

Minutes of the Regular Meeting of the
STATE BOARD OF EDUCATION
2500 NORTH LINCOLN BOULEVARD
STATE BOARD ROOM, SUITE 1-20
OKLAHOMA CITY, OKLAHOMA

July 12, 2021

The State Board of Education met in regular session at 9:43 a.m. on Thursday, July 12, 2021, 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 Friday, July 9, 2021.

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. Trent Smith, Yukon
Mrs. Carlisha Williams Bradley, Tulsa
Mrs. Estela Hernandez, Oklahoma City
Mrs. Jennifer Monies, Oklahoma City

Members of the State Board of Education not present:

Mr. William “Bill” Flanagan, Claremore

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 9:43 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 students, teachers, public and members of the Oklahoma Legislature to the meeting, and introduced Representatives Mark McBride, Denise Crosswhite-Hader, Windi Stearman, Rick West, Kevin West, Eric Roberts, Tom Gann, and Senator Jake Merrick.

Information from the State Superintendent

Recognition of Oklahoma U. S. Presidential Scholars

**Emily Jordan Benelli Ward, Locust Grove High School, Locust Grove, Oklahoma
and Sean Michael Kuehn, Charles Page High School, Sand Spring, Oklahoma**

Superintendent Hofmeister presented Certificates of Recognition to Emily Jordan Benelli Ward and Sean Michael Kuehn; Oklahoma's distinguished 2020 U.S. Presidential Scholars recipients. The White House Commission on Presidential Scholars program recognizes students nationwide for their accomplishments in scholastics, talent, art and career.

Ms. Ward was valedictorian of the Locust Grove High School graduating class of 2021. The distinguished senior is a member of the National Honor Society and Oklahoma Indian Student Honor Society; played varsity soccer and a referee for Mayes County Soccer Club; a 4-H Oklahoma State Ambassador, Healthy Living Ambassador, STEM Innovator and winner of the Made in Oklahoma 4-H 2020 recipe contest and serves on the Equitable Computer Science National Youth Leadership Team through the Kapor Center.

She received a scholarship as a childhood cancer survivor of Wilms Tumor and will complete a Children's Cancer Cause project that will set up networks to connect and provide information resources to families impacted by childhood cancer in Northeastern Oklahoma. Ms. Ward will attend Oklahoma State University majoring in Food Science.

Accompanying her to the meeting were parents Jim and Tammy Ward and Superintendent, Dusty Torrey.

Sean Kuehn is a graduate of Charles Page High School in Sand Springs and will attend Columbia University in New York in the fall. The outstanding student served as National President of the Technology Student Association and various organization roles include Oklahoma State President, Oklahoma State Secretary and Eastern Region Vice President. His memberships and service include the 2020 Four Star Leadership 2020 Class; 2021 U.S. Senate Youth Program delegate; National President of the Technology Student

Association Oklahoma, State President and Secretary, Eastern Region Vice President and Oklahoma Career Tech Director's Student Advisory Committee and Oklahoma State Superintendent's Student Advisory Council and was named a 2021 Oklahoma Academic All Star-Oklahoma Foundation for Excellence.

Sean's mother, Cathie Miller, accompanied him to the meeting along with former Senator Rick Brinkley (family friend), Kendra Roulet, Counselor, Jackie Wagon and Whitney Wagers, Sand Springs School Board members.

Information from the State Superintendent

Superintendent Hofmeister provided updates on the Counselor Corps Grant and Art Tech Grant to rural schools, award partnerships and recipients. The Oklahoma School Counselor Corps is the largest initiative under the *Ready Together Oklahoma* pandemic recovery plan.

BOARD ADMINISTRATIVE

Authorize payment of invoices from Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C. for the provision of legal services as authorized in the May 17, 2021, meeting of the State Board of Education – Approved

Board member Smith moved to approve the legal services invoice for payment. Board member Bobek seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

PUBLIC COMMENT

Individuals signed up to address items on the agenda included **#8(a)**-Samantha Bell and Maria Ramirez; **#8(b)**-Mary Lippert, Barbara Bowersox, Nancy Sangirardi, Melissa Remington, Leah Hull, Tina Craig, Sapphira Lloyd-Millwood Public Schools and Representative McBride; and **#8(c)**-Brianna Dodd.

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**
Hobart Public Schools, Kiowa County
Shawnee Public Schools, Pottawatomie County
- (b) **Cooperative Agreements for Alternative Education Programs – 70 O.S. § 1210.568**
Canton Public Schools, Blaine County
- (c) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**
Gracemont Public Schools, Caddo County
Hinton Public Schools, Caddo County
Elgin Public Schools, Comanche County
Fletcher Public Schools, Comanche County
Geronimo Public Schools, Comanche County

Arapaho-Butler Public Schools, Custer County
Middleberg Public Schools, Grady County
Mill Creek Public Schools, Johnston County
Dover Public Schools, Kingfisher County
Hobart Public Schools, Kiowa County
Fairview Public Schools, Major County
Canadian Public Schools, Pittsburg County

3 Years

Calumet Public Schools, Canadian County
Stigler Public Schools, Haskell County
Adair Public Schools, Mayes County
Avant Public Schools, Osage County
Commerce Public Schools, Ottawa County
Crowder Public Schools, Pittsburg County
Goodwell Public Schools, Texas County

- (d) **Adjunct Teacher - OAC 210:20-37-2**
Bray-Doyle Public Schools, Stephens County
- (e) Request approval on flexibility to use textbook funds - [70 O.S. § 16-114a\(B\)](#)
Mustang Public Schools, Canadian County
Bartlesville Public Schools, Tulsa County
- (f) Request approval on exceptions to State Board of Education
Teacher certification regulations to permit issuance of emergency
(provisional) certificates –**70 O.S. § 6-187**

Board members discussed and asked questions regarding **Consent Docket** waiver requests on:

- 6(a) Abbreviated School Day**-Hobart, Shawnee good application focused on students.
- 6(c) Library Media Services**-Mill Creek, Avant, Geronimo applications needing detailed information.
- 6(e) Request approval on flexibility to use textbook funds**-Mustang Public School application not included in board materials packet.

Board members concurred schools must identify detail needs, OSDE-OSBE review inadequate applications and review current legislation.

Board member Monies moved to approve the Consent Docket. Board member Hernandez seconded the motion.

Board member Monies amended the motion to approve the Consent Docket with exception of Mustang Public Schools, Consent Docket 6(e). Board member Bobek seconded. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

(Superintendent Hofmeister recessed at 10:50 a.m. and reconvened at 11:05 a.m.)

ACCREDITATION STANDARDS DIVISION

School district and school site accreditation recommendations for the 2021-2022 school year - Approved

Ryan Pieper, Executive Director presented the 2021-2022 accreditation recommendations of school districts and school sites pursuant to 70 O.S. §§ 3-104.3 and OAC 210:35-3-201. State statutes require the State Board of Education (SBE) to adopt standards, implement and oversee standards and rules for accreditation of public schools and annual review.

Board member asked questions and discussed Mr. Pieper's review of the six (6) accrediting recommendations and summary of school site accrediting recommendations and deficiencies for Public, Nonpublic, Charter and Career Techs; deficiency recurrences, schools currently accredited with probation. Board members requested a separate break down of district deficiencies in future reports.

Board member Bobek motioned to approve the school site and school district accreditation recommendations for the 2021-2022 school year. Board member Hernandez seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Mr. Bobek yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

LEGAL SERVICES/STATE BOARD OF EDUCATION

Emergency Rule Adoption Approved

Mr. Clark presented a request to adopt the following emergency rule:

- (1) Chapter 10. School Administration and Instruction Services
Subchapter 1. General Provisions
210:10-1-23. Prohibition of Race and Sex Discrimination
[NEW]

Brad Clark, General Counsel presented proposed administrative emergency rules for approval and advised House Bill 1775 passed in the 2021 legislative session. An emergency clause in the bill, 70 O.S. §§ 24-157, requires the State Board of Education to promulgate administrative emergency rules.

Board member Bobek moved to accept and approve the emergency rule request. Board member-Smith seconded the motion.

Board member Williams Bradley said, *"I appreciate everyone who shared thoughts and reflections, and would be remised if she did not her share thoughts and reflections. "As I think about critical race theory of what has been shared today and defining what that is. Critical Race Theory is actually the examination of laws and legislation that upholds systems of racism and oppression. And with us operating on an unclear definition of critical race theory, I believe this bill, and these rules continues to propel fear in teaching the true and accurate history of our country. I went to public school here in Oklahoma as well, and I think about my instruction and experiences, and often times it started with slavery and Martin Luther King's "I have a dream." And then here we are. That negated the complexities of being a black woman, person, student in America, it left room for*

conversation that we have not had in the classroom to move, grow and evolve as human beings to arrive at a more equitable society. With this legislation, with these rules, we are robbing students from having the opportunity to have a high-quality education to think critically about the world around us and to build a more just society. When we quote Martin Luther King, Jr. and being judged by the content of our character, not the color or our skin, I think that we are glossing over the fact that Martin Luther King, Jr. lead a radical movement for justice on many levels. Racial justice, economic justice and it challenged the laws and systems that we continue to lock hold. And so, when we sit here and talk about critical race theory ban or rule or legislation, we are really talking about critical race theory. The rules for HB 1775 is the examination of critical race theory the ways in which our society uses laws to continue to support racist and unjust systems. Not educating our students about the truth of our history, even when we go back to some of our state standards for one and I'm looking at USH12. It requires for us to assess the impact of black codes, Jim Crow laws and action of the Ku Klux Klan. I don't know about you, but nothing about that is comfortable to me. When we have rules that are speaking about not making individuals uncomfortable, we are doing a disservice and not being explicit and empowering educators, with the exact information to uphold the law and teach the truth. And so, while I am not a member of the Legislature, because if I was, I would have voted 'no' on HB1775. I'm currently a member of this board, and I cannot in good faith or conscious vote 'yes' on these rules or support this legislation”.

Board member Hernandez thanked Ms. Williams Bradley for speaking her heart and said, *“We at this table and this body have not always agreed on everything 100% I think that is the beauty of being an American. Understanding and coming to a point of understanding, that we all may not agree 100%, but can definitely respect and honor one another because of those differences. And yes, there truly is not a way for us to really come to a true understanding of our critical race theory until we understand that this truly is just theory. Unfortunately, we see everyone at this table, this room and teachers has a worldview. So, through what lens do we teach it; through lens of some who completely agreed that political race theory is the way to go about it; through lens of Christianity, religion or ideology that we want to place. The public-school responsibility is to be able to educate the public and help them to understand new thoughts. But the students are going to ultimately look at it through the lens of which they have been taught at home; so, it starts at home. Our teachers are to teach what has been passed as it relates to the standards. Teachers I spoke to are stating that our history standards may not be perfect but an overwhelmingly majority of teachers and districts will uphold the standards. Teachers who feel fearful about teaching to the standards, will teach history as outlined, and as uncomfortable as it is, teach the dark areas American history; and the state standards are upheld and will be taught. I (we) learned about the atrocities of the Holocaust in the eighth grade but was never taught about one individual's ideology and did not know what or why they did to the Jewish people. They are not inherently racist and when to stop dividing and put them against one another. The fact is the law is the law, as in the past, whether we agree with HB 1775 or not, the responsibility of this board or is to make those rules, and not continue dividing each other more than we already are. So, I am in favor of the rules because they give guidance on how to uphold a law that has overwhelming support. and I must admonish our largest district in the state that to whom much is given much is expected. The large school districts are a part of the problem as it relates to this theory and as it relates to the law. So, the important thing now is we come together and understand what the rules area meant to do and let's teach our standards.”*

Board member Williams Bradley said, *“In understanding what these laws are meant to do, I question who these laws were created in support of from the verbiage that was listed as individuals, not feeling like they are inherently racist. When we speak about the largest school district as well, we're speaking about districts that have a majority of*

students of color there are many things to examine. I was encouraged, whether you agree or don't agree to take a crosswalk of the impact of this. I hate that we are doing this as we just now got these rules minutes before this meeting. And the people it impacts are our schools, students and teachers who did not get to weigh in on the impact of a decision that we are making as board members, with me, being the only one who's been inside of a classroom and who understands what it's like to educate students and to follow our standards. This is not okay. We're missing the voices of those who are most proximate to this work. I know we heard from people today, but we only heard from one voice that is most close to this challenge and that was who was a student. A black student, who sat in front of us and asked do I not matter. Saying Black Lives Matter are we saying that is political? So yes, I'm passionate about this topic. I didn't learn about CRT until I was in college because CRT was and is not taught in K-12. Most of us in this room cannot even define what is it. It is an advanced theory and study, and so even that name and word being used is a lot. I'm just disappointed and I say it publicly and I'm saying on the record today I'm disappointed and my vote is no."

Superintendent Hofmeister thanked board members for time given to prepare and being a part of the emergency rule. She said, *"Certainly there are a lot of questions and concerned teachers are feeling a lot of fear. I want to continue to focus back on the board and legislated approved Oklahoma academic standards that covers the elements in our history that are difficult to understand. We must teach the good and the ugly and student are watching. It weighs heavy on my heart for those who are not confident they matter; I think each person on this board has a heart for voting and passing standards and working to ensure that we have teachers that are equipped and resourced to teach. We haven't been able to do that in every way with a teacher shortage and with other things we know have been struggles and setbacks in Oklahoma. We are all committed, I believe, to ensure a safe place for kids in schools where they feel valued. And so, my heart is heavy when I understand that with this action there will be confusion in some ways, and I hope that we can leave the parity understanding that this was not a transparent process by the very nature of swift and our facing rules as school is about to start. I believe there is a need for rules quickly, and then rulemaking or rule promulgation season begins in the fall and that will be open and transparent, and that is where we want to continue to hear, not just those courses with your day but expand on that because this doesn't impact everybody, and we are open to that and there will be a more formal process for that. I do appreciate the work and heart of everyone here around the table."*

The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, nay; Mr. Flanagan, yes; Ms. Hernandez, yes; Mr. Bobek yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

**Resolve into Executive Session
pursuant to 25 O.S. §§ 307 (B) (4) for the purpose of
conducting confidential communication between the
State Board of Education and legal counsel concerning
*Western Heights Independent School District No. I-41 of Oklahoma County
and Mannix Barnes, Superintendent v. State of Oklahoma, ex rel.,
Oklahoma State Board of Education, et al., Case No. CV-21-945,
in the District Court of Oklahoma County, State of Oklahoma,
the State Board having been advised by legal counsel that disclosure
will seriously impair the ability of the State Board to conduct the
litigation in the public interest.***

Executive Session

Board member Williams Bradley moved to convene into Executive Session at 11:28 a.m. Board member Smith seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

Return to Open Session

Board member Smith moved to return to Open Session at 12:15 a.m. Board member Bobek seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Hernandez, yes; Mr. Bobek, Ms. Monies, yes; yes; and Superintendent Hofmeister, yes.

Superintendent Hofmeister said no decisions were made on the matters discussed in the Executive Session and abided by the Open Meetings Act.

Board member Smith moved to authorize the department to proceed with the legal remedies of the referenced litigation, Agenda item # 8. (c)e., as deemed appropriate. Board member Bobek seconded. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

Update, discussion and possible action on the accreditation status of Western Heights Independent School District, including amendments to the conditions and corrective actions of Accredited with Probation. Possible action and amendments may include state intervention, appointment of an interim superintendent, additional corrective action measures, governance and operational reporting and requirements, and others as determined by the State Board, and/or notice of hearing on loss of accreditation and annexation – 70 O.S. § 3-104, 3-104.3, 3-104.4 and OAC 210:35-3-201

Board members discussed and asked questions regarding the accreditation status of Western Heights Independent District presentation updates, 2021 probation overview, 90-day timeline, district noncompliance, litigations; SBE authority, State Auditor and Inspector full audit and interim superintendent duties/actions and reporting; thanks to Western Heights staff and parents, and notice to legislators of local school board failures.

Mr. Clark presented recommendations to amend the State Board approved Accredited with Probation status to include full state intervention and 1 year review in 90-day intervals; within ninety (90) days conduct on-site needs assessment; implement state/committee performance teams; action through a District Improvement Plan; District actions subject to State Board approval by and through Interim Superintendent and OSDE; Appoint Interim Superintendent; report ongoing corrective action, noncompliance and deficiencies, and authorize working with law enforcement if noncompliance occurs.

Board member Smith moved to approve the recommendations. Board member Bobek seconded. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Hernandez, 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 1) Ronald Akins; 2) Heather Porter; 3) Dallas Ewton;
and 4) Katie Lee pending an individual proceeding for
revocation or other action - 70 O.S. § 3-104;
75 O.S. § 314; OAC 210-1-5-6**

(No Executive Session)

Board member Smith moved to issue emergency orders to summarily suspending the teacher certificates and certificate numbers of **1) Ronald Akins; 2) Heather Porter; 3) Dallas Ewton; and 4) Katie Lee**. Board member Monies seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Williams Bradley, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

ADJOURNMENT

Board member Smith moved to adjourn the meeting at 12:50 p.m. Board member Williams Bradley seconded the motion. The motion carried by unanimous vote.

The next regular meeting of the State Board of Education will be held on Thursday, August 26, 2021, 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