

**Minutes of the Regular Meeting of the**

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

**November 17, 2022**

The State Board of Education met in regular session at 1:04 p.m. on Thursday, November 17, 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 12:45 p.m. on Wednesday, November 16, 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 (via Zoom)  
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. Estela Hernandez, Oklahoma City  
Ms. Sarah Lepak, Claremore  
Mr. Trent Smith, Yukon

Members of the State Board of Education not present:

Mrs. Carlisha Williams Bradley, Tulsa  
Mrs. Jennifer Monies, Oklahoma City

**CALL TO ORDER  
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 welcomed everyone to the meeting and 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**

**Recognition of Employee of the Month**

Superintendent Hoffmeister recognized Becky Morales, Director of Instructional Materials, as the November employee of the month and for outstanding leadership, professionalism and going above and beyond in meeting the needs of children, school districts and OSDE.

**Recognition of Mark Sharp and Nancy McCullough  
for years of service to the state of Oklahoma**

Superintendent Hofmeister recognized Mark Sharp, Executive Director of SoonerStart for 30 years of service and Nancy McCullough, Regional Child Nutrition Specialist for 25 years of service to the state of Oklahoma.

Superintendent Hofmeister updated on the second-round Classroom Learning and School Supplies (CLASS 2.0) \$800 grants; October 16<sup>th</sup> launch of Rebecca Peterson, Oklahoma Teacher of the Year, “Respect and Appreciation” campaign tour for Oklahoma educators, profiles, and videos highlighting inspiring classroom teachers; Oklahoma one of four states recognized by Council of Chief State School Officer for using Elementary and Secondary School Emergency Relief funds (ESSER) to strengthen leadership and practices; and Elizabeth Suddath, Assistant Deputy Superintendent of Student Support congratulated for presenting Oklahoma’s work in child trauma, behavior and developing the brain at the U.S. Department of Education (USDE) Mental Health Learning Series.

**BOARD ADMINISTRATIVE**

**Minutes of the August 25, regular  
State Board of Education meeting –Approved**

Board member Hernandez moved to approve the August 25, 2022, regular meeting minutes. Board member Bobek seconded the motion. The motion passed with the

following votes: Mr. Smith, yes, Ms. Hernandez, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

**Minutes of the September 22, 2022, regular  
State Board of Education meeting –Approved**

Board member Smith moved to approve the September 22, 2022, regular meeting minutes. Board member Bobek seconded the motion. The motion passed with the following votes: Mr. Smith, yes, Ms. Hernandez, yes; Ms. Lepak, abstain; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

**PUBLIC COMMENT**

Ashley Daly, Tulsa Public School parent, signed up to address a partnership offering with Tulsa Public Schools.

**First-Year Superintendents**

First-year superintendents attending the meeting included Brayden Savage, Western Heights Public Schools; Dudley Darrow, Enid Public Schools; Keith Campell, Balko Public Schools; Jay Wood, Dover Public Schools; Mark Harmon, Hobart Public Schools; Russell Baze, Ratan Public Schools; and Chris Grimm, Erick 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**  
Prague Public Schools, Lincoln County
  - 3 Years**  
Beggs Public Schools, Okmulgee County
  
- (b) **Cooperative Agreements for Alternative Education Programs – 70 O.S. § 1210.568**  
Cherokee Public Schools, Alfalfa County  
Beaver Public Schools, Beaver County  
Carnegie Public Schools, Caddo County  
Fox Public Schools, Carter County  
Tupelo Public Schools, Coal County  
Geronimo Public Schools, Comanche County  
Temple Public Schools, Cotton County  
Drumright Public Schools, Creek County  
Colcord Public Schools, Delaware County  
Paoli Public Schools, Garvin County  
Tishomingo Public Schools, Johnston County  
Hennessey Public Schools, Kingfisher County  
Howe Public Schools, LeFlore County  
Panama Public Schools, LeFlore County  
Prague Public Schools, Lincoln County

Greenville Public Schools, Love County  
Haworth Public Schools, McCurtain County  
Bearden Public Schools, Okfuskee County  
Barnsdall Public Schools, Osage County  
Bowring Public Schools, Osage County  
Perkins-Tryon Public Schools, Payne County  
Haywood Public Schools, Pittsburg County  
Grove Public Schools, Pottawatomie County  
Leedey Public Schools, Roger Mills County  
Tipton Public Schools, Tillman County  
Cordell Public Schools, Washita County  
Alva Public Schools, Woods County

### **3 Years**

Zaneis Public Schools, Carter County  
Norwood Public Schools, Cherokee County  
Allen-Bowen Public Schools, Creek County  
Gypsy Public Schools, Creek County  
Lone Star Public Schools, Creek County  
Pretty Water Public Schools, Creek County  
Whitebead Public Schools, Garvin County  
Whitfield Public Schools, Haskell County  
Terrel Public Schools, Jefferson County  
Arkoma Public Schools, LeFlore County  
Shady Point Public Schools, LeFlore County  
White Rock Public Schools, Lincoln County  
Millwood Public Schools, Oklahoma County  
Oakdale Public Schools, Oklahoma County  
Osage Hills Public Schools, Osage County  
Shidler Public Schools, Osage County  
Hammon Public Schools, Roger Mills County  
Justice Public Schools, Seminole County  
Sasakwa Public Schools, Seminole County  
Hardesty Public Schools, Texas County  
Okay Public Schools, Wagoner County  
Waynoka Public Schools, Woods County

(c) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**

Timberlake Public Schools, Alfalfa County  
Beaver Public Schools, Beaver County  
Carnegie Public Schools, Caddo County  
Cyril Public Schools, Caddo County  
Piedmont Public Schools, Canadian County  
Fox Public Schools, Carter County  
Tahlequah Public Schools, Cherokee County  
Norman Public Schools, Cleveland County  
**(Various Schools)**  
Norman Public Schools, Cleveland County  
**(Dimensions Academy)**

Jay Public Schools, Delaware County  
 Kansas Public Schools, Delaware County  
 Leach Public Schools, Delaware County  
 Mosley Public Schools, Delaware County  
 Oaks Mission Public Schools, Delaware County  
 Lindsay Public Schools, Garvin County  
 Pauls Valley Public Schools, Garvin County  
 Whitebead Public Schools, Garvin County  
 Wynnewood Public Schools, Garvin County  
 Tuttle Public Schools, Grady County  
 Altus Public Schools, Jackson County  
 Talihina Public Schools, Latimer County  
 Howe Public Schools, LeFlore County  
 Porum Public Schools, Muskogee County  
 Crutcho Public Schools, Oklahoma County  
 Mid-Del Public Schools, Oklahoma County  
**(Del City ES, Epperly Heights ES, and Parkview ES)**  
 Western Heights Public Schools, Oklahoma County  
 Paden Public Schools, Okfuskee County  
 Turkey Ford Public Schools, Ottawa County  
 Bowring Public Schools, Osage County  
 Ripley Public Schools, Payne County  
 Canadian Public Schools, Pittsburg County  
 McAlester Public Schools, Pittsburg County  
 Vanoss Public Schools, Pontotoc County  
 Asher Public Schools, Pottawatomie County  
 Catoosa Public Schools, Rogers County  
 Oologah-Talala Public Schools, Rogers County  
 Vian Public Schools, Sequoyah County  
 Varnum Public Schools, Seminole County  
 Wewoka Public Schools, Seminole County  
 Hardesty Public Schools, Texas County  
 Optima Public Schools, Texas County  
 Berryhill Public Schools, Tulsa County  
 Broken Arrow Public Schools, Tulsa County  
**(Various Schools)**  
 Liberty Public Schools, Tulsa County  
 Skiatook Public Schools, Tulsa County  
 Wagoner Public Schools, Wagoner County

**3 Years**

Harmony Public Schools, Atoka County  
 Bennington Public Schools, Bryan County  
 Dickson Public Schools, Carter County  
 Cottonwood Public Schools, Coal County  
 Flower Mound Public Schools, Comanche County  
 Drumright Public Schools, Creek County  
 Olive Public Schools, Creek County  
 Enid Public Schools, Garfield County  
**(Carver ES, Eisenhower ES, Hayes ES, Hoover ES,  
 McKinley ES, Taft ES)**

Friend Public Schools, Grady County  
Minco Public Schools, Grady County  
Terral Public Schools, Jefferson County  
Ponca City Public Schools, Kay County  
**(EM Trout and Union ES)**  
Snyder Public Schools, Kiowa County  
Cameron Public Schools, LeFlore County  
Shady Point Public Schools, LeFlore County  
Crescent Public Schools, Logan County  
Aline-Cleo Public Schools, Major County  
Wickliffe Public Schools, Mayes County  
Stidham Public Schools, McIntosh County  
Cleveland Public Schools, Pawnee County  
Pawnee Public Schools, Pawnee County  
Sequoyah Public Schools, Rogers County  
Yarborough Public Schools, Texas County  
Okay Public Schools, Wagoner County

(d) **Library Media Specialist Certificate Exemption - 70 O.S. § 3-126**

Mustang Public Schools, Canadian County  
**(Lakehoma EM)**  
Mustang Public Schools, Canadian County  
**(Mustang Trails EM)**  
Norman Public Schools, Cleveland County  
**(Alcott EM)**  
Norman Public Schools, Cleveland County  
**(Whitter MS)**  
Noble Public Schools, Cleveland County  
Newcastle Public Schools, McClain County  
McAlester Public Schools, Pittsburg County

**3 Years**

Enid Public Schools, Garfield County  
Lindsay Public Schools, Garvin County  
Woodward Public Schools, Woodward 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) Request approval on flexibility to use textbook funds - **70 O.S. § 16-114a(B)**

Edmond Public Schools, Oklahoma County  
Jones Public Schools, Oklahoma County  
Sequoyah Public Schools, Rogers County

Board member Bobek requested to pull Consent Docket item 6 (f) flexibility to use textbook funds to discuss the waiver requests of Edmond, Jones, and Sequoyah Public Schools.

Board member Bobek moved to approve one-year waivers for Consent Docket item 6(a) through (e). Board member Hernandez seconded the motion.

Board members discussed concerns/needs to provide specific use of funds, and Ryan Pieper, Executive Director, Accreditation Standards, provided emails amending the school waiver applications that clarified specifics of textbook funds requested.

Board members requested for transparency, in the future, specification of fund amounts and uses will be required on all waiver applications.

The motion carried with the following votes: Mr. Smith, yes, Ms. Hernandez, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

Board member Bobek moved to approve Consent Docket item 6(f) flexibility to use textbook funds for Edmond, Jones, and Sequoyah Public Schools to use funds exclusively for certified teacher pay per their email amending the application requests; and in the future waiver applications to include the amount being requested. Board member Smith seconded the motion. The motion carried with the following votes: Mr. Smith, yes, Ms. Hernandez, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

## **LEGAL SERVICES**

### **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 October 25, 2022, and November 14, 2022, meetings pursuant the terms and conditions of State Intervention and Accredited with Probation, as modified on July 12, 2021 – Approved**

Travis Jett, General Council, State Board of Education, said no action was recommended on the October 25, 2022, Western Heights School Board meeting agenda. November 14, 2022, agenda items recommended for approval were 4.4, 6.1, 6.2, 6.3, 7.1, 7.2 and 7.3. All relate to personnel actions, accepting resignations, hiring an aviation instructor and a contract phonemic awareness and positive behavioral intervention, monitoring and detection. Mr. Jett advised approval is within the State Board of Education (SBE) authority, affirmed by the Oklahoma Supreme Court, to provide oversight of the school district and to act due to resignation of three local board members.

Brayden Savage, Interim Superintendent, Western Heights Public Schools, said recommendation would approve 4.4 adjunct teachers, 6.1 regular financial needs, 6.2 Swiss Suite program, 6.3 Heggerty Phonemic Awareness curriculum, 7.1 through 7.3 personnel and employee call/no show.

Board member Smith moved to approve item 4.4, 6.1, 6.2, 6.3 and 7.1 through 7.3 on the Western Heights, November 14, 2022, board agenda. Board member Hernandez seconded the motion.

Board member Smith informed that at this time the school district, due to no board quorum, could not have a meeting. Governor Stitt must appoint replacements and has requested the assistance of SBE members to find candidates. The goal is to provide names to the Governor by Thanksgiving, if possible, and relying on Ms. Savage and Western Heights community to step in and provide names of candidates. Congratulations to the community, staff, and Ms. Savage, and the SBE looks forward to the placement of committed representatives.

The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

**Monthly report on complaints filed, and status thereof, regarding alleged violations of 70 O.S. § 24-157 and Administrative Code Rule 210:10-1-23, prohibiting race and sex discrimination -**

Brad Clark, General Counsel, State Department of Education, presented a monthly report on complaints filed, status and alleged violations of state regulations and rules of law. Five complaints were filed locally since the last update, and none resulted in a finding of non-compliance. Only one with same result was reported to the State Department of Education (SDE) legal services and was communicated to the complainant.

**Harding Independence Charter District's compliance with 70 O.S. § 628.13**

Mr. Clark said a student at Harding Independence Charter District submitted an inquiry regarding concurrent enrollment. Pursuant the sited state statute 70 O.S. § 628.13 requires the SBE and State Regents establish requirement for concurrent enrollment and act necessary to ensure students have all opportunities available including preparing promotional materials provided to students; and no school district shall deny a student the opportunity to participate in concurrent enrollment if the student meets the requirements. The State Regents and SBE requires a student have a signed form from the high school stating their eligibility to satisfy graduation no later than the spring of the senior year.

Ms. Clark presented the Harding policy requiring signed statement/form of eligibility no later than the spring of the junior year for concurrent enrollment; interpretation of the state statute and state Regents; SDE recommendation to amend policy and make retroactive for affected students; and denial of amending policy change.

Louis Falsetti, Attorney, representing Harding Independence Charter District, said the district's interpretation is that student did not submit the form by the junior year, signed by high school principal or counselor stating eligibility was satisfied for high school graduation. Curricular requirements of college admission require no later in the spring of the senior year with parent or legal guardian written permission. Admittedly the sentence is not grammatically correct.

Steven Stefanick, Superintendent, Harding Independence Charter District, said the reason for the policy is because it is done in the spring of the senior year which is February through June. If statements are presented in March, enrollment has passed, the student will not get into college because the school must prepare their curriculum and school assignments ahead of time. The SDE graduation requirements established 23 credits to



graduate. Harding requires 28 credits for the purpose of making sure students reach the standards for graduation requirements before leaving Harding Independence Charter.

Board members asked questions and discussed student and parent signed handbook and rules; administrative exceptions, missed/late deadlines consequences; grievance, complaint, process, and appeal procedure.

Mr. Jett advised the item was for discussion only and no action recommended. The matter may return to the December agenda as an action item.

**Appeal of a transfer application upon denial  
70 O.S. § 8-101.2; OAC 210:10-1-18.1  
Jenks Public Schools - Denied**

Mr. Clark presented a student transfer appeal denial by Jenks Public Schools due to lack of capacity consistent with the school district's capacity policy restrictions. The Jenks Public Schools and Board of Education denied the parent's student transfer application and transfer appeal. The student's parent, Maria Gabriela Morales pursuant state statute and rules, submitted an appeal to the State Board of Education.

Board members asked questions and discussed district transfer policy capacity compliance and determinations; state statute student transfer/appeal and required capacity audit; student/parent issues at Tulsa Public Schools and out of district move, transfer appeal needs; SDE assistance and resources.

Travis Jett advised capacity is the issue and Jenks followed the district capacity policy. The board would need to take action on the appeal.

Board member Smith moved to deny the appeal in support of the existing policy adopted by Jenks Public Schools. Board member Hernandez seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, 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**

**Executive Session pursuant to 25 O. S. § 307 (B) (4)  
to discuss pending litigation, Western Heights Independent School District  
#I-1, et al., v. Oklahoma State Department of Education, Joy Hofmeister, State  
Superintendent of Public Instruction, Oklahoma State Board of Education, in the  
District Court of Oklahoma County, CV-2021-945**

Mr. Jett advised convening into Executive Session for items 8 (a) (b) and (c).

**Executive Session**

Board member Bobek moved to convene into Executive Session at 2:38 p.m. Board member Hernandez seconded the motion. The motion carried with the following votes: The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

**Return to Open Session**

Board member Bobek moved to return to Open Session at 3:16 p.m. Board member Hernandez seconded the motion. The motion carried with the following votes: The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, 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 present in the meeting.


Mr. Jett said on agenda item 8(a) as the litigation describes, by the District Courts which has a Supreme Court Opinion 2020 OK 56, to discuss a request for the State Auditor and Inspector conduct an audit of school districts that have received more State Aid than they were entitled in 2014. The Supreme Court case opinion was acted upon after the District Court Judge ruled there was no requirement for the defendants which include the State Board of Education and State Department of Education to seek repayment of excessive state aid payments to certain schools until an audit was performed. Key aspects of the Supreme Court ruled and confirmed that under the Oklahoma Constitution appropriations lapsed two and one-half years after they were made by the legislature (paragraph 76-77 of the litigation case). In 70 O.S. 18-118, paragraph 35, the Opinion language emphasizes the State Board of Education has an affirmative duty to make a demand on a school district for a return of excessive State Aid apportionment. On page 36 the Supreme Court Opinion states, "We do conclude the lack of an audit does not relieve the State Board of Education from requesting an audit from the State Auditor and Inspector, pursuant to 18-118, when the State Board of Education has reason to do so to fulfill it's 18-118 duty," which is the recruitment duty.

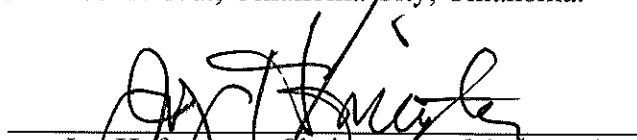
Board member Hernandez moved the State Board of Education formally request the State Auditor and Inspector conduct an audit of school districts which may have received more State Aid than entitled in 2014 as contemplated by Independent School #52 versus Hofmeister 2020 OK 56. Board member Smith seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Ms. Lepak, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

**ADJOURNMENT**

Board member Smith moved to adjourn the meeting at 3:21 p.m. Board member Bobek seconded the motion. The motion carried by unanimous vote.

The next regular meeting of the State Board of Education will be held on Thursday, December 15, 2022, at 1:00 p.m. The meeting will convene at the State Department of Education-State Board Room, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma.

  
Terrie Sheadle, Chief Executive Secretary

  
Joy Hofmeister, Chairperson of the Board