

Minutes of the Regular Meeting of the

**STATE BOARD OF EDUCATION
2500 NORTH LINCOLN BOULEVARD
STATE BOARD ROOM, SUITE 1-20
OKLAHOMA CITY, OKLAHOMA**

December 19, 2019

The State Board of Education met in regular session at 1:04 p.m. on Thursday, December 19, 2019, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 12:33 p.m. on Wednesday, December 18, 2019.

The following were present:

Mr. Brad Clark, General Counsel
Ms. Terrie Cheadle, Chief Executive Secretary

Members of the State Board of Education present:

State Superintendent Joy Hofmeister, Chairperson of the Board
Mr. Brian Bobek, Oklahoma City
Mr. Barry “Kurt” Bollenbach, Kingfisher
Mr. William “Bill” Flanagan, Claremore
Mrs. Estela Hernandez, Oklahoma City (arrived at 1:15 p.m.)
Mrs. Jennifer Monies, Oklahoma City

Members of the State Board of Education not present:

Mrs. Carlisha Williams Bradley, Tulsa

Others in attendance are shown as an attachment.

**CALL TO ORDER
AND
ROLL CALL**

State Superintendent Joy Hofmeister called the State Board of Education regular meeting to order at 1:04 p.m. Ms. Cheadle called the roll and ascertained there was a quorum.

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

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

STATE SUPERINTENDENT

Information from the State Superintendent

Superintendent Hofmeister updated on the okteachermatch.com online tool for teacher vacancy/job openings; 2019-2020 State Annual Student Count; Brook Lee, 2019 Milken Family Foundation Educator Award recipient-Claremore Public Schools; and Governor's Christmas Tree Lighting Ceremony.

Recognition of Marty Fulk, Director, Media Production

Superintendent Hofmeister recognized Marty Fulk, Director, Media Production for 42 years of service to the state of Oklahoma, and Proclaimed Employee of the Century. Mr. Faulk will retire in January 2020.

Recognition of the 2019 Advanced Placement (AP) Scholars

Superintendent Hofmeister introduced Oklahoma high school graduate recipients of the 2019 College Board State Advanced Placement Scholar Award, Gabrielle Lee (Edmond North High School) attending Duke University; and Benjamin Fishback (Jenks High School) attending Oklahoma State University. Qualified scholars, one male and one female, are selected from each state by earning 3 or higher AP exam scores statewide plus a 3.5 overall score of all exams taken.

Ms. Lee was accompanied by her parents, Richard and Soo Lee; Debreon Davis, Principal, Edmond North High School; Dr. Debbie Bendick, Associate Superintendent and Dr. Brett Towne, Superintendent, Edmond Public Schools.

Mr. Fishback was accompanied by his mother and grandmother, Kristin Fishback and Judy Chapp; and David Beiler, Principal, Jenks High School.

Both recipients thanked parents and educators (teachers, mentors, counselors, administrators) for support, commitment and providing advanced curriculum resources and opportunities for growth and future success.

First-Year Superintendents

First-year Superintendent, Cory Sauser, Billings Public Schools attended the meeting.

BOARD ADMINISTRATIVE

November 25, 2019 regular meeting minutes of the State Board of Education - Approved

Board member Hernandez moved to approve the minutes of the November 25, 2019, regular meeting. Board member Monies seconded the motion. The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

Board member Bollenbach asked that all board members receive the Oklahoma Dyslexia Handbook. The resource provided by the Dyslexia Taskforce was most helpful in answering his questions. He hoped board members, educators, and parents take the time to read and use the valuable resource.

Superintendent Hofmeister concurred the handbook is a useful tool and is currently available on the OSDE website.

PUBLIC COMMENT

Scott Pardee, Robert Ruiz (Scissortail Community), C. Starr, Development Corporation/Choice Matters and Blake Ewing signed up to address an appeal of the charter school denial by Harlow Creek Elementary-Tulsa.

CONSENT DOCKET - Approved

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2019-2020 school year and other requests:

- (a) **Abbreviated School Day – OAC 210:35-29-2 and 210:35-3-46**
Clinton Public Schools, Custer County
- (b) **Cooperative Agreements for Alternative Education Programs – 70 O.S. § 1210.568**
Pawhuska Public Schools, Osage County
- (c) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**
Alex Public Schools, Grady County
- (d) Request approval on **exceptions** to State Board of Education Teacher certification regulations to permit issuance of emergency (provisional) certificates – **70 O.S. § 6-187**
- (e) Request approval of an underpayment claim by **Deborah Tiger, Chickasha Public Schools – OAC 210:35-3-4(k)**

- (f) Request approval on an exception to alternative certification requirements by **Conner Burnett, Perkins-Tryon Public Schools – 70 O.S. § 122.3**

Board members thanked Ryan Pieper, Executive Director, Accreditation and his staff for the work in providing waiver application information.

Brad Clark, General Counsel, said individuals were present who requested emergency certification extensions at the November SB meeting subsequent to the date of the LETRS Training or had not completed required training. Applicants included **Bethany Trueblood** and **Jordan Schmoker, Tulsa Public Schools**.

Board members asked questions and discussed the **emergency certification** requests, Consent Docket 6. (d), state/federal requirements, compliances and July 1 required training; school district documentation, teaching positions/support services; and agency review and clarification of Trueblood documentation.

Mr. Clark advised on voting options to delay the Trueblood vote to later in the agenda; vote on the Schmoker emergency extensions, December emergency certification requests, and the **exception to alternative certification** request, Consent Docket 6.(f) by **Conner Burnett, Perkins-Tryon Public Schools**.

Board member Hernandez moved to approve Consent Docket 6. (a)-(e) and (f) with the exception of the emergency extension request of **Bethany Trueblood**. Board member Flanagan seconded the motion. The motion carried with the following votes: Ms. Hernandez; yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

LEGAL SERVICES/STATE BOARD OF EDUCATION

Rule Adoption - Approved

Lori Murphy, Assistant General Counsel presented a request to adopt the following rules:

- (1) Title 210. State Department of Education
Chapter 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-25. **Determination of the chronic absenteeism indicator [NEW]**
- (2) Title 210. State Department of Education
Chapter 30. School Facilities and Transportation
Subchapter 5. Transportation
210:30-5-8. **School bus driver certification [AMENDED]**

Board member Bobek moved to approve the adoption of rules request. Board member Bollenbach seconded the motion. The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

Appeal of a Charter School denial by Harlow Creek-Tulsa

Board member Bollenbach moved to return the charter school application to TPS for a decision for a public hearing and decision on the application submitted by Harlow Creek.

Bill Hickman, Attorney representing Harlow Creek Elementary Charter School, said the initial charter school application was submitted March 2019 to Tulsa Public Schools (TPS); May 29, 2019 TPS administrator sent a one page denial letter; and August 21, 2019 TPS denied an amended/revised application. Tulsa Public School Board (TPSB) took no action on the initial or amended application. The TPS Administrator communicated to Scott Pardee, Harlow Creek representative, confirming the application was not recommended for approval and would not be presented to the TPSB per school district policy. A final application denial was received from TPS on August 21, 2019 and no correspondence from the TPSB.

Board members discussed and asked questions regarding application submission date, SBE responsibilities, school district requirements/policy/denial, Charter School Act criteria, statute, compliances; applicant process and reviews; 30-day revised application to TPSB; community support/recommendation

Brad Clark, General Counsel, advised that the TPS policy in conjunction with the Charter School Act does not allow what has been done and it is clear that the written review of each proposal will lead to a written report submitted with the recommendation to the TPSB; and the local school board shall accept or reject the charter school applications.

If the SBE approves or deny, at this time one required criteria has not been met which is there being the support of the community and no public hearings have been held. Secondly, an appeal denial could result with the attorney concluding the matter was not appropriate to be considered before the SBE, and would return to SBE or vice versa if approved. Also, TPS could argue that the matter was not appropriately considered, process not followed and require another review.

It would not be appropriate for the State Board of Education (SBE) to consider and take action on the request from Harlow Creek Elementary today for the reasons discussed, Oklahoma Charter School Act, Section 3-132 and 70 § 5-106 which clearly states the governing body of each local school district is its board of education. Both sections are in conjunction supporting that the application needs approval or denial from the local board of education. Therefore, he did not advise the SBE take action today on the matter. The resubmission review process has started upon the school districts receipt of the rubric, a final revised application submitted within the 30-day statutory timeline; and TPS/TPSB adhere to their policy and meet/take action with the timeline.

Mr. Hickman responded his client would be at risk of having rights prejudiced and no constitutional due process rights honored. The SBE action to return to TPS would force Harlow Creek to file forcible Writ of Mandamus to follow the law/policy. Tulsa Public School Superintendent Gist responded to the rubric and review resubmission 48 hours prior to this meeting, and included additions to the August 21 grounds for denial letter. As previously discussed with SBE General Counsel and Harlow Creek if a fair process could be in place a final revised application will be submitted and TPS adhere to

the 30-day response timeline. If TPS/TPSB takes not action his client would pursue legal action and Harlow Creek will return to the SBE for action.

Mr. Clark said he did converse with Mr. Hickman and TPS General Counsel as Mr. Hickman referenced. Both sides had a deadline of last Thursday to provide materials. The rubrics and evaluations have been provided and a reason to return to the statutory 30-day timeline. The SBE does not have authority to compel a timeline on TPS to accept/review but can recommend their adherence to the statutory timelines.

Mr. Bollenbach amended the motion to encourage TPSB to follow the statutory timelines.

Mr. Clark asked to clarify which timeline in the amended motion.

Board members discussed clarifying TPSB act accordingly upon 30-day of receipt of the revised application after which time the applicant can take appropriate action.

Board member Bollenbach amended the motion that the Harlow Creek Elementary charter school application to the SBE be returned to Tulsa Public School; Harlow Creek Elementary submit a final application to Tulsa Public School and Tulsa Public School Board act upon that application within 30 days of receipt. Board member Monies seconded the motion. The motion carried with the following votes: Ms. Hernandez; yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

Resolve into Executive Session
pursuant to 25 O.S. §§ 307 (B) (4) (7) and (8) for the
purpose of discussing possible action to issue an emergency order
summarily suspending the teacher certificates and certificate numbers
of **Jeffrey Watts** and **Brandy Foreman** pending an individual proceeding for
revocation or other action - **70 O.S. § 3-104;**
75 O.S. § 314; OAC 210-1-5-6

Resolve into Executive Session
pursuant to 25 O.S. §§ 307 (B) (4) to discuss pending litigation,
Oklahoma Public Charter School Association v.
Oklahoma State Board of Education, in the **District**
Court of Oklahoma County, CV-2017-1330

Resolve into Executive Session
pursuant to 25 O.S. § 307 (B) (4) to discuss pending litigation,
Midwest City-Del City Independent School District #52, et al.,
and Western Heights Independent School District #I-1 v.
Oklahoma State Department of Education, Joy Hofmeister,
State Superintendent of Public Instruction; and Oklahoma
State Board of Education, in the **District Court of Oklahoma County,**
CV-2016-1965 and CJ-2016-4826

Board member Bobek moved to convene into Executive Session at 2:39 p.m. Board member Hernandez seconded the motion: The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

Return to Open Session

Board member Flanagan moved to return to Open Session at 3:25 p.m. Board member Monies seconded the motion. The motion carried with the following votes: Ms. Monies, yes; Mr. Bobek, yes; Mr. Flanagan yes; Mr. Bollenbach, yes; Ms. Hernandez, yes; and Superintendent Hofmeister, yes.

Superintendent Hofmeister said no decisions were made on the matters discussed in the Executive Session.

Brad Clark, General Counsel, Lori Murphy, Assistant General Counsel, and Telana McCullough, Staff Attorney, remained in the Executive Session.

Board member Monies moved to suspend the teacher certificates and certificate numbers of **Jeffrey Watts** and **Brandy Foreman**. Board member Hernandez seconded the motion: The motion carried with the following votes: Ms. Hernandez; yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

(Board member Hernandez stepped out @ 3:30 p.m.)

CONSENT DOCKET (continued)

- (d) Request approval on **exceptions** to State Board of Education Teacher certification regulations to permit issuance of emergency (provisional) certificates –**70 O.S. § 6-187**

Mr. Clark reminder board members the emergency certification extension request by **Bethany Trueblood-Tulsa Public Schools** was held to verify the additional emergency certification application information was for elementary education and not special education.

Jeff Smith, Executive Director, Teacher Certification, verified Ms. Trueblood's application was for elementary education and not special education or involvement with IEPs. Advised on the process/requirements if she were to be the teacher of record beyond the summer and completion of boot camp.

Board member Flanagan moved to approve the exception extension application request. Board member Bobek seconded the motion. The motion carried with the following votes: Mr. Bollenbach, yes; Mr. Flanagan, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

ADJOURNMENT

Board member Monies moved to adjourn the meeting at 3:31 p.m. Board member Bollenbach seconded the motion. Board members unanimously agreed.

The next regular meeting of the State Board of Education will be held on Thursday, January 23, 2020, at 9:30 a.m. The meeting will convene at the State Department of Education-State Board Room, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma.

Joy Hofmeister, Chairperson of the Board

Terrie Cheadle, Chief Executive Secretary