a recording of the meeting.

Board Member Price said it would be nice to have a four to six hour tape available to listen to for transparency purposes, but just how many people will or would watch a five-hour audio of the meetings.

Board Member Hofmeister said she and a lot of school districts would be very interested in listening to an audio, not a video, of the SBE meetings. Could both be made available?

Board Member Price said for people who want to listen is fine but the idea of having a one-page summary of what was voted on might be useful to people who do not want to spend many hours listening Board members talking.

Superintendent Barresi said to be clear, we can give video, but syncing audio with the video will be part of the implementation process, but Mr. Fulk said syncing could be done.

Board Member Ford asked if the minutes should be more in-depth, how in-depth, or verbatim?

Board Member Hofmeister said yes. The parts that are not included were an hour's worth of discussion on the way the information... and verbatim would be just fine. The minute presented in the past were summarized. There are decisions made, evidently on whose comments to include verbatim. There were times where there is no inclusion because it is selective key pieces or statements. When talking about Q & A between Board members and SDE staff responses that are a part of the decision making process, I think that is very important to have as part of the record, so we can look back and understand how Board members voted and why. To be able to review that is important, especially in an agency that impacts so many school districts and students.

Board Member Price said having the audio available is great but verbatim minutes would be an enormous, unbelievable task and a needless burden. He suggested if an audio is available summarizing the meeting minutes much more than the ones we have. There is no reason to go into enormous depth when the audio is available to reflect the voting and everything else in more detail.

Board Member Hayden agreed and said the written portion did not need to be a verbatim transcript because an audio is available for listening at any time. However,

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what Board Member Hofmeister is referencing, we were capturing dialog up until the point we got to the rules and then we had no dialog listed. We went from doing something to doing absolutely nothing.

Board Member Hofmeister said where there was great deliberation there was none which is often the case because we have already worked things out. This was where we really had not reached a decision and had to make that decision based on.....

Board Member Ford said she was okay with moving to table the minutes. Her concern was having nine page minutes for an hour long meeting.

Board Member Hofmeister agreed.

Board Member Baxter said if a citizen is interested in obtaining an audio recording of the meeting for March 29, 2012, they have to submit an open records request. Who receives the request and what is the timeline to fulfill?

Ms. Lisa Endres, General Counsel, said Legal Services receives the requests and they are dispatched to the appropriate agency division to fulfill. The timeline is probably less than five business days from the time the request is received. However, if information is on a link it can be provided much quicker. All records requests for minutes can also be delivered electronically. Requests for audio of the meetings have not been a popular request.

Superintendent Barresi said the options are live streaming audio and video, streaming audio, or posting audio on the SDE Web site after a meeting which would not require an open records request, and traditional methodology. As for the minutes, an option is to return to the old format where Ms. Holland basically listens to entire conversations, captures comments that best brought forward the essence of the conversation. We looked at the volume of pages that ensued and tried to be more efficient with the minutes.

Board Member Baxter made a motion to table the minutes and requested the SDE provide recommendations that will accommodate what we are trying to get at in general terms.

Board Member Ford asked if the motion was to table the March 29, 2012, minutes or includes all the minutes?

Board Member Hofmeister said all three represent the modified format and requested they be returned to the old format. The Board had not been a part of the discussion to change the format. She understood the need for efficiency but then to also provide an audio version that is easily accessible to the general public.

Board Member Price asked if members objected to much shorter minutes if the audio is available.

Board Member Hofmeister objected. The minutes should stand alone and be a record that can be relied upon absent of the audio. Not everyone would have that option.

Board Member Ford seconded the motion to table the minutes of the March 29, April 9, and April 26, 2012, SBE meetings. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister yes; Gen. Baxter, yes; Mr. Shdeed, yes; and Mr. Price, yes.

Board Member Baxter said before continuing, the motion to table was passed, and asked if Superintendent Barresi would take on the task to come back to the Board with a way to do the audio visual?

Superintendent Barresi said she would bring clear cut options, pros and cons, at the June 28, 2012, regular meeting.

LEGAL SERVICES

Emergency Adoption of Rules Tabled

Ms. Kim Richey, Assistant General Counsel/Director of Legislative Affairs presented a request for emergency adoption of Title 210: Chapter 10. School Administration and Instructional Services; Subchapter 13. Student Assessment, which implements a process and procedures regarding appeal of Achieving Classroom Excellence (ACE) requirements. Governor Fallin signed House Bill 2970 into law and Board members were referred to page 2 of the bill that requires the SBE to adopt rules, establish an appeals process for students denied a standard diploma based on failing to meet the ACE graduation requirements. The ACE requirements were established in Title 70, Section 1210.523. Ms. Richey provided a draft of the ACE appeal rules to Board members and said the underlined language represents only the new language for consideration. The language will be incorporated into the existing 'A through F' rule 210:10-13-16 adopted by the SBE in 2009.

Ms. Richey overviewed the appeal process which would allow a student denied a standard diploma to file an appeal with the Chief Executive Secretary (CES) of the SBE- Ms. Connie Holland. The SBE-CES notifies appealing parties of receipt and submission to SBE for action; SBE required to establish committee of SDE staff to review, administer appeals, and identify denial based on rule criteria, committee recommends to SBE; SDE committee recommendation notifications mailed five business days prior to SBE meeting; proposed appeals submitted for the SBE consent docket agenda; SBE determines appeal action based on all submitted evidence.

Board Member Baxter said once the SBE reviews the appeals and determines an appeal(s) may not have sufficient information to make a decision based on evidence/supporting documentation, and then the student and parent may appear to the SBE. What is the time frame associated with all of that and are we not then adding an additional 30-days to that student's ability to have his/her situation adjudicated?

Ms. Richey said the added time period to the process will not be that lengthy. However, given the potential amount of appeals we may receive, special meetings will be necessary to accomplish everything that is required. The appeal review process is completed when the SBE is provided the information. Therefore, it does not have to be a lengthy time lapse between the SBE determining a hearing and a subsequent special meeting to have a hearing.

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Board Members Ford and Hofmeister asked when Board members are going to be provided the student's information.

Ms. Richey said upon a recommendation by the committee or upon receipt.

Superintendent Barresi said information can be provided upon receipt. However, since last fall Ms. Melissa White, Executive Director, ACE/Counseling has been developing an iterative process for each student to provide them information, and anticipates that same process will occur. When a stellar application is received that does not need additional work is great but it is also possible there may be discrepancies between what the student claims and the actual record provided by the school district to the SDE. The student's claim must be confirmed with actual information supplied by the school district. This is a critical point and may involve more time due to the fact that all information received must be assembled. Parents and students are urged to fill out a complete application to ensure all documentation is provided. If a student has been accepted at a higher education institution the admissions documentation should be included in the appeal application.

Board Member Ford said it is anticipated the packet is complete when it goes to the committee. Would it be possible at that point for Board members to receive a packet allowing time to review?

Ms. White said complete packets can be provided. However, she would be relying on students to provide the needed information within the 45-day timeline. She would need two-way communication and speedy responses from Board members. That is why the application form was created to ask for as much information as possible to where that communication will not have to happen.

Board Member Baxter asked had any consideration been given on establishing a fast track process or gate process that separates these in anyway. For example, if a student is admitted to an institution of higher learning could the Board, as a general rule, make a statement about that child's ability to be granted a waiver under ACE and be given a high school diploma?

Superintendent Barresi said this process was added simply because it is possible, with the admission requirements, a student can be admitted to a college or university based on their grade and class ranking. This presents an extenuating circumstance and is established in this policy upon receipt of the documentation from the education institution.

Board Member Baxter said it has not been established in the policy because it has not gone through all the process?

Superintendent Barresi asked would the Board be in agreement that if that particular issue came to light without coming before the Board and be presented as an extenuating circumstance.

Board Members unanimously agreed the provision be written in the rules that if a student is admitted to a college or university that the student be granted an ACE waiver.

Board Member Hofmeister asked would it also include a tech program.

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Board Member Ford asked for legal opinion?

Ms. Endres said the law indicates Board action is required. If there is a unanimous vote of the Board it then can be established that any application approved by the committee would automatically receive Board approval, is that correct?

Ms. Richey said it is her understanding the way Board members want these types of applications handled, can be accomplished with the process proposed in the rule.

Board Member Baxter said no it cannot. He did not want to see an application where the student has been accepted to a higher learning institute, college or university.

Board Member Ford asked with the statutory authority can a blanket waiver be granted based on that circumstance or are we statutorily required to hear each individual waiver or have it appear on the Consent Docket.

Ms. Richey said she preferred that, as a matter of covering the bases, it will still be placed on the Consent Docket.

Board Member Hofmeister said this delays the decision and we are talking about students' lives.

Ms. Richey said if Board members do not choose this route, the best thing to do is grant the committee authority to approve an appeal application to those students who demonstrate they have been accepted by an institution. The committee has yet to be established.

Board Member Hofmeister said she did not like that.

Board Member Baxter said they have no discretion. If the child presents they have been admitted to an institution then it is approved.

Board Member Ford said the issue is they are denied a diploma. It is her understanding that statutorily the SBE must grant a waiver, correct? They must then appeal for the waiver. The appeal for waiver process can be shortened per Ms. Richey's advisement.

Board Member Shdeed said the SBE can give the committee the automatic approval that with an admission letter it is a done deal. Ms. Richey advised it could be written into the rules.

Ms. Richey said the rules can be amended by the SBE today and adopted with the provision that the language be added; or she could take a few minutes to add the language and bring back to the SBE and disseminate a new draft of the rule that accomplishes what this Board wants to accomplish. The SBE would have to grant authority to the committee, upon receipt, to grant the waiver appeal and approve the appeal. This is all the rule would say for those students who have been accepted. However you want to word it, to a four-year university, Oklahoma college or two-year college.

Board Member Hofmeister asked what about a tech program?

Ms. Richey said the decision is up to the Board.

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Superintendent Barresi pointed out this is an ‘unconditional’ acceptance of the student because some would make it conditional upon receipt of a diploma. This will fulfill two requirement areas on the application, an alternate method plus acceptance by a university. The Board can choose to have the committee issue the letter.

Board Member Baxter said if a child receives an acceptance letter from a university conditionally upon receipt of a high school diploma, is that a catch twenty-two for the student, or does the Board review that as a ticket to give them a diploma?

Board Member Shdeed said it is a ticket to give the diploma.

Board Member Hofmeister agreed. Superintendent Barresi disagreed.

Board Member Shdeed asked how would the student ever get it, and what are we doing here?

Superintendent Barresi said it is literally up to the institutions admission policies. She would not know what the motivation would be in making it conditional. Not speaking for the universities, but the two research universities, and to her knowledge all of the colleges in Oklahoma, provide admissions based on what is called a ‘social promotion issue’. She experienced this when her sons fulfilled their credits, graduated high school early, and admitted immediately based on social promotion. There is a provision for precocious students that fulfill graduation requirements early and they do not have a diploma, but they are admitted. She did not know why universities would attach a condition for admission. To her knowledge she did not know of any condition set upon a student.

Board Member Hofmeister said most of the time the condition is contingent on the second semester grades, which will reveal the student does or does not have a diploma. It is all conditional on actually finishing the last semester of school. To say a diploma is only given when it is unconditional, she did not know where that existed.

Superintendent Barresi said the grades have to do with the grades on a subject matter. If universities and colleges in Oklahoma want to change their admission requirements to say “fulfillment of the end-of-instruction (EOI) requirements”, that is entirely their decision. Conditionally upon passage of subject matter is apples and oranges. By the time the student comes to the SDE/SBE the course will be over and they would have received their grades.

Board Member Hofmeister said before the graduation date it would become apparent to students and districts they would not be fulfilling the requirements of ACE. If they were to pursue the appeal process with a letter of admission from a higher learning institute, they are able to expedite that by not having to wait until the graduation ceremony.

Board Member Ford said if the committee is given the authority they will be able to grant the EOI waiver providing a student has submitted the required letter of admissions/acceptance from a higher education institute. She said she would be comfortable with adding that language in the rule or is it already in the rule?

Superintendent Barresi said if a student presents a letter that speaks to conditional acceptance it will be verified with the institution and the nature of their conditions asked.

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Board Member Hofmeister said the other thing to consider is the tech programs since we are about being college and career ready. The EOIs are not a college application requirement, necessarily. She has concerns for those who have met admission requirements to a tech program but are denied entrance because they have not met the ACE requirement.

Superintendent Barresi said the EOIs only show mastery of subject matter.

Board Member Hofmeister asked this would not deny a student in any way the ability to start?

Superintendent Barresi said if a student chooses to apply to a college or university they will be admitted based on the institutes admission requirements. It is two separate subjects.

Board Member Price asked are tech centers selective or are all who apply admitted?

Board Member Hofmeister said they are not automatic.

Board Member Shdeed said so they were admitted and that is the cast.

Board Member Ford asked should tech programs be included.

Board Member Shdeed said we are talking about any college in the state of Oklahoma but not.....

Board Member Price asked can one be admitted to tech school without graduating from high school.

Mr. Greg Dewald, Associate Sate Director, Department of Career and Technology Education, said in most cases, *CareerTech* does not have stringent guideline requirements for the enrollment of adults. Once a student completes and departs high school they are considered an adult. *CareerTech* does have some programs that may require community college or an associate's degree but there are not many cases where a high school diploma is required in order to enroll in a *CareerTech* program.

Superintendent Barresi said many young adults applying for jobs are asked if they have a high school diploma. Yes, they may be able to enroll in a *CareerTech* but can they get a job because they do not have a high school diploma?

Mr. Dewald said it is two separate issues and it is much harder to get a job without a diploma. *CareerTech's* responsibility is to serve adults, many of which do not have a high school diploma.

Board Member Price said the rationale is to not stand in the way of the students who have been admitted to institutes to go to the next level. As Mr. Dewald has stated, *CareerTech* does not require a high school graduation for admission therefore nothing is standing in the student's way of anything. Again, a student can complete the alternative projects through the summer, graduate, and be admitted to a college. The automatic waiver should be limited to higher education institutions that require a high school diploma as part of their admissions, and the SBE not stand in the way of them going

forward. The requirements of the law are students must jump through many different hoops in order to graduate and the SBE is enforcing that law.

Board Member Ford said she disliked the words ‘standing in the way.’ She agreed the SBE enforces the statutory requirement but has limited ability to waive for everybody.

Board Member Price said point taken correctly on his terminology.

Superintendent Barresi reminded that the SDE can also issue a high school diploma to students who have successfully completed 30 hours of post-graduate work at a college or university and provides supporting evidence.

Board Member Hofmeister said she was not in favor of waiting for students to figure out how to get 30-hours without a diploma.

Board Member Shdeed said that was not what Superintendent Barresi was suggesting.

Ms. Endres clarified there are institutions that allow students to enroll without a high school diploma by testing and after demonstrating 30-hours the student can apply to the SDE for a high school diploma.

Mr. Bob Neel, Executive Director, Office of Accreditation and Standards, said the SDE does issue a high school diploma to students who have accomplished 30-hours of college work, provide proof of Oklahoma residency, and a college transcript reflecting the hours.

Board Member Shdeed said this is in addition to what we are discussing.

Board Member Hayden said he supports the college/university piece but clarification is needed as to whether or not the college/university is accredited, and is not a diploma mill.

Superintendent Barresi said to identify the accrediting agencies, the item needed to be tabled in order to do more research, and return with the amendments. Our goal is to approve the rules today in order to begin the process. If tabled we can move on to other items and return to this item at the end of the meeting.

Board Member Baxter asked for Superintendent Barresi’s views, as well as others, regarding military enlistment requirements of having a high school diploma regardless of the discipline which one enters. For the student whose been accepted into the military, contingent upon receipt of a high school diploma, what is the difference of them being accepted to the University of Oklahoma contingent upon having a high school diploma. How do you view those as different?

Board Member Hayden said his perception is that in college you are expanding upon rigor, knowledge, and education level. The military is a different avenue and is more of an occupation much like *CareerTech*. He sees a bit of difference between military versus an educational institution and colleges furthering that along.

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Board Member Shdeed said the enlistee makes a two-year commitment whereas in a tech program a student can drop out at any time and supposedly with a diploma. It is his opinion that if an individual is enlisted in the military then it is just the same as college.

Board Member Baxter said historically, the three avenues young people take in this country are to advance their education, go into the workforce, or enlist in the military. We have the potential to shut off the avenue from the very population that selects the military as their way ahead. He is not in advocacy but wanted to know what the views are because he knows the military badly needs the very people being discussed. In order to move forward they must have the high school diploma and the question is how are the two tied together?

Board Member Ford said it is the one of the most admirable things one can do and agreed it should be added.

Superintendent Barresi said approximately 25 percent of the military applicants actually pass the examination. They will continually take tests and need to perform. Recruiters have difficulty in finding qualified applicants. She strongly feels they should have a high school diploma before enlisting and underscores their preparation before enlisting. If enlisting in the military is designated as an extenuating circumstance recruitment numbers will remain low.

Board Member Shdeed said then they will not receive a diploma but if they are accepted in the military subject to this....

Superintendent Barresi said if they apply but are not accepted because they fail the test, again, they are back in the same basket.

Board Member Shdeed said so be it. It will not be granted until they are accepted by passing the military test.

Superintendent Barresi said universities and colleges have a selective process and junior colleges have an open enrollment and no admission requirements at all.

Board Member Hofmeister said that is not the case.

Superintendent Barresi said junior colleges do not have admission requirements.

Board Member Hofmeister said she did not believe that to be so.

Board Member Shdeed said Mr. Neel confirmed they do if they have 30 hours.

Superintendent Barresi said her point is if they have 30 completed hours of post graduate work they will have an associate's degree, and are eligible to apply for a high

school diploma. She did not know why anyone would keep a person from employment for not having a high school diploma but having a bachelor's degree. Does that make sense? A young person leaving the military, General Baxter help me on this, will have certain levels of certification. Is that correct? The person achieves levels and training around their job, while in the military, do they not receive some sort of certification that industry can denote a certain level of expertise.

General Baxter said no, at least, in that context. There are various levels of training they go through as enlisted, noncommissioned officers, or officers, but there is no direct tie to any civil or industry certification of the same level. He said for example when the field artillery man daily drives a semi-truck across Afghanistan but his skills do not translate into an Oklahoma commercial driver's license (CDL) certification. *CareerTech* is currently working on that certification.

Superintendent Barresi said her firm position is a high school diploma should be required even if they want to apply for the military. We have to assure that we increase the number of qualified applicants into the military. The numbers from the Regents for Higher Education will show that college prep and the rigor we are presenting to students in high schools is working. To pull back from any of these requirements will weaken the entire system.

Board Member Price said it does raise interesting questions. He did not realize junior colleges do not have a stringent admissions requirement. This creates a loop hole in which one can still receive a diploma if they are accepted to a junior college, do not start college, and appeal for a waiver. This is a concern.

Board Member Hofmeister asked do you think these people will take the time to do an appeal? Who are we talking about that will really appeal?

Board Member Price said some who actually made an appeal. If word is out that a waiver is automatically granted by applying to a junior college. It would be easier to apply at a junior college than to do the projects or other things.

Board Member Hofmeister said doing a project would probably be fewer hours than applying for college. Being accepted into a college program is what we are discussing.

Board Member Price asked what is being accepted to a college mean. He leans more toward if one is admitted to the military there is a good point that they are stuck for two years. As Superintendent Barresi pointed out, only 25 percent of high school graduates are admitted into the military because they do not pass the test. It is an enormous indictment of our education system when one can obtain a high school diploma and cannot pass a military entrance test.

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Board Member Baxter said that number is only those eligible for admittance but not necessarily because of inabilities to pass very basic military admittance tests. Once drug use, criminal background, physical makeup and these type things are taken into account, the number is what it is, which it is not nearly as closely tied to academic achievement.

Superintendent Barresi said point of clarification, her statement regarding no admission requirements at community colleges or junior colleges in Oklahoma is literally based on a conversation she had with members of the Regents for Higher Education. We were looking at remediation rates being higher for junior colleges and community schools because they do not have admission requirements. The only qualification is whether or not you are an in-state or out-of-state student.

Ms. White pointed out that some universities have a metrics for admission of which a student can have two of the three; ACT scores, class rank, and GPA. A student can be admitted to a four-year institution pending a diploma based solely on class rank and GPA. This goes back to if they knew the content area. Proficiency tests are given and students with a diploma will be admitted but it does not mean they enroll in 1000 or higher level classes. They will enroll in remediation classes prior to taking actual degree based courses. There are no credits earned for remedial classes and proficiency must be met in order to continue with courses in their degree.

Board Member Hofmeister said they are on their way going to college and completing a degree. This is very different than someone choosing not to complete college. They are students who made the choice to go to college, were received by a university committee, and given admission.

Board Member Price said he is not saying it is wrong. Oklahoma has an enormous dropout rate for the first year of college in comparison to the nation.

Board Member Hayden said he is concerned we do not create loopholes. The process we have laid can be modified as we go forward because it is hard to determine all the situations. He is certain accreditation is required, how is it qualified and with no perimeters?

Board Member Baxter said he understood. Why is it hard to figure out the certifications? At this level he is concerned that if the student is admitted to a four-year institution and has a letter of admission that we not put them through a bureaucratic process. There should be a way to abbreviate this process, which he thought had been identified. The accreditation process can be done before adjourning today. He said at this time he was not convinced about the two-year and the *CareerTech*.

Superintendent Barresi said the information was being gathered.

Board Member Hayden said he wanted to be careful we do not get too far open and end up with a system that has too many loopholes.

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Superintendent Barresi said the Carnegie System discusses the university system based on universities that are inclusive, meaning community colleges, no admission requirements, selective and more selective. We have devised to insert the language “the appeals committee shall immediately grant approval of all State Board of Education established extenuating circumstances including acceptance to a selective college or university.” The SBE established extenuating circumstances phrase was inserted so that if we discover other extenuating circumstances that would give immediate approval. It can be presented for discussion and the rules do not have to be amended. It can be added to the policy after being discussed with the SBE.

Board Member Baxter asked should the SBE want to re-engage the military side we could do that without reinventing the rules over again?

Superintendent Barresi said yes. Is that correct, Ms. Richey?

Ms. Richey said that is correct. Her concern is the SBE has expressed concern in the past about being involved in the determination of what is an extenuating circumstance. She had received communications from all Board members requesting direct involvement in the process.

Board Member Baxter said we are. We set the first one or about to perhaps and we can set an additional one, but the Board has to approve it.

Ms. Richey said that is correct.

Superintendent Barresi responded to Board member's questions regarding the meaning of ‘selective’, which is inclusion of private and public institution, state schools and any school.

Board Member Hofmeister asked in a way are we excluding people that are economically disadvantaged to be able to get into a selective college?

Board Member Ford and Price asked why?

Superintendent Barresi said we have Oklahoma Promise-Oklahoma Higher Learning Access Program (OLAP).

Board Member Hofmeister said okay.

Mr. John Kraman, Executive Director, Student Information, said selective versus nonselective does not affect the price or cost associated with going to the school. It simply means that after the Carnegie Corporation reviewed the process, they distinguished between those with open enrollment, which includes two and four year, and students who have opportunities to learn and no admission requirement versus those that have established criteria which, in lieu of the EOIs would say a university has made a determination the student is college ready. The EOI determination of readiness would be replaced with a college that has made a determination of readiness. The cost associated, and the levels of the universities differ. It is a national structure of evaluating and categorizing different higher education institutions.

Board Member Hofmeister asked what we are excluding is let say for instance, Tulsa Community College, if you are

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Board Member Ford asked was Tulsa Community College a part of the selective?

Board Member Hofmeister said she did not know. Do they have a program that would be selective and nonselective? Because you cannot get into certain classes without a certain ACT score in English.

Board Member Ford said sounds like they are on the selective list.

Board Member Hofmeister said there are probably two tracks because it is a community school. It is designed to help adults who return to education that never received a high school diploma. The school has a track for them to be admitted. To say we only look at select university and colleges may be excluding the Tulsa Achieves program or things like Tulsa.....

Board Member Ford said for an automatic waiver then they are excluded.

Board Member Shdeed said it does not mean they cannot go through the waiver process and have it granted. We are just discussing the automatic?

Board Member Ford said yes.

Mr. Kraman said the Carnegie System is only at the institutional level and not the program level.

Board Member Price said with the selective university students are going through a review and testing process, or at least a review of high GPA, etc., whereas, some of the others are not. The fact is we should review the others on a case by case basis.

Superintendent Barresi said a majority of this year's college freshmen enrolled in community college are taking zero level courses for no credit. The general amount of time for the student to complete the course(s) is approximately three semesters. Less than half of students enter into remediation to achieve a degree.

Mr. Kraman said actually it is worse than that. If the student needs remedial reading, two-thirds will drop out immediately and not be successful. It is more generous if math remediation is needed, but remediation has a higher failure rate especially for non-traditional colleges

Superintendent Barresi said those type individuals will be faced with trying to get jobs without a high school diploma.

Board Member Price said part of the whole concept is not just for this year's students but for students next year. We want school districts concentrating on working and tutoring students to pass the tests. The idea for the rigor was so they could succeed in college and not have this atrocious dropout rate.

Board Member Price made a motion to allow the committee to give automatic approval for students who have been admitted to a selective

Superintendent Barresi asked to amend the motion more clearly. It is very important the SBE establishes the extenuating circumstances and not the SDE. The appeals committee shall immediately grant approval of all extenuating circumstances on

a list established by the State Board of Education including acceptance to a selective college or university.

Board Member Price accepted the amendment as stated by Superintendent Barresi. Board Member Ford seconded the motion.

Board Member Baxter said the way it reads this means it does allow for additional circumstances to be developed over time and added.

Superintendent Barresi said yes, sir. It needs to be in the SBE hands and stated in the rules.

Ms. Richey asked if Superintendent Barresi would oppose to adding the language into the rules at this time, so that there is no confusion on what the language in the rule says.

Superintendent Barresi asked would Board members consider tabling the motion to allow for insertion of the language or would they be comfortable with approving and then including the language?

Board Member Hofmeister said the SBE would need to see the language inserted before voting.

Board Member Price withdrew the motion.

Superintendent Barresi said at this time items 9 (a)(b)(c)(d) will be tabled.

Presentation of the New State Department of Education Service Desk

Ms. Colleen Flory, Assistant State Superintendent, Policy Implementation, presented a report on the new SDE customer service desk that launched May 1, 2012. Ms. Flory said the purpose for the customer service desk was to better communicate with educators, parents, school administrators, and Oklahoma citizens and to reduce caller wait time, address customer needs in a timely manner, and call volume. Ms. Flory reviewed agency functions, call volume/distribution, customer information and assistance, Web site navigation, before and after statistics, case assignments and response, customer notification service/feedback and teacher certification specialist assistants.

Board Member Ford asked when calling for a staff member will they also be provided the staff members direct number.

Ms. Flory said yes. The caller will be provided the staff information by the assigned customer service representative who will also notify the staff member by email/phone. Calls are tracked by customer service specialists who assure the cases are completed and closed within 48 hours. Callers do not get a busy signal and phone trees are no longer in the agency. When all customer service agents are busy the call is transferred to an automatic call distribution (ACD) and the caller is asked to hold for the next available agent. This does not happen frequently unless the call volume increases. Caller wait time or abandon time has been reduced to 24 seconds. The goal is to keep abandon time under 30 seconds and fewer than three minutes for wait time.

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In response, Ms. Flory said to Board Member Hayden she did not know the number of calls dropped or abandoned by number. However, she knew the number of calls that chose to abandon. At this time, there is approximately a ten percent abandon rate. The five internal staff members were chosen based on their service years, supervisory recommendations, and they were retrained on customized software. To meet the needs of the SDE the software was developed in conjunction with the Office of State Finance (OSF), Information Services Department, and with her knowledge and experience in information technology and products. Ms. Flory said she would look into Board Member Price's suggestion and modify the recording that directs caller to the Web site.

Board Members thanked Ms. Flory and the customer service representatives.

Board Member Hofmeister said this is great and appreciates call volume is looked into first. She was interested in seeing this type streamlining and efficiencies with emails. She is often copied on things where there are no responses and people need data and questions answered. Is that a next step?

Ms. Flory said yes, it is the next step, as of this week. Currently, the legal services, fiscal and purchasing divisions are working to create processes for gifting and solicitation. Streamlining communications is one of the top priorities in order for staff to know their roles as well as delivery.

Board Member Hofmeister said it would be wonderful to have the superintendent advisory board be a part of the process and working to assure they also have input. In larger school districts everything goes straight to the superintendent and the difficulty there is the superintendent needs to do a lot more than filtering where to send an email. When the process begins she hoped the SDE will work with that group of superintendents that represent urban, rural, suburban, and various size school districts.

Ms. Flory said a survey is currently being conducted on the type of communication and method of communication superintendents prefer. That will be part of the first meetings with them.

Board Member Hofmeister asked what was the timeline?

Superintendent Barresi said the superintendent's advisory council will meet quarterly and the first meeting will be in September 2012.

Board Member Hofmeister asked how large is the council or the group?

Superintendent Barresi said 51 were invited to assure we have a meeting of 30.

Board Members Baxter and Hofmeister asked for a list of the advisory council.

Superintendent Barresi said she will provide members with the list.

Board Member Hofmeister asked will there be minutes of the meeting in order for Board members to keep up with the discussion, or is it a

Superintendent Barresi said Board members will receive the dates and at least three Board members could attend the meetings. She anticipates more of a memorandum of

the meeting(s) will be available. This summer she will ask for volunteers from business and industry for the advisory council and in the fall ask for volunteers for a teacher advisory council. In doing that, logistics, classroom time/coverage, travel, and budgets for the participating school districts will be taken into consideration.

This was a report only and no action was required

PUBLIC COMMENT

Dr. Janet Dunlop, Broken Arrow Public Schools, said she was speaking on behalf of 21 students from Broken Arrow who are being held in limbo based on ACE legislation. The continuing debate has been witnessed today on how to implement the rules that are in place when there are no rules in place. Yet, students this week and coming weeks are graduating, and according to the standing rules and ACE appeal that were in place, they were allowed the right to appeal to the SBE for graduation. The verbal sparring exemplifies the issues are messy work and to rush into rule making now may not be the wise thing to do. It may be wiser to back up and get it right the first time, then move forward with ACE legislation as we continue to vet out the rules and getting them right. There are 13 students of the 21 appeals who will not meet ACE requirements. The remainder, we believe, have met the requirements but that will not be known until we know the EOI cut scores. Dr. Dunlop highlighted students with specific issues and circumstances and asked does developing a state department process trump student needs? She believes not. A discussion must take place to look at ACE and do this right the first time which means providing a waiver to these students an appeal to where they can continue pursuing post-secondary goals while getting a process in place that is solid for next year's seniors.

Dr. Kirby Lehman, Superintendent, Jenks Public Schools, said it is apparent when Board members have the opportunity to deliberate on an issue you will hash things out and come up with good responses. Unfortunately, that does take time as we in the audience today can see. The conundrum we are currently in is relative to ACE requirements for the class of 2012 only, not going forward. Local school districts have routinely been reminded that we had several years to prepare students to take the end-of-instruction exams. Albeit, with less than one-sixth of the funding for remediation that was deemed necessary by Achieve, Inc. He asked how many years has the SDE had to develop one set of ACE related rules? Rhetorically, why do the time limit rules apply only to students but not to the SDE? Were the waiver requirements, HOOPS as he refers to, the same for the November 2011 recipients as those requirements or HOOPS which are in place now? If not, how can the SBE support two different sets of standards during the same academic year for student completion of ACE related requirements, class of 2012 only. Going forward, he believes, we will do a good job and it should be easy to produce all written request associated with that single SBE approved waiver from November 2011. All current Oklahoma seniors who believe they are eligible for waiver should have the opportunity to review the totality of that paperwork with names redacted associated with November's waiver just to provide a model to help them through the current paperwork trail. Assuming that trail is identical to the trail expected now. The SBE has the authority to use extenuating circumstances as a reason for providing a waiver. He requested to provide a waiver for all of the members of the class of 2012. The extenuating circumstances he asks the SBE to consider are: (1) making decisions on the fly it is never good. Anytime Jenks local board enters a conundrum he instructs they back off, slow down and let's do it right; (2) consider if the expectations are the same for

May 2012 graduates as they were for that November 2011 waiver recipient, which he suspects they are not; (3) validity of a non-standardized test (this is just a dagger at the test itself and projects); and (4) the Quality and Accountability Board has never met. They had a direct responsibility for examining and reviewing tests. Do we have a different standard for adults who do not have to comply by the law than we do for students who must comply with the law? There is a smorgasbord of extenuating circumstances for the class of 2012 that should be considered.

LEGAL SERVICES

Amendments to Emergency Rule Approved

Ms. Richey reviewed the changes made to the rule in response to Board Members comments. The added language reads "the State Board of Education delegates authority to the reviewing committee, appointed pursuant to Section (d) (2) of this rule, to approve the petition for appeal of students who have provided evidence of certain extenuating circumstances designated by the Board including acceptance into a selective college or university as defined by the Carnegie Foundation for the Advancement of Teaching".

Ms. Richey said because this new section was added she had to amend the definition of an extenuating circumstance on page 1. One short clause was added to the end of the definition so that the definition of extenuating circumstance stays the same with the addition of 'or special circumstances identified by the Board'. That is a direct reference to the section dealing with the list of extenuating circumstances the SBE wants handled at that point.

Board Member Baxter asked the intent is to take away all discretion from the committee for students who meet that category. This says it authorizes them or gives them the authority but that is only authority to approve, correct?

Ms. Richey said correct. Colleges would be one of the categories on the list that directs the SDE committee to respond immediately and approve. The benefit is to not go through the formal rule promulgation process.

Board Member Price renewed the motion to approve the two amendments to the rules as just stated: "the State Board of Education delegates authority to the reviewing committee, appointed pursuant to Section (d) (2) of this rule, to approve the petition for appeal of students who have provided evidence of certain extenuating circumstances designated by the Board including acceptance into a selective college or university as defined by the Carnegie Foundation for the Advancement of Teaching; and add 'or special circumstances identified by the Board', to the extenuating circumstances definition.

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

Adoption of Emergency Rule Approved

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Ms. Richey presented a request for the emergency adoption of Title 210: Chapter 10. School Administration and Instructional Services; Subchapter 13. Student Assessment.

Board Member Ford made a motion to approve the rules as amended. Board Member Price seconded the motion.

Board Member Hofmeister directed the Board's attention to page 3, section d, items 4,5,6,7 (c) (d), the new underlined new language. There are a number of things highlighted in green that need to be resolved or improved, some are grammatical.

Board Member Ford said let's start at the top and go through it.

Ms. Richey said she received direction early on because the emergency rule process does not provide the opportunity for public comment, to not make amendments to the rule that was adopted in 2009, and to only implement emergency rules that implement the new law. The new law establishes the appeals process but some of your comments may be directly related to the 2009 rule. She asked was the issue before the Board to start at the beginning and make amendments?

Board Member Ford said only the beginning of the underlined section.

Board Member Hofmeister requested deleting words 'and the school district superintendent and or the superintendent designee, verifying the information submitted in the appeal as accurate and correct'. According to House Bill 2970 in the following sentence of this proposed rule this appeal is the appeal of the student or parent. By adding a requirement that the superintendent or designee verify the accuracy of the information, we would be placing the superintendent or their designee and the district as the roll of the petitioner or the appellate. Ultimately it is contrary to House Bill 2970 which leads into what they are being asked to provide. She appreciates wanting verification but asked are we trying to be true to House Bill 2970? It is about the student being able to come to the SBE and appeal.

Board Member Ford said verification of accuracy is a must.

Board Member Hofmeister asked on what authority does that have to happen? Verification of accuracy is not in House Bill 2970.

Board Member Ford said just because it is silent does not mean it cannot be addressed.

Board Member Hofmeister said it does change who the appellate is.

Ms. Richey said the law is very clear that the student is the petitioner to the SBE. Adding a requirement that the superintendent or superintendent's designee be aware of the appeal or verify the accuracy of the appeal changes the petitioner of the appeal. The language in the statute is very broad and directs the SBE to promulgate rules that establish a process. These types of details are part of a process and the SBE determines if school district verification should be a part of the process established by the SBE.

Board Members Price and Shdeed agreed school district verification is most important and would eliminate a tremendous amount of work.

Board Member Hayden said it will not stop the process nor says it could only be submitted with the approval of the superintendent.

Board Member Hofmeister referred to the underlined language that was included and states ‘must be signed by the student, parent or legal guardian of the school and the school district superintendent or their designee verifying the information submitted in the appeal is accurate and correct’.

Board Member Price said it does not say we are agreeing with the appeal. It says that the superintendent or designee is verifying the accuracy of what is submitted.

Board Member Shdeed said if the school district did not provide them the information they must, in fact, have that information confirmed, otherwise we would be guessing as to the accuracy.

Board Member Hofmeister said the language highlighted in yellow states ‘a petition for appeal may not be submitted by the school district in which the student was or is enrolled’, and asked was it contrary to the preceding statement that you already included?

Board Members Ford and Shdeed said no, they cannot be the petitioner.

Board Member Hofmeister said it seems we are putting something incongruent here.

Board Member Shdeed said no it is a different issue. If they are the petitioner that’s one thing, but they are merely verifying what the student is saying as to what was provided for them. This is a significant difference.

Board Member Hofmeister referred to the yellow highlighted language that says, ‘statutory limitations and changing limitations to statutory language’.

Ms. Richey said that was original language in the version submitted to Board members last week. The language was clarified based on feedback that questioned what is the ability of the SBE to waive requirements under this section of law. The law is silent as to the waiver authority of the Board, and does the establishment of the appeal process inherently include the authority to waiver graduation requirements, generically speaking. Our position is there is limited authority to waive the ACE graduation requirements based on the silence of the statute. Ms. Richey said in this area she was making it a part of the initial review of the application itself. It is one of several factors the committee would review and include in the recommendation to the SBE to approve or deny.

Board Member Ford asked Board Member Hofmeister what were her concerns with limitations versus language?

Board Member Hofmeister said to be accurate it is ‘statutory language’ and not ‘statutory limitations’. We are suggesting that interpretation about what is happening within these particular emergency rules or the statute. If it is just changed to language that is neutral, which is her point, ‘statutory limitations’ has been added.

Ms. Richey said the statute inherently contains 'limitations' because it directed the SBE to establish exemptions and exceptions, which it did in 2009, and are now working with those limitations. Changing limitations to language is not a substantive change.

Board Member Hofmeister said so we will change that to say statutory 'language'.

Superintendent Barresi advised Board Members to consider all actions at one time in total.

Board Member Ford asked not to delete the superintendent or superintendent designee responsibility to verify the information.

Superintendent Barresi said Ms. Hofmeister had moved on from that section.

Board Member Hofmeister referred to #5 that states 'any member of the board may request that a petition for appeal.' She asked for clarification of the term 'petition for appeal'. Is it different from the ACE appeal? Can that be changed to ACE appeal or is that something different?

Ms. Richey said she used the phrase 'petition for appeal' throughout the rule because it is the phrase used in section e.(1) of the statute. At least with regard to the rule she was being consistent with what the law states. It is the pleasure of the Board to call it an 'ACE appeal' throughout the rule.

Board Member Ford said the appeal is the packet not just the form.

Board Member Hofmeister said the same language is in part 8. If something is missing from the appeal it would not be an automatic denial as stated by Ms. White. For example if someone is homeless and does not have a mailing address or for some reason they do not complete all places on the form. She appreciates the consideration and thoughtfulness but she was not comfortable with the phrase 'if it is incomplete it is an automatic denial'.

Ms. Richey said Ms. Hofmeister was referring to the version mailed last week. In one of the initial versions distributed to the Board it did state it was '**a dismissal**' based on comments received from various interest groups. It was changed and is not an automatic dismissal but would be presented to the Board with a recommendation for denial based on deficiency. In addition, a five business day opportunity is given to submit additional information to the SDE prior to submission to the Board. The substantive change is that they are still coming to the Board with a recommendation they be denied based on deficiency as opposed to automatic dismissal.

Superintendent Barresi said the form requires the petitioner to provide contact information.

Board Member Hofmeister made a motion to amend the rule to read 'statutory language' instead of statutory limitations'.

Board Member Ford accepted the amendment.

Board Member Baxter asked as a group will the Board consider the discussions regarding the blind student from Broken Arrow, the thirteen students, Dr. Lehman's request for the students of the Class for 2012, and whether they have any merit in regard

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to the rules and how they apply. If so, the option would be to postpone the vote on this matter until discussed in depth.

Board Member Ford asked if the vote is postponed would it lay aside the responsibility of the SBE with the new legislation. There is still a time factor but we need to know how to handle these.

Board Member Baxter said a postponement can be a short time of 20 minutes, and not a long period as a year.

Superintendent Barresi said Agenda item 9 (c) addresses the concerns of Mr. Lehman and it regards how this body will consider the appeals filed with the SDE on Tuesday. A special process has been established.

Ms. Richey corrected appeals filed prior to the implementation to this rule.

Superintendent Barresi said a special set of appeals that were filed prior to the implementation of this rule. The Board is approving these but from this point on all new appeals will be considered according to these rules.

Board Member Baxter asked will this address the waiver that was granted in November 2011, and the consistency of the appeals that are about to be granted?

Superintendent Barresi said that waiver was granted under rules written seven years ago to meet those circumstances.

Board Member Baxter said they were passed under current rules. He made a motion to postpone the vote until after hearing discussion on Agenda item 9(c).

Superintendent Barresi said our attempts were to address all appeals filed after the statute was passed but before the SBE adopted the rules. It has created a special circumstance or void and a process was developed to address that void.

Ms. Kerri White said Dr. Lehman's comment regarding the November 2011 situation was under the old law, prior to April 18, 2012, and House Bill 2970. That particular situation was handled differently but was based on the definition of extenuating circumstances that existed prior to the discussed amendments.

Board Member Baxter clarified these rules apply today at this moment.

Ms. White said yes and of the 21 appeals received on Tuesday others were received prior to that. All 21 appeals indicated they did not have an extenuating circumstance and therefore would not fall under the previous definition of extenuating circumstance.

Board Member Hofmeister said that was not her understanding. Why do we not have those to begin with?

Board Member Ford said the Board has three sets that include appeals requesting a waiver prior to recently signed legislation, appeals received after legislation was signed, and appeals that will be dealt with going forward? She clarified that the motion on the table is how to deal with those going forward. There is an action item on how to deal with those appeals from the legislative time to the passage of the rules.

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Superintendent Barresi said correct.

Board Member Ford said she understood wanting to postpone but General Baxter's concern are those in the void.

Board Member Baxter said he did not want to vote for passage of the rule until he understood what the Board will do with current situation and for students standing in the door in a parachute about to jump off into oblivion.

Board Member Baxter made a motion to table in order to further review and better understand. There are too many variables.

Board Member Ford asked are we referring to the 21 students in the void, period.

Superintendent Barresi said this vote is about how appeals will be handled from this point and in the future. The appeals filed on or before Tuesday could not be processed because there were no rules to follow.

Board Member Baxter said he understood. But the rule does not address the larger concern expressed by Superintendent Lehman concerning the class of 2012.

Board Member Hofmeister agreed. It has been known for years ACE would be here, yet, here we are after graduation having this discussion, and again needing to focus on the class of 2012. People have appealed and more will appeal and it is a mess. She is most concerned about these students who are left in limbo. Once the Board passes the rule then we are in a whole new phase. The 2012 students will need to be considered, who in a way are penalized, either by delay or denial of their diploma because of adults who have not known this was coming and did not do something about it before now.

Superintendent Barresi said respectfully until April 2012, we had what we had, which was the previous legislation for which there were rules when the legislation was passed. The new legislation, which you assert put us in limbo and created confusion, was passed and signed April 18, 2012. These emergency rules are an attempt to address the April 28, 2012, legislation. Respectfully, she disagreed with the assertion that this is confusing and is creating more problems. We could only follow the statute and rules that were in place at that time. After April 18, 2012, staff began working on writing these rules and establishing this process.

Board Member Hofmeister said only some lines have been added and there was a Board meeting in between, and we knew graduation was coming, she does not....

Superintendent Barresi said there was a Board meeting one week after the legislation was signed.

Board Member Price said we did not know the legislation involving the appeal was coming.

Board Member Hofmeister said at the March 29, 2012, meeting but the minutes do not reflect Mr. Robinson's legislative update and discussion on not needing House Bill 2970 because there was a process already in place. If the process was already in place

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then why were we not prepared to deal with that? To say we are dealing with this today it seems we could have dealt with this in anticipation of graduation.

Board Member Shdeed said this was used in November 2011. How has this changed from the November graduates to the current graduates?

Ms. Richey said we were operating under the previous version of the statute and rules and when the SBE considered a waiver in November 2011 the right to appeal directly to the SBE was limited to an extenuating circumstance. All other calls Ms. Melissa White received throughout the year when a student did not qualify for an extenuating circumstance was never presented to the SBE and ended in an inquiry to her office. The difference is the law granted, as a statutory right, the ability for every student to appeal directly to the SBE to seek relief. The part not being discussed is the law only allows the student to appeal 'upon denial'. This means that prior to actually being denied the diploma they could not petition the SBE. It is upon the student being denied the standard diploma that they can petition the SBE and that is the difference. Now every student denied a standard diploma may file a petition for appeal with the SBE to seek relief from that denial.

Board Member Shdeed asked prior to November 2011 did a student have an appeal process if they were denied by their local school board?

Ms. Richey said they would not have been. Since this is the first year of implementation, this is the first group of students who have actually been denied a diploma. Questions relating to what would have happened in November or December 2011 are mute. There was no means to come directly to the SBE.

Board Member Hofmeister said Legal Counsel has said per the administrative code that an appeal is always in place. They have always had that, as well as, a way to appeal which the Broken Arrow students used both methods.

Ms. Endres said these are existing rules that are up for consideration from May 24, 2012 forward. In section 9(c) there is a gap because anytime there is new legislation people are caught between the two. The SBE determines whether or not to apply the new procedure to the 21 applicants, allow them extra time and proceed or they can proceed under the old methodology. The point everyone is making is if they proceed with the same November 2011 procedure, as Ms. Richey explained, it will only allow the extenuating circumstances be presented to the SBE. Therefore, not all 21 applicants would be presented, only those the SDE believed were extenuating circumstance. That process would vet the procedure and only bring the SDE recommended applications for approval. The new process allows all applicants to be considered based upon a recommendation of a denial or approval. The opportunity in 9(c) is to determine what to do with the gap applications, those received prior to today. Ms. Endres reiterated that the motion on the floor is to approve the rules as they stand, to proceed forward from May 24, 2012. Afterwards the 21 applicants in the gap period can be addressed.

Board Member Hofmeister seconded the motion to table.

Board Member Baxter called for Point of Order. There is a difference between a motion to table and a motion to postpone. A motion to table cannot be taken back up without another motion. A motion to postpone will postpone the vote until further discussion and then the vote can take place.

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Ms. Endres asked do you want a motion to postpone definitely which means after consideration...

Board Member Price said sounds like he just wants additional discussion.

Board Member Baxter said yes. He wanted to get to bigger issues. It is about the 21 students but it also about Dr. Lehman's issue.

Board Member Price said all the appeal requests Ms. White reviewed and including those that had not completed additional testing projects, or the school had not provided information on, all but one were presented. A student's parents were military personnel and had to relocate to another state and that state was not compliant to Oklahoma requirements, therefore it was deemed an extenuating circumstance under any circumstance. The SDE staff properly presented to the SBE and the request was approved. It does not mean every student will be subject to that very unusual circumstance which is one that should be approved. He is concerned that the law has been in effect for seven years and the appeal portion of the law has recently been approved. He is not criticizing the SDE for not promulgating rules in which legislation recently passed an appeal process. He finds great criticism with school district feedback, not particularly Broken Arrow, that parents want to appeal, but questions were asked were students offered projects by the school districts. Students are either refusing the projects or simply not being offered projects. What is missing in the equation is the school districts not addressing the issue six months or a year in advance and providing the projects. The fact that five of the 21 appeals are currently doing projects tells that it is late. Students had to wait for the results of the tests which may have taken a long time but in some circumstances it is an attempt to move the responsibility from the school districts. The Legislature wanted school districts actively involved in tutoring and helping students. These projects can be completed by September and they are not the most stringent requirement in the rule. In 99 percent of the cases projects should be accomplished with an active school district and students who want to complete them. The appeal form will let the students know the school district is required to provide it and is actively involved which will eliminate most of this. The kind of extenuating circumstances such as the student who is blind, homeless, or state transfer are the type of extenuating circumstances that should be dealt with and they would have regardless. In defense of the SDE, speed and lateness of the rule is attributed to the lateness of the Legislature.

Board Member Baxter said neither the SBE, Dr. Lehman, or Superintendent Barresi are the victims. It is potentially the students. The terms of the process should not matter much. The SBE is being asked to approve these rules to implement a law passed in April 2012, and apply it to students who have already gone to their graduation ceremonies. It is a little bit of a stretch and he was not sure how the SBE will address all of this. The points made by Dr. Lehman and others are good and he would be the first to agree the school districts in every case had not done exactly what they should have done. He was not sure how that applied to every student. Graduation has already passed.

Board Member Price said graduation has not yet passed because students have until September 2012 to complete projects.

Superintendent Barresi said these students can continue working towards fulfilling these requirements beyond September should they choose.

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Board Member Hofmeister asked should that be asked of students who have been accepted to universities.

Board Member Shdeed and Price said the exception had been made.

Board Member Hofmeister said the exception was made after we voted. We are talking about people, right now, that have submitted appeals and have not been given an appeal.

Board Member Shdeed said if the students have submitted applications and have a letter of acceptance they will be approved.

Board Member Ford said they already have the waiver and need to complete the form. They cannot apply for the waiver until they have been denied a diploma. By statute, we cannot arbitrarily waive the requirement for graduation because they have to be denied. The Legislature did not talk to a lot of people on this and it is problematic but they have their waiver. She would like to hear how to deal with those students in the void.

Ms. Richey said it was added as an action item in order for the SBE to decide and direct the SDE on how to process the appeals. Superintendent Barresi and staff prefer to treat each appeal as being received today, since today is the formal adoption of the rule. Therefore, no one is clocked prior to this date and would have 30 days from this date to provide all required information to the SDE. The real issue is how these appeals should be processed. Because had there been action on the appeals previously received, under what process would they have been processed?

Board Member Hofmeister asked Ms. Richey was she in favor of House Bill 2970 and thought it was needed?

Ms. Richey said it was not her position to discuss. The fact is the law was passed and the statute must be implemented.

Superintendent Barresi said that is not the issue.

Board Member Shdeed asked how the new law affects the May 2012 graduating students versus the November 2011 graduating students. In November there was one set of rules to graduate and now they have a different set of rules. What is the difference of the class of 2012?

Ms. Richey said the difference is those students who were notified they had not reached ACE graduation requirements in November 2011 by their school district, could have contacted the SDE and claimed they had an extenuating circumstance. Denial of a diploma was not a requirement for them to contact the SDE. Therefore, they could have contacted the SDE in August, September, and October or their freshman year and stated they had an exceptional circumstance and requested it be presented to the SBE. The difference under the current system enacted by the Legislature is now the SBE cannot act until the student is denied a standard diploma.

Board Member Hayden said the presentation of the appeals to the SBE sounds less restricted than what was in place before.

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Ms. Richey said the waiver authority was not less restrictive but the ability to petition the SBE is less restrictive.

Board Member Hayden said that was what he meant. Because it had to be extenuating circumstances and if that specific threshold was not met, then there was not opportunity. This says “any” opportunity.

Board Member Shdeed asked does this make it easier.

Ms. Richey said she believes it opens the door for any student to have direct access to the SBE.

Board Member Ford asked how the numbers look.

Ms. Kerri White said most recently the May end-of-instruction (EOI) exam window closed. School districts have received final results from exams that were multiple choice assessments for Algebra I & II, Geometry, Biology, and U.S. History. Schools received the final results for those students as to whether they passed or failed. Scale scores (700 or above is proficient) were also received two days (48 hours) after the close of the testing window. All online testing results for the EOI were posted on May 16, 2012, for approximately 282,000 tests and not all were seniors. The EOI paper-pencil test results and OMAP test results will be posted May 29, 2012. She clarified that the Algebra I & II, Geometry, Biology, and U.S. History were administered online, and schools had the cut score results on May 16, 2012. The English II & III have a writing component, and any student taking the paper-pencil modification of the assessment or the OMAP paper-pencil assessment, will be posted on May 29, 2012. This is approximately 20,000 tests which is less than ten percent of the tests. There was an intention to post the results on May 25, 2012, but due to slow returns of the OMAP assessment from school districts it will require additional days to process. The EOI OWAP (portfolio students) results will be posted July 16, 2012, because of a standards setting that occurs in June and the need for sign off. The majority of tests results were posted to districts on May 16, 2012, and May 29, 2012, paper-pencil, and July 16, 2012 portfolio. Because the SDE does not have all the alternate tests and projects for every student a final exam cannot be given. In April 2012, Board Members were provided data based on self-reporting of the students who had not yet met the requirement. Since that time many districts have reported their numbers have decreased.

Board Members Ford and Hayden asked what were the reported numbers or percent.

Superintendent Barresi called for recess and requested Board Members put away cell phones. She said there was a motion to postpone definitely and a second.

Board Member Price said his amendment to Board Member Ford’s motion to approve the rules is to amend with the inclusion of the appeal applications received prior to this day May 24, 2012. The gap period of time would include Broken Arrow applicants.

Ms. Endres said for organizational purposes Agenda item 9(a) is an action item to pass the rules and make effective this point forward. Item 9(b) is an action item to

approve the appeal form and item 9(c) is an action to determine what to do with students in the gap.

Superintendent Barresi asked did Board Member Baxter want to withdraw the motion or proceed.

Board Member Baxter said he did not understand the amendment.

Board Member Price said the amendment is to approve the rules and to include applications made for waivers that were made by a certain date since the law was passed.

Superintendent Barresi said that is the heart of item 9(c).

Board Member Ford said passing the rules does not deal with the void. Board Member Baxter reiterated it was his same reason to....

Board Member Price said the group in the void is included under the rules which would satisfy concerns of Board Members Ford and Baxter, rather than approve the rules and make the modifications to include the gap afterwards. Include the gap in the original motion.

Board Member Hofmeister asked why do they need to be approved today. A waiver has already been granted, right? If they have appealed under the.....

Ms. Kerri White said they are granted under extenuating circumstances and all 21 applicants indicated they did not have an extenuating circumstance.

Board Member Ford asked if a student has been accepted to college and does not have an extenuating circumstance....

Board Member Hofmeister asked why the SBE had not received anything if it has been given to the SDE.

Ms. Kerri White said because the Board is just now approving the process.

Board Member Hofmeister said no, this is a separate thing. This is after these students appealed.

Ms. Richey said these applications have to process in some way, either under the old system or under the new system. Under the old system they would work through Ms. Melissa White, who after reviewing them would present SBE the appeals claiming an extenuating circumstance as defined by the rule. Under the old system Ms. White would not have presented any of the Broken Arrow appeals. Under the new system the appeals will come directly to the SBE. Ms. Richey said confirmed students who applied and were accepted to college would not be an extenuating circumstance and not presented to the SBE. According to the rule an extenuating circumstance is a circumstance which is unexpected, significantly disruptive beyond the student's control, and may have reasonably affected his or her academic performance.

Board Member Price said Agenda item 9(c) are all the appeals we have talked about from April 18, 2012, to the present, as well as, future appeals we are asked to approve the rules and make retroactive to any appeals received after April 18, 2012.

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Ms. Kerri White said the 30-day requirement for students started the day they were denied a diploma but we want to give the students the extra benefit and time to start the 30-days from today.

Board Member Price amended the motion to include the 30-day requirement effective this date, May 24, 2012.

Ms. Kerri White said the SDE would be willing to immediately meet with the SBE committee appointments in order to process the appeals so that students will not be held up any further.

Board Member Ford asked would there be a problem to start the 30-day requirement May 29, 2012 which is when the paper-pencil tests results would be available. Is that a problem?

Board Member Hofmeister asked this would mean no one could be granted an appeal until that time?

Ms. Kerri White said up until 30 days after that date.

Board Member Shdeed said it has been agreed anyone admitted to college will get one and that is not an issue.

Ms. Richey said it is more beneficial if the student's appeal be processed under the proposed rule before the SBE today.

Superintendent Barresi said it is more beneficial that the clock starts ticking later than the previous rule. A June 5, 2012, SBE meeting has yet to be determined to review the appeals.

Ms. Kerri White said based on a possible meeting date to consider these appeals received there is a requirement of a five day notification to parents. The committee would need to meet tomorrow, May 25, 2012. Arrangements have been made for the committee to begin....

In response to Board Member Hofmeister's concern, Ms. Richey clarified Ms. White's statement and said if this rule passes work must begin tomorrow.

Board Member Hofmeister said she wanted to assure something is not happening that the Board is not aware of and that there is a group ready to go. She would also like to know who is on the committee.

Ms. Richey said it is up to the SBE to determine today.

Board Member Ford asked would Board Members be willing to amend the start date to May 29, 2012.

Board Member Price amended the motion to include the 30 day requirement be effective May 29, 2012 including the appeals filed since April 12, 2012.

Superintendent Barresi said we have a conundrum because we cannot review these until after March 29, 2012 but are required to report these....

Ms. Kerri White said they would have until 30 days after May 29 to file but that would not keep us from looking at them.

Superintendent Barresi said General Baxter's motion to postpone is on the floor.

Board Member Hofmeister said with what you are suggesting those who have appealed are included. Does that mean they would have the ability to make changes for greater advantage on their appeal the way the appeal is addressed or written because they were written under the old form?

Ms. Richey said correct.

Board Member Baxter asked this would mean if Superintendent Barresi were to convene a special meeting on June 5, 2012, we could deal with these appeals, or not?

Board Member Hofmeister asked would the SDE automatically grant the appeals.

Ms. Melissa White said that would depend on if the rules are approved.

Board Member Ford clarified there was a motion and second on the floor to be addressed, and a postponement, a denied motion and second to postpone.

Superintendent Barresi said regarding the motion to postpone.

Board Member Baxter withdrew the motion to postpone.

Ms. Endres said the motion with accepted amendment is to approve the rules as amended by Board Member Hofmeister with change in the language to Subsection J; with retroactive effect to April 18, 2012, by passage of House Bill 2970; to start the 30-day appeal time for students to turn in ACE appeals beginning May 29, 2012.

Board Member Ford accepted Board Member Price's amendment to her motion to approve rules as amended.

Board Member Price seconded the motion. The motion carried with the following votes Mr. Price, yes; Mr. Shdeed, yes; General Baxter, nay; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

**Processing ACE Appeals Filed Prior to the Implementation
of the ACE Appeal Process and Procedures Approved**

Ms. Richey said adopting the rules requires the SBE to establish a committee of SDE staff to review appeals submitted to the Chief Executive Secretary (CES) of the SBE.

Superintendent Barresi said the slate for committee members is Ms. Melissa White, Director, ACE/Counseling; Ms. Kerri White, Assistant State Superintendent, School Support; Dr. Rene Axtell, Assistant State Superintendent, Special Education; Mr. Richard Caram, Executive Director, C³ Schools; and Dr. Chris Caram, Deputy State Superintendent and supporting staff, as well as, Ms. Kim Richey, Assistant General Counsel.

Board Member Ford made a motion to accept the slate for the committee. Board Member Hayden seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; General Baxter, yes; Mr. Shdeed, yes; and Mr. Prices, yes.

FIRST-YEAR SUPERINTENDENTS

First-year superintendent(s) attending the meeting were Mr. Joe Sharber, Superintendent, Konawa Public Schools and Mr. George Kellner, Superintendent, Taloga Public Schools.

LEGAL SERVICES

Achieving Classroom Excellence (ACE) Appeal Form Approved

Ms. Richey said the adoption of the rule requires the SBE to establish the manner in which an appeal is submitted to the CES of the SBE. She presented the drafted form for consideration. Board member comments were received and have been incorporated.

Board Member Baxter said this can be viewed in the context that there are no disqualifiers on the form, correct? There is no context the committee or anyone can use to turn it away?

Mr. Richey said not immediately. The provision in the rule discussed earlier required if there is missing information the SBE determines is necessary, the individual is allowed five days to provide information. Every appeal will be submitted to the SBE.

Board Member Hofmeister asked when the information will be submitted. After the committee reviews or will Board members receive the real time information?

Ms. Richey said whenever the Board wants the information.

Board Member Ford said when packets are complete and ready for submission to the committee. This is after all required information has been received.

Board Member Hofmeister said she preferred to be informed when the appeals are received and verification they are being developed.

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Ms. Melissa White said upon receipt of an appeal the CES will send a letter of notification to the applicants and can email Board Members with information of the student and district submitting the appeals.

Board Member Hofmeister said would it be more burdensome notifying one at a time if hundreds are being received or could a daily digest be done or a...

Ms. Endres said the Chief Executive Secretary does send a letter to the student with regard to each individual applicant they would need time dated notification of receipt and be informed of the date for Board consideration. Board Members could be included on the notifications.

Board Member Baxter needed clarification on what was a complete and incomplete packet. What makes it incomplete and how will students be notified?

Ms. Melissa White said an email address will not affect the decision on whether or not a student has reasonably exhausted all measurable items on the appeal form. It would be information that would help determine an answer.

Board Member Baxter said he wants the students to understand what is required to have a complete packet. There should not be a lot of discretion on what that is.

Ms. Richey said there are certain items on the form that require additional information and the college and university item is one of them. If the student marked the box as being accepted to a university it is not automatically assumed they have been. The student is required to provide an acceptance letter from the higher institution.

Board Member Baxter asked if the date of birth is not included will they be rejected.

Ms. Richey said no. The date of birth is requested in order to access records and verify EOI exams.

Ms. Melissa White said the student's name, date of birth or testing identification number is needed to verify and access information.

Board Member Baxter said he did not mean to quibble but he did not want to see a case where an un-notified student is requesting an appeal. Then a parent says the appeal has been rejected due to not supplying a telephone number, for instance.

Ms. Melissa White said there could be six applications for John Smith and in order to know which one is being looked at the required information is necessary. Regardless of the packet, the committee can make a recommendation but no application will be rejected or delayed by the committee. Once it is received the entire process is 45 days.

Board Member Hofmeister asked to review the ACE appeal form she submitted which was more streamlined and less redundant. In terms of the yes, no, yes, no, did the student take...one of the comments she received was the form looks overwhelming. She did not want to deter anyone because they do not have some of the information. They will need to work together with their school, because the student may not know what dates they took tests and the scores.

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Ms. Melissa White said students and parents are mailed school reports on every EOI. The scores will be on their transcripts in addition to that information a report is mailed to parents on every test that is taken. She said an ACE cumulative record is required by law for every student that does not pass an EOI. The record contains the dates remediation was offered, parent contact, dates of retests, scores, and alternative tests.

Board Member Hayden asked if the same information ends up on the parent portal.

Ms. Melissa White said no.

Board Member Price said since the school has to verify the information, it should be easier.

Board Member Hofmeister referred to page 2 with the statement that says “the school district must offer three retest opportunities per year and remediation for unsuccessful EOI attempts, and the student is asked if all the opportunities were offered to the student. Do we expect the student to know if it was offered or not or are we relying on...is this a joint form really, that we want the school to work together with the family to complete?”

Board Member Price said the families should know whether or not opportunities were offered. He thought it important they know the requirement before they file because it may solve a lot of problems before they come to appeal.

Board Member Hofmeister said but we are after graduation.

Board Member Shdeed said it is good. It makes parents and school districts more aware. Students can go through the form in a short period of time.

Board Member Shdeed made a motion to approve the ACE appeal form and Board Member Hayden seconded the motion.

Board Member Baxter asked can the appeal form be modified if it does not work for whatever reason going forward.

Superintendent Barresi said yes.

Ms. Richey said because the rules are being promulgated under the emergency process the issue will be revisited later in the year, at which time, modifications can be made.

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

Board Member Price said these are the rules for right now. If at a later time it is found, for instance the acceptance to a four-year college is an automatic waiver, he would like the SDE to track students who receive a waiver and whether they remain in a four-year college. It will provide, six to eight months from now, if this is working or not, and as to whether virtually all who received waivers dropped out of college immediately. It brings up a different thought process if they were accepted and going through college, and affects our policy in the future.

Superintendent Barresi said it could be done for students attending in the state but for the out-of-state student it would be voluntary information.

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) **Library Media Specialist Exemption – 70 O. S. § 3-126**
Salina Public Schools, Mayes County
Victory Christian Schools, Tulsa County
- (b) **Allow Two School Days in a 24-Hour Period – 70 O. S. § 1-111**
Atoka Public Schools, Atoka County
Durant Public Schools, Bryan County
Greenville Public School, Love County
Haskell Public Schools, Muskogee County
Noble Public Schools, Cleveland County
Olustee Public Schools, Jackson County
Sterling Public Schools, Comanche County
- (c) **Abbreviated School Day – OAC 210:35-29-2 and OAC 210:35-3-56**
Yukon Public Schools, Canadian County
- (d) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**
Sterling Public Schools, Comanche County
- (e) Request for Brushy Public School, Sequoyah County, to use \$50,000 of its general fund to make expenditures for capital needs – OAC 210:25-5-4
- (f) Request approval of sponsorship/donation recommendation – 70 O.S. § 3-104(12)
- (g) Request approval of recommendations from the Teacher Competency Review Panel for applicants to receive a license - 70 O. S. § 6-202

Board Member Ford asked to remove Agenda item 6(f) for clarification.

Board Member Ford made a motion to approve Consent Docket items with the exception of item 6(f). Board Member Baxter seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister yes; Gen. Baxter, yes; Mr. Shdeed, yes; and Mr. Price, yes.

Ms. Endres said request for approval of sponsorship/donations on Agenda item 6(f) is a new procedure implemented by the passage of legislation from the 2011 Legislative session requiring transparency with regard to how cost savings are handled. It allows the acceptance of gifts and donations with a clear and transparent process. Under old existing procedures these items were not provided to the SBE but were not pursuant to Section 3-10412 “the State Board has the authority to accept gifts on behalf of the public school system for the use and benefit of the public schools systems it administers”. What

this has done is to allow further transparency to avoid situations that have arisen with regard to how staff is soliciting and accepting donations on behalf of the SDE. Any gifts or donations to the SDE by statute must be approved by the Governor, and any gifts for the benefit of the public school system to help with professional development and to help with providing conferences, will be approved the SBE. At this time, it is going through an internal vetting process involving the finance and comptroller's division and after quality control checks, gift acceptances will be recommended to the SBE. This process has come into place as a result of the audit report regarding the slush fund audit that indicated individuals within the SDE were soliciting donations that were placed into accounts. This will help the process of transparency.

Board Member Price said he agreed with the concept of having check marks. At the same time, are we creating too much of a bureaucracy. If the public school foundation wants to give supplies, which they do all the time for school districts, do they have to go through these bureaucracies to do so?

Ms. Endres said no. The gifting policy is when a gift or donation comes directly to the SDE. Schools have their own procedures for receiving gifts and donations.

Ms. Mathangi Shankar, Comptroller, said the donation is something used by special education disabled student and costs \$3,700.

Board Member Ford made a motion to approve Consent Docket item 6(f). Board Member Baxter seconded the motion. The motion carried with the following votes: Mr. Price, yes; Mr. Shdeed, yes; Gen. Baxter, yes; Ms. Hofmeister, yes; Mr. Hayden, yes; and Ms. Ford, yes.

TEACHER CERTIFICATION

Teacher Certification Production Report

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

This was a report only and no action was required.

ACADEMIC AFFAIRS

Office of Instruction

Elective Course Entitled Introduction to Agricultural Communications Approved

Mr. Kelly Curtright, Director, Social Studies, said in the Common Core State Standards there are six standards for speaking and listening. He presented a request for proposed communications in agriculture curriculum that meets current standards. It grants flexibility to students enrolled in the course for either agriculture credit or meets the ACE legislation for fine arts credit because speech is substitutable. The course meets and exceeds basic requirements for speech credit or communications credit in the fine arts area. The course is an elective, therefore the teacher certified in agriculture is

qualified to teach the course, meets standards for Introduction to Speech, and does not require another course code.

Board Member Baxter made a motion to approve the request and Board Member Ford seconded the motion.

Superintendent Barresi said she had the privilege to attend the Future Farmers of America (FFA) convention, and witnessed the speeches students made. This will not just be meeting the state standard but extremely excels the students. It is a phenomenal course she highly recommends to parents.

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

Report on Gifted and Talented Education for the 2011-2012 School Year

Ms. Sara Smith, Director, Gifted/Talented Education, presented the annual report on gifted and talented (GT) education information from gifted schools throughout Oklahoma this current school year. Gifted education was mandated in 1981, and revised and updated in 1994. She reviewed the Oklahoma statute definition of gifted and talented children, identifying categories, school district/charter school GT plans, monitoring, student data/percentages, populations, school district identifiers, program funding, and GT teacher certification.

Board Member Price asked was there data showing if the GT certification makes a difference in the performance of the students?

Ms. Smith said she did not have the information today, but there is research which reflects the importance of GT certification and how it benefits the students.

Board Member Price said intuitively it makes sense but it is good to have data.

This was a report only and no action was required.

Oklahoma Gifted Education Specialist Certification Approved

Ms. Smith said data is very good of which there is extensive research behind the standards and competencies that show why the information helps educators in reaching the needs of GT students. She presented a request for the Oklahoma gifted education specialist certification (OGES) to allow teachers the ability to specifically have the knowledge of theory and how to work with student needs at that level. The certification is a Pre-K through 12 certification. There are currently 135 GT certified teachers. Ms. Smith reviewed state to state GT certification programs, GT standards/competencies, timelines, partnerships, statewide educators/organizations, external evaluator, minority representation, Oklahoma certification requirements, and exclusions.

Board Member Baxter asked will the GT certification affect programs at state universities, adjustments, or additions to curriculum.

Ms. Smith said yes and no. Oklahoma State University currently has a gifted program that covers the required certification hours. Representatives from Cameron University, Oklahoma University and the University of Central Oklahoma were committee members and they were excited about starting the program. This does not conflict with any existing programs.

Board Member Price asked what the consequences of having a certification were. Is a small school district with one or two GT students utilizing the help of online supplemental, would the school be required to have a GT certified person?

Ms. Smith said no, it is not a mandate. It is an additional certification for those who choose to partake in it but essentially will give the teacher(s) the extra piece of information needed to be successful in the education of GT students. No additional funding was provided for the GT certification and only the local district determines the teacher's salaries and raises.

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

Update on the Department of Education Digital Learning Summit and Demonstration of iTunes U

Mr. Eric Hileman, Director, Instructional Technology, presented an update on the SDE Digital Learning Summit held April 19, 2012. A broad base of stake holder support that included teachers, technology directors, superintendents, curriculum directors, associations, and Legislators, were present. A ten element of high quality digital learning framework was established with Digital Learning NOW. Digital Learning NOW has a base line grade for all states with 72 indicators and we only met 31 indicators of the ten elements. We have a lot of work ahead of us. The objective of the summit was to begin that gap analysis, address the gaps and indicators. Mr. Hileman reviewed summit notes and recommendations regarding students, teaching, and learning, statewide virtual school, and textbook funding allocation modifications for hardware.

Board Member Price said at the summit school superintendents voiced that their buying power was limited. Having a voluntary statewide central purchasing buying pool would be beneficial in lowering costs for various programs. He presumed it was the same for virtual schools.

Superintendent Barresi said this is one of the policy items that will be front and center for the superintendent's advisory and teacher advisory groups. We will continue looking for input and ways to address all committee comments.

Mr. Hileman presented Apple computer's iTunesU free initiative that is a distribution and content platform. He reviewed the implementation, app, and content subscription/subscribers.

Demonstration of Kahn Academy

Ms. Christina Muralt and Mr. Troy Buller, Algebra teachers at Ponca City High School, Ponca City Public Schools, said they are a one-to-one laptop school consisting of

freshman and sophomores will be included next year. Kahn Academy was developed by Solomon Kahn a hedge fund trader who, while living in New York, tutored his nephews in Alabama. Mr. Kahn made videos that instructed his nephews on how to do a problem via YouTube. Kahn Academy provides the Gaitner Plan, 4000 level linear Algebra courses to basic addition and subtraction. Also, there is a setup for mathematics for students to practice. Mr. Buller and Ms. Muralt presented a demonstration on Kahn Academy, student work/achievement, activity tracking, skills progress, focus and enrichment, vertical integration/remediation, and Google chrome access.

Superintendent Barresi said Apangaea will be offered to the pilot schools to be used in the third grade this year. It is competitive and students compete for gift cards, it is free, gives access to a live tutor and depending on funding we hope to bring it to the entire state for all grade bands.

This was a report only and no action was required.

Office of Education Support

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

Ms. Alicia Currin-Moore, Executive Director, Teacher and Leader Effectiveness, presented an update on activities of the Teacher and Leader Effectiveness (TLE) Commission. A TLE meeting was scheduled May 3, 2012, but there was no quorum. A Marzano Leadership Evaluation representative made a presentation to those members present. There was an informal discussion regarding value added models and the variety of co-variants that need reviewing prior to making some decisions. The May 17, 2012, TLE meeting did have a quorum, the December 2011 minutes were approved, and the Marzano leader model was discussed. The next meeting is scheduled for June 24, 2012. The SDE training timelines are moving forward, the request for proposal (RFP) for training closes on May 31, 2012, and statewide training locations have been selected.

This was a report only and no action was required.

LEGAL SERVICES

Legal Update on the Clayton Lichenberger Equal Employment Opportunity Commission (EEOC) Complaint and Approval of Settlement Authority

Convene into Executive Session Approved

Board Member Ford made a motion to convene into Executive Session at 2:30 p.m. Board Member Price seconded the motion. The motion carried with the following votes: Ms. Ford, yes; Mr. Hayden, yes; Ms. Hofmeister, yes; Gen. Baxter, yes; Mr. Shdeed, yes; and Mr. Price, yes.

Return to Open Session Approved

Board Members reconvened to Open Session at 2:40 p.m.

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

LEGISLATIVE UPDATE

Superintendent Barresi provided a legislative handout from Mr. Joel Robison, Chief of Staff and a C³ schools report from Mr. Richard Caram.

Board Member Price asked the status of the online education certification or online virtual school?

Superintendent Barresi said she did not have a current update but as of last evening the House had attached an amendment to the bill diverting \$30 million of the \$33 million SDE activity fund out to school districts.

NEW BUSINESS

Superintendent Barresi asked if Board Members agreed to meet on Tuesday, June 5, 2012, at 9:30 a.m. Board Members will consider ACE waivers for students that have applied of which the SBE developed procedures today.

Superintendent Barresi said also for the record, Mr. Mustafa Kili, Superintendent, Dove Science Academy, Oklahoma City, was present today. The academy was recognized on the best high schools list by U.S. News and World Report for Oklahoma City and the Dove Science Academy in Tulsa was recognized by Newsweek. Other statewide high schools recognized by U.S. News, World Reports and Newsweek included Edmond North, Edmond Memorial, Edmond Santa Fe, Norman North, Norman High, Deer Creek High, Classen School for Advanced Studies, Oklahoma School of Science and Math, and Booker T. Washington. These schools will be invited to attend meeting and be recognized by the SBE.

Board Member Baxter recognized the retirement of Mr. Bob Neel, Executive Director, Accreditation/Standards, and expressed appreciation for his service.

Superintendent Barresi said Mr. Neel did an incredible job this year, particularly with the confusion created around transfers and Epic School. He went above and beyond his work with regional accreditation officers and directing the program. His service is exemplary and a letter of commendation, with the Board's agreement, will be sent to him.

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ADJOURNMENT

There being no further business the meeting adjourned at 2:45 p.m. Board Member unanimously agreed.

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

Janet Barresi, Chairperson of the Board

Connie Holland, Chief Executive Secretary