

Minutes of the Regular Meeting of the

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

August 25, 2022

The State Board of Education met in regular session at 9:33 a.m. on Thursday, August 25, 2022, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 9:30 a.m. on Wednesday, August 24, 2022.

The following were present:

Mr. Brad Clark, General Counsel to the Oklahoma State Dept. of Education (OSDE)
Mr. Travis Jett, Counsel to the Board
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
Mrs. Carlisha Williams Bradley, Tulsa
Ms. Sarah Lepak, Claremore
Mr. Trent Smith, Yukon

Members of the State Board of Education not present:

Mrs. Estela Hernandez, Oklahoma City
Mrs. Jennifer Monies, Oklahoma City

Others in attendance are shown as an attachment.

**CALL TO ORDER
ROLL CALL**

State Superintendent Joy Hofmeister called the State Board of Education regular meeting to order at 9:33 a.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

Superintendent Hofmeister welcomed those in the audience and those at home.

Information from the State Superintendent

Recognition of Employee of the Month

Superintendent Hoffmeister recognized Susan Pinson, Executive Director of Professional Learning, as the August employee of the month.

Superintendent Hofmeister updated on the “Ready Together Program” math tutoring virtual training; Tiffany Neill, Deputy Superintendent of Curriculum and Instruction, recipient of Council of State Supervisors and Science Education-C. J. Evans State Leadership Award for Outstanding Service; Imagination Library coming to Ellis County, currently in 23 Oklahoma counties, partnering with Metropolitan, City County and Pioneer Library Systems and a video presentation on the Dolly Parton expansion library.

BOARD ADMINISTRATIVE

**Minutes of the July 28, regular
State Board of Education meeting**

Board member Bobek moved to approve the July 28, 2022, regular meeting minutes. Board member Bradley Williams seconded the motion. The motion carried with the following votes: Mr. Smith, abstain, Ms. Williams Bradley, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

PUBLIC COMMENT

Individuals signed up to address agenda item #8(a) included Nicole McAfee, Freedom Oklahoma; item #8(e) Mustang Public School representatives included Superintendent Charles Bradley, Jason Pittenger, Brian Grider-City Mayor, Aaron Tiger, and Kathy Knowles; item #8(f) Tulsa Public School representatives included Stacy Woolley, Attorney Jana Burk, Superintendent Deborah Gist, Ashley Daly; and item #9(a) included Roger Strong, Attorney.

First-Year Superintendents

First-year superintendents attending the meeting included Jill Day, Ardmore Public Schools; Travis Victory, Cordell Public Schools; Jay Reeves, Glencoe Public Schools; and Larry Ben, Grandview Public Schools.

CONSENT DOCKET - Approved

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2021-2022 school year and other requests:

- (a) **Abbreviated School Day – OAC 210:35-29-2 and 210:35-3-46**
Okemah Public Schools, Okfuskee Count

3 Years

LeFlore Public Schools, LeFlore County

- (b) **Cooperative Agreements for Alternative Education Programs – 70 O.S. § 1210.568**
Watts Public Schools, Adair County
Middleberg Public Schools, Grady County

3 Years

Purcell Public Schools, McClain County
Canute Public Schools, Washita County
Jennings Public Schools, Pawnee County
Texhoma Public Schools, Texas County

- (c) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**
Erick Public Schools, Beckman County
Anadarko Public Schools, Caddo County
Hydro-Eakly Public Schools, Caddo County
Noble Public Schools, Cleveland County
Tupelo Public Schools, Coal County
Arapaho-Butler Public Schools, Custer County
Middleberg Public Schools, Grady County
Ninnekah Public Schools, Grady County
Laverne Public Schools, Harper County
McCurtain Public Schools, Haskell County
Duke Public Schools, Jackson County
Tishomingo Public Schools, Johnston County
Newkirk Public Schools, Kay County
Carney Public Schools, Lincoln County
Greenville Public Schools, Love County
Forest Grove Public Schools, McCurtain County
Harrah Public Schools, Oklahoma County
Millwood Public Schools, Oklahoma County
Tecumseh Public Schools, Pottawatomie County
Brushy Public Schools, Sequoyah County

Central Public Schools, Sequoyah County
Liberty Public Schools, Sequoyah County
Duncan Public Schools, Stephens County
(**Mark Twain and Plato Elementary**)

3 Years

Cave Springs Public Schools, Adair County
Elk City Public Schools, Beckman County
Yukon Public Schools, Canadian County
Bishop Public Schools, Comanche County
Grove Public Schools, Delaware County
Blackwell Public Schools, Kay County
Poteau Public Schools, LeFlore County
Ringwood Public Schools, Major County
Purcell Public Schools, McClain County
Washington Public Schools, McClain County
Hilldale Public Schools, Muskogee County
Morris Public Schools, Okmulgee County
Preston Public Schools, Okmulgee County
Prue Public Schools, Osage County
Jennings Public Schools, Pawnee County
Claremore Public Schools, Rogers County
Texhoma Public Schools, Texas County

- (d) **Library Media Specialist Certificate Exemption - 70 O.S. § 3-126**
Central Public Schools, Sequoyah County

3 Years

Tahlequah Public Schools, Cherokee County
Edmond Public Schools, Oklahoma County
(**Deer Creek Elementary, Deer Creek 4th/5th Grade Center,
Washington Irving Elementary**)
Sallisaw Public Schools, Sequoyah County

- (e) Request approval on exceptions to State Board of Education
Teacher certification regulations to permit issuance of emergency
(provisional) certificates – **70 O.S. § 6-187**
- (f) General Fund for Capital Expenditures - **70 O.S. § 1-117** and OAC
210:25-5-4 Bishop Public Schools, Comanche County
- (g) Request approval for **William Bradford Christian School** to
participate in the Lindsey Nicole Henry Scholarships for Students with
Disabilities program – **70 O.S. § 13-101.2**
- (h) Request approval on flexibility to use textbook funds - **70 O.S. § 16-
114a(B)**
Norman Public Schools, Cleveland County
Cleveland Public Schools, Pawnee County
Owasso Public Schools, Tulsa County

Board member Bobek requested to pull Consent Docket item **6 (h) Flexibility to use Textbook Funds** to discuss Norman and Owasso Public School's requests.

Board member Bobek moved to approve one year for each remaining Consent Docket items 6(a) through (g) and one year flexibility only for Cleveland Public Schools item 6(h). Board member Smith seconded the motion. The motion carried with the following votes: Mr. Smith, yes, Ms. Williams Bradley, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

Board member Bobek moved to approve Owasso Public Schools flexibility for only the requested 12 positions. Board member Smith seconded the motion. The motion carried with the following votes: Mr. Smith, yes, Ms. Williams Bradley, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

Ryan Pieper, Executive Director, Accreditation Standards clarified specifics on applications requests and clarity of fund uses.

Board member Bobek moved to approve Norman Public Schools flexibility for certified teacher salaries, technology purchases and technology rentals, printing, and binding of instructional materials for classroom use. The motion carried with the following votes: Mr. Smith, yes, Ms. Williams Bradley, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

FEDERAL PROGRAMS

Payment of Joint Federal Program Claims – Approved

Dr. Kathy Dodd, Deputy Superintendent, presented a recommendation to approve school districts that missed the August 1st deadline to submit reimbursement requests and provided good cause letters of explanations were for federal funds and federal relief dollars.

Dr. Dodd overviewed the Office of Federal Programs management of federal programs and funds and Board members asked questions and discussed program filing delays, non-compliances and penalty effects, September deadline to use expiring CARES I fund; Mosely Public School previous superintendent delayed filing for school bus purchases, quick actions of new board members, directed by OSDE, completed recommendations for compliance in monitoring process and procedures; five-week delivery if approval postponed or delay reimbursement; Bowring Public Schools provided missing October closeout expense report and submitted on August 4th to continue the Striving Readers Grant; Title I deadlines/expirations, fund carryover percentage, violations and funding decreases, September 30 expiring programs, late claim filing points and penalties, federal school year ends September 30; appearances before the Board, special meeting requirements/process, effects of delayed approval.

(Superintendent Hofmeister called for a break at 11:01 a.m. to 11:16 a.m.)

Continued discussion and questions asked regarding pre-pandemic late claim filings, small and large school district various reporting responsibilities; pre-pandemic and pandemic funding timelines, claims and expirations.

Board member Bobek requested pulling Sovereign Charter Schools for separate discussion.

Mr. Clark clarified Sovereign Community School late reconciled bank statements noncompliance was due to OSDE returned reimbursement claims not meeting the intent and sustainer of the law and requiring justifications causing claim amendments delays.

Board member Smith moved to approve payment of the program claims except for Sovereign Charter Schools. Board member Bobek seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Lepak, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

Board member Bobek moved to deny approval for Sovereign Charter School. Board member Lepak seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Lepak, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

2021 Oklahoma Advisory Council on Indian Education (OACIE) Annual Report

Jackie White, Executive Director, Indian Education and Ms. Lucyann Harjo, Chairperson, Oklahoma Advisory Council Indian reported on the Oklahoma Advisory Council on Indian Education (OACIE) that included Ms. Harjo reelected Chair for 2022-23; 2010 House Bill 2823 mandates, 18-member council, analyze and disseminate 2021-school year information in Oklahoma; House Bill 1104 required student management systems identifying Native American students; Title VI education funding, federal funds directed to tribes or schools; nine native languages accredited, government/tribal/higher education partnerships and year-round collaborations; and evaluating and making Indian education a high focus in meeting the needs of American Indian Student in the state of Oklahoma.

LEGAL SERVICES

Emergency Rule Adoption Approved

Mr. Clark advised Senate Bill 615 requires the State Board of Education to promulgate administrative emergency rules and presented a request to adopt the following emergency rule:

- (1) Chapter 35. Standards for Accreditation of Elementary, Middle Level and Career and Technology Schools
Subchapter 3. Standards for Elementary, Middle Level and Career and Technology Schools
210:35-3-186. Site and buildings; size and space; accessibility; maintenance; health and safety [**AMENDED**]

Superintendent Hofmeister said the rules are specific to the law but need specificity for due process in the permanent rule process which occurs in the winter months; and ensure we send a message that every child in Oklahoma public schools belongs and is valued. Mental health is an aspect of a child's life, vulnerable communities that are high

risk for consequences of deteriorated health. This is separate from the discussion today which is a procedural element that provides due process in this application of the law.

Travis Jett, General Counsel to the State Board of Education, advised the statute required rules to be implemented and first as an emergency rule. There will be due process once the rule becomes a permanent rule.

Board member Smith moved to approve the emergency rule request. Board member Bobek seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

**Update, discussion, and possible action regarding
Western Heights Independent School District, and possible
action to approve, modify and/or deny actions and inactions
of Western Heights Public Schools Board of Education at its
August 8, 2022, meetings pursuant the terms and
conditions of State Intervention and Accredited with Probation,
as modified on July 12, 2021 – No action**

Mr. Clark said there no action was needed on Agenda item 8 (b) Western Heights Public Schools.

**Proposed amendments to the sponsorship contract for
Oklahoma Youth Academy (OJA) and authorize an alternative
education program - Approved**

Mr. Jett presented the proposed amended sponsorship contract for Oklahoma Youth Academy (OJA) and to expand the contract from grade 6 through 12 to kindergarten through 12.

Board member Smith moved to approve the amended contract. Board member Bobek seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

**Appeal of a transfer application upon denial –
Broken Arrow Public Schools - Denied**

Mr. Clark presented a transfer appeal denial by Broken Arrow Public Schools due to lack of capacity consistent with the school district's capacity policy restrictions.

Board member Williams Bradley moved to deny the appeal in support of the existing policy adopted by Broken Arrow Public Schools. Board member Bobek seconded. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

Mustang Public Schools request to reconsider the accreditation status action taken at the July 28, 2022, meeting of the State Board of Education – Denied

Mr. Clark presented a request to reconsider the State Board accreditation status of Mustang Public Schools taken at the July 28, 2022, State Board of Education meeting.

Board member Williams Bradley moved to reconsider the accreditation action taken at the July 28 State Board of Education meeting. Superintendent Hofmeister seconded the motion. The motion failed with the following votes: Mr. Smith, nay; Ms. Williams Bradley, yes; Ms. Lepak, nay; Mr. Bobek, nay; and Superintendent Hofmeister, yes.

Tulsa Public Schools request to reconsider the accreditation status action taken at the July 28, 2022, meeting of the State Board of Education – Not Approved

Mr. Clark presented a request to reconsider the State Board accreditation status of Tulsa Public Schools taken at the July 28, 2022, State Board of Education meeting.

Board member Williams Bradley moved to reconsider the accreditation status action taken by the State Board on July 28th, at the request of Tulsa Public Schools. Superintendent Hofmeister seconded the motion. The motion failed with the following votes: Mr. Smith, nay; Ms. Williams Bradley, yes; Ms. Lepak, nay; Mr. Bobek, nay; and Superintendent Hofmeister, yes.

Discussion regarding the means by which school district employees are notified of their First Amendment rights, including their right to refuse to pay employee organizations dues as well as their right not to associate with the employee organization pursuant to the Oklahoma Constitution as well as current state and federal law

Mr. Jett said the item was requested after the Governor's Executive Order to discuss and consider potential appropriate rulemaking. It is a no-action item, and the department and board staff will work on the process.

Board member Williams Bradley asked to consider that the Executive Order is already in existence in which staff can rely on.

Executive Session pursuant to 25 O.S. §§ 307 (B) (4) and (7) for the purpose of discussing pending proceedings to possibly revoke the teacher certificate and certificate number of Charles Yackeyonny – 70 O.S. § 3-104; 75 O.S. § 314 and 314.1; OAC 210-1-5-6

Mr. Jett advised that federal civil lawsuit proceedings were pending in the Western District of Oklahoma for Charles Yackeyonny and is not outside the norm to allow civil or criminal processes to play out first before administrative proceedings. This stay does more than just stop the proceeding. The respondent will not seek or accept employment, in any capacity, as an Oklahoma public school teacher or coach, and also agreed will not accept unpaid or volunteer roles in coaching or otherwise activities involving contact or proximity with preK-12 students. If the respondent violates these provisions the stay would medically

be dissolved, and the two parties would go back to litigating or the administrative proceeding with respect to the teacher's certificate. Should there be a future act or future case, Oklahoma is compliant with approximately 40 states if respondent is entered into the system. Once the case is over the department can recommend continuing or dismiss the case.

Board member Bobek moved to approve the stay.

Mr. Jett said as stated on the discussion items, the motion is to approve the stay of precedents for Charles Yackeyonny.

Board member said correct that is my motion. Board member Lepak seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

**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, Oklahoma Supreme Court, Case No. 117,081, 2020 OK 56.**

**Executive Session pursuant to 25 O. S. § 307 (B) (4)
to discuss pending litigation, Independent School District #71,
Kay County, Oklahoma (Ponca City Public Schools, et al., av. Oklahoma
State Department of Education and Oklahoma State Board of Education,
in the District Court of Oklahoma County, CV-2020-2392**

Mr. Jett advised convening into Executive Session for items 9 (c) and (d).

Executive Session

Board member Smith moved to convene into Executive Session at 11:58 a.m. Board member Bobek seconded the motion. The motion carried with the following votes: The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

Return to Open Session

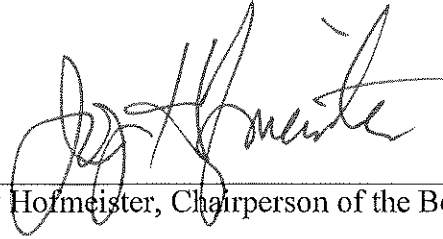
Board member Smith moved to return to Open Session at 12:36 p.m. Board member Lepak seconded the motion. The motion carried with the following votes: The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

Superintendent Hofmeister said no decisions were made on the matters discussed in the Executive Session. Both legal counsels were in the meeting.


ADJOURNMENT

Board member Bobek moved to adjourn the meeting at 12:37 p.m. Board member Smith seconded the motion. The motion carried by unanimous vote.

The next regular meeting of the State Board of Education will be held on Thursday, September 22, 2022, 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