

**Minutes of the Regular Meeting of the**

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

**May 25, 2023**

The State Board of Education met in regular session at 9:34 a.m. on Thursday, May 25, 2023, 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, May 24, 2023.

The following were present:

Mr. Bryan Cleveland, General Counsel to the Oklahoma State Dept. of  
Education (OSDE)

Ms. Terrie Cheadle, Chief Executive Secretary

Members of the State Board of Education present:

State Superintendent Ryan Walters, Chairperson of the Board

Mr. Donald Burdick, Tulsa

Ms. Sarah Lepak, Claremore

Mrs. Suzanne Reynolds, Oklahoma City

Mrs. Kendra Wesson, Norman

Others in attendance are shown as an attachment.

Mrs. Katie Quebedeaux, Guymon

Mr. Trent Smith, Yukon

Others in attendance are shown as an attachment.

**CALL TO ORDER  
ROLL CALL**

State Superintendent Ryan Walters called the State Board of Education regular meeting to order at 9:34 a.m. Ms. Cheadle called the roll and ascertained there was a quorum.

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

Superintendent Walters 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 Prayer.

**STATE SUPERINTENDENT**

**Information from the State Superintendent**

**PUBLIC COMMENT**

Individuals signed up to address agenda items included Lou Baber, OKC; Item 8.(b) Derrick Meador, Jennings PS; Allyson Helm Oklahoma City PS; and item 9. New Business, Kiard Jones, Oklahoma Public School Educator.

Individuals signed up to address items not on the agenda included Ashley Daly, Parent, Tulsa Public Schools addressed decency; Stacey Woolley, Tulsa Public Schools-Student Safety; Father Hamilton, St. Monica Church-Common School Order; Bob Linn, OCPA; Erika Wright, OK Rural Schools Coalition-Books; Joy Howell, CD4 Chair-OK County; Reed Downey, SB4Kids-Academics; Julie Collier, American Ed Advocates; Sandra Valentine, Parent, Shawnee-state testing; Melanie Spoon, Librarian Putnam City PS-libraries; Jay Hall, True Truth Productions, OKC-porn in school; Tierney Gardner, Oklahoma Public School Educator; Shaista Fennile, teacher Moore PS-students and teachers; Gary Holt, resident, Elgin School District-teacher investigations; Kit Fairchild, Parent, Warr Acres-teaching certificates; and Susan Whitehorse Johnson, Walters Public Schools-Indoctrination.

Superintendent Walters updated on the Teacher Incentive Program recruitment, applicants, and process; Governor and legislative support for School Choice Initiative; concerns with untruths by media outlets, teacher unions and comments of Representative McBride; United States Department of Education(USDE) update notification on ESEA and IDEA grants; and public awareness of teacher unions video presentation "Who's in charge of our kids?"

**First-Year Superintendents**

First-year superintendents attending the meeting included Corey Smith, Hugo Public Schools and Josh Kilhoffer, Dewar Public Schools.

**BOARD ADMINISTRATIVE**

**Minutes of the April 27, 2023, regular  
State Board of Education meeting - Approved**

Board member Reynolds moved to approve the minutes of the April 27, 2023, regular State Board of Education meeting. Board member Lepak seconded the motion. The motion carried with the following votes: Mr. Burdick, yes; Ms. Lepak, yes; Ms. Wesson, yes; Ms. Reynolds, yes and Superintendent Walters, yes.

**FAA Memorandum of Understanding to collaborate on  
STEM aviation outreach – Approved**

Bryan Cleveland, General Counsel, State Department of Education, presented the proposed Memorandum of Understanding (MOU) between the Federal Aviation Administration (FAA) and Oklahoma State Board of Education (OSBE) that will allow Oklahoma schools to share mutual objective to collaborate on STEM aviation outreach and promote awareness of aviation careers. Advised the OSBE has authority to set the terms outlined in the Other Transaction Articles 1-9 and accept the FAA offer on behalf of all schools to borrow free materials as opposed to having to go through a legal process each time.

Board members discussed and asked questions concerning school district funding, transportation, curriculum requirements; and legislative agreement to increase transportation.

Board member Burdick moved to approve the FAA Memorandum of Understanding. Board member Lepak seconded the motion. The motion carried with the following votes: Mr. Burdick, yes; Ms. Lepak, yes; Ms. Wesson, yes; Ms. Reynolds, yes and Superintendent Walters, yes.

**CONSENT DOCKET - Approved**

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2022-2023 and 2023-2024 school years and other requests:

(Action) (a) **Abbreviated School Day – OAC 210:35-29-2 and 210:35-3-46**

**2023-2024 school year**

**3 Years**

Yukon Public Schools, Canadian County

Stigler Public Schools, Haskell County

Whitesboro Public School, LeFlore County

(Action) (b) **Cooperative Agreements for Alternative Education Programs – 70 O.S. § 1210.568**

Fanshawe Public Schools, LeFlore County  
Hodgen Public Schools, LeFlore County  
Holly Creek Public Schools, McCurtain County  
Wilson Public Schools, Okmulgee County

**3 Years**

Panola Public Schools, Latimer County  
Monroe Public Schools, LeFlore County  
Ryal Public Schools, McIntosh County  
Tannehill Public Schools, Pittsburg County  
Albion Public Schools, Pushmataha County

**2023-2024 school year**

Quapaw Public Schools, Ottawa County

**3 Years**

Maysville Public School, Garvin County  
Whitesboro Public Schools, LeFlore County  
Wainwright Public Schools, Muskogee County  
Mooreland Public Schools, Woodward County

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

**2023-2024 school year**

Woodward Public Schools, Woodward County

(Action) (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**

(Action) (e) Request approval on flexibility to use textbook funds - **70 O.S. § 16-114a(B)**  
Bartlesville Public Schools, Tulsa County

Board member Wesson moved to approve the Consent Docket. Board member Reynolds seconded the motion. The motion carried with the following votes: Mr. Burdick, yes; Ms. Lepak, yes; Ms. Wesson, yes; Ms. Reynolds, yes and Superintendent Walters, yes.

**TEACH and LEARN, SPECIAL EDUCATION – FEDERAL**

**Universal Screener and Dyslexia Screeners for Students in Kindergarten through Third grade as required by the Reading Sufficiency Act (RSA) - Approved**

Melissa Ahlgrim, Director of RSA Instruction, presented a recommendation request for additional Universal and Dyslexia Screeners for grades K-3, as required by the Reading Sufficiency Act (RSA) 70 O.S. § 1210.508C(B), that included Exact Path-Edmentum, FastBridge-Renaissance Learning; i-Ready Diagnostic-Curriculum Associates, and Early Learning Quick Assessment (ELQA)-University of Oklahoma.

Ms. Ahlgrim reviewed the State Board approved assessment list, assessment requirements, additional assessments/alignment needed, review team, process/procedures, criteria, implementation; school district options, OSDE comprehensive guidance and support.

Board member Reynolds moved to approve the screening assessment as presented. Board member Burdick seconded the motion. The motion carried with the following votes: Mr. Burdick, yes; Ms. Lepak, yes; Ms. Wesson, yes; Ms. Reynolds, yes and Superintendent Walters, yes.

**Awarding 2024 Advanced Placement one-time  
Materials Grants pursuant to 70 O.S. § 1210.701-703 *et seq.* – Approved**

Leah Murphy, Project Manager of Gifted and Talented and Advanced Placement, presented a request to approve 41 Advanced Placement (AP) First Time Materials and Equipment Grants to 30 school districts totaling \$663,003.19, pursuant 70 O.S. § 1210.701-703.

Ms. Boyd reviewed the grant opportunities for districts serving grades 9-12 with new Advanced Placement (AP) courses and materials, refresh existing courses and offer additional college preparatory classes; application requirements/process, assurances, and award amounts.

Board member Burdick moved to approve the request. Board member Reynolds seconded the motion. The motion carried with the following votes: Mr. Burdick, yes; Ms. Lepak, yes; Ms. Wesson, yes; Ms. Reynolds, yes and Superintendent Walters, yes.

**LEGAL SERVICES**

**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**

Bryan Cleveland, General Counsel, State Department of Education (OSDE), advised one complained violation of House Bill 1775 but examination determined it was not related, therefore no action required on agenda item 8. (a).

**2023-24 school year request to be in session and offer instruction  
for a less than the requirements in 70 O.S. § 1-109 - Approved**

Mr. Cleveland advised Jennings and Glencoe Public Schools provided evidence and met the criteria for a waiver request to offer instruction for a less than the requirements pursuant state statute and Administrative Rules.

Ryan Pieper, Program Director, Accreditation, confirmed flexibility has been helpful for the districts, verified student performance, test score data, and community participation; 1080 hours criteria is met, if denied a 165-day calendar would be implemented.

Board member Reynolds moved to approve a one-year waiver and is a caveat it is not a precedent and will not become commonplace. Board member Burdick seconded the motion. The motion carried with the following votes: Mr. Burdick, yes; Ms. Lepak, yes; Ms. Wesson, yes; Ms. Reynolds, yes and Superintendent Walters, yes.

### **Emergency Rule adoption – Approved**

- (1) Title 210. Oklahoma State Department of Education  
Chapter 10. School Administration and Instructional Services  
Subchapter 13. Student Assessment and School Accountability  
**210:10-13-1.2 Emergency make-up opportunities for required student assessments [NEW]**

Mr. Cleveland advised the proposed emergency rule is to comply with the College and Career Readiness Assessment 70 O.S. § 1210.508(F), a mandatory graduation requirement, offered in the junior year 2020 for the class of 2021 and 2022. Districts were to assess students via the statewide student assessment system to graduate and ensure senior students were not prevented from graduating due to not taking required assessments. In 2020, high school testing canceled due to the COVID-19 pandemic, and the statewide assessment was waived for the 2021 and 2022 class. The class of 2023 is the first class that has mandatorily taken the test for graduation. The proposed emergency rule would allow certain makeup assessment exams for the most recent class for one year only. In late fall and early spring Accreditation teams notified school districts reminding of the mandatory state requirement.

Cora James, Program Director, Standards & Learning, Accountability and Todd Loftin, Division Administrator, reviewed the proposed emergency rule, short term and long term solutions, allows districts to administer an OSDE make-up assessment to impact senior students who had few opportunities to be assessed throughout high school or were unaware of the high school testing requirement due to the state waiver; a temporary fix gives opportunities to accommodate DHS transfers; permanent rule adoption becomes a part of the state assessment system allowing fulfillment of graduation and allows applying for exemption options.

Board members discussed and asked questions regarding district responsibility, communication to impacted students, testing availability options, issuance of high school diploma, parental involvement, and future legislation.

Board member Burdick moved to adopt the emergency rule. Board member Wesson seconded the motion. The motion carried with the following votes: Mr. Burdick, yes; Ms. Lepak, yes; Ms. Wesson, yes; Ms. Reynolds, yes and Superintendent Walters, yes.

### **Pending underpayment complaint against Pocola Public Schools and hearing of oral argument regarding the complaint –**

Mr. Cleveland advised agenda items 8(d) and 8(e) were related regarding an underpayment complaint against Pocola Public School. Counsels representing both parties were allowed to argue their positions, and after hearing arguments board members have the option to deliberate in an executive session.

Tim Melton, Oklahoma Educators Association (OEA), represented Tanga Luu and teacher's constitutional rights. Mr. Melton said the complainant taught in the district seven years, kindergarten, home economics teacher, and is an elementary school counselor. The district raised the number of instructional days in the 2021-22 school years from 161 to 166 days and added extra duties with no proportional increase in pay for teachers nor lowering of duties. The districts action decreased total daily hours and hourly salary and does not believe it violates Title 70 § 18-114.9.

Adam Breipohl, Counsel representing Pocola Public School Superintendent and Board of Education, said his client's position and response were before board members and detailed in Mr. Cleveland's memorandum that includes a recommendation to deny. The most important issue is enforcement by the OSBE to apply the provisions of the statute and not make a new law. In plain language, the statutes address reduction of a total compensation of the teacher is permitted only if hours or duties are reduced. It does not provide for a corollary rule where increases in hours or duties must be accompanied by pro increases in compensation.

**Resolve into Executive Session  
pursuant to 25 O.S. §§ 307 (B) (4) (7) and (8) for the purpose of discussing  
possible action to decide the pending underpayment complaint against  
Pocola Public Schools - 70 O.S. §§ 3-104, 18-114.9; 75 O.S. § 314; OAC 210-25-3-4**

Board member Wesson moved to convene into Executive Session at 12:12 p.m. Board member Reynolds seconded the motion. The motion carried with the following votes: Mr. Burdick, yes; Ms. Lepak, yes; Ms. Wesson; Ms. Reynolds, yes; and Superintendent Walters, yes.

**Return to Open Session**

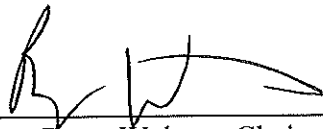
Board member Burdick moved to return to Open Session at 12:45 p.m. Board member Wesson seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Mr. Burdick, yes; Ms. Lepak, yes; Ms. Wesson; Ms. Reynolds, yes and Superintendent Walters, yes.

No decisions were made on the matters discussed in the Executive Session. Bryan Cleveland, General Counsel; Terrie Cheadle, Chief Executive Secretary to the Board and Andy Ferguson, Assistant General Counsel, remained in the Executive Session.

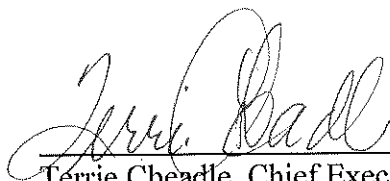
Board member Burdick moved to deny the request. Board member Reynolds seconded the motion. The motion carried with the following votes: Mr. Burdick, yes; Ms. Lepak, yes; Ms. Wesson; Ms. Reynolds, yes; and Superintendent Walters, yes.

Board member Lepak moved to adjourn the meeting at 12:49 p.m. Board member Wesson seconded the motion. The motion carried by unanimous vote.

The next regular meeting of the State Board of Education will be held on Thursday, June 22, 2023, 9:00 a.m. The meeting will convene at the State Department of Education-State Board Room, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma.



\_\_\_\_\_  
Ryan Walters, Chairperson of the Board



\_\_\_\_\_  
Terrie Cheadle, Chief Executive Secretary