

Minutes of the Special Meeting of the

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

May 28, 2020

The State Board of Education met in special session at 9:33 a.m. on Thursday, May 28, 2020, by teleconferencing, videoconferencing and there were parties present at the Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, OK 73105 Suite 1-20. The final agenda was posted at 9:30 a.m. on Wednesday, May 27, 2020.

The following were present at the meeting site and remote locations:

Mr. Brad Clark, General Counsel, at meeting site via Zoom videoconference
Ms. Terrie Cheadle, Chief Executive Secretary, via Zoom videoconference

Member of the State Board of Education present at meeting site via Zoom videoconference:

State Superintendent Joy Hofmeister, Chairperson of the Board

Members of the State Board of Education present at remote locations via Zoom videoconference:

Mrs. Estela Hernandez, Oklahoma City
Mrs. Jennifer Monies, Oklahoma City
Mr. Barry "Kurt" Bollenbach, Kingfisher
Mrs. Carlisha Williams Bradley, Tulsa
Mr. Brian Bobek, Oklahoma City
Mr. William "Bill" Flanagan, Claremore

**CALL TO ORDER
AND
ROLL CALL**

State Superintendent Joy Hofmeister called the State Board of Education special meeting to order at 9:33 a.m. Ms. Cheadle called the roll and ascertained there was a quorum.

Superintendent Hofmeister welcomed everyone to the virtual meeting of the State Board of Education.

STATE SUPERINTENDENT

**Recognition Tianna Ellis, Resource Coordinator, Sooner Start
for 25 years of service to the state of Oklahoma**

Superintendent Hofmeister recognized Tianna Ellis, Resource Coordinator, Sooner Start for her 25 years of service to the state of Oklahoma.

Recognition of Department Employee for the month of May

Superintendent Hofmeister recognized Becky Gray, Coordinator II, Child Nutrition for her outstanding leadership, professionalism and going above and beyond in meeting the needs of children, school districts and OSDE.

Information from the State Superintendent

Superintendent Hofmeister said the end of the school year and distance learning has wrapped up. “Thank you” goes to school districts, educators and support staff for their extraordinary work; to parents, students, and families for patience and grace meeting the challenges; and an honor to congratulate the 2020 Senior Graduation Class of Oklahoma.

Superintendent Hofmeister updated on the June 2020 release of “Return to Learn Oklahoma: A Framework for Reopening Schools,” school district considerations, guidance plan and recommendations; CDC and Oklahoma Department of Health protocols, CARES Act emergency relief fund and Title I Part A fund use, requirements, application process; Higher Education news release on OSDE *Oklahoma Edge* strategic plan for college remediation; and the 2020 EngageOK in the Cloud virtual conference, July 15-17, registration open at engage.ok.gov.

**Minutes of the March 25, 2020 Special
State Board of Education meeting - Approved**

Board member Monies motioned to approve the March 25, 2020, State Board of Education special meeting minutes. Board member Bollenbach seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, nay; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

Minutes of the April 23, 2020 Special State Board of Education meeting - Approved

Board member Bobek motioned to approve the April 23, 2020, State Board of Education special meeting minutes. Board member Flanagan seconded the motion.

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

Superintendent Hofmeister and General Counsel advised on the Public Comment procedure, timeline and notification(s) to Marley.Billings@sde.ok.gov; and send notifications to Terrie.Cheadle@sde.ok.gov to contact board members.

CONSENT DOCKET – Approved

Discussion and possible action on the following deregulation applications, statutory waivers and exemptions for the 2019-2020 school year – 70 O.S. § 3-104; OAC 210: 35-1-4 :

- (a) Request approval on exceptions to State Board of Education teacher certification regulations to permit issuance of emergency (provisional) certificates - **70 O.S. § 6-187**
- (b) Waiver to authorize school to be taught on Saturday and count for attendance purposes in meeting the school year requirements in **70 O.S. §1-109, 70 O.S. §1-112**
- (c) Request approval of sponsorship/donation and recommendation -**70 O.S. § 3-104(12)**
 - Williams Foundation \$50,000 professional development grant donation

Board member Monies moved to approve **Consent Docket 5. (a) Emergency exception** waiver request. Board member Williams Bradley seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

Brad Clark, General Counsel advised state statute prohibits school district from offering Saturday school in order to meet the 180 day or 1080 hours calendar requirement unless a waiver is requested and approved by the State Board of Education (SBE). Providing this option, if needed and given the current phase with COVID-19, will give a district flexibility to offer students opportunity for Saturday school during the 2020-21 school year.

Board members discussed and asked questions regarding **Consent Docket 5. (b) Saturday school waiver** requirements/options, non-instructional day use; school district calendar design considerations, restrictions, flexibilities, creative options, technology access/availability; SBE time limits, constraints and modification options.

Board member Williams Bradley moved to approve **Consent Docket 5. (b) Saturday school** waiver to authorize school to be taught on Saturday and count for attendance purposes in meeting the school year requirements. Board member Flanagan seconded the motion.

Board member Bobek clarified to include the 2020-2021 school year time limit.

Board member Williams Bradley amended the motion to authorize for school during the 2020-21 school year to be taught on Saturday and count for attendance purposes in meeting the school year requirement.

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

Board member Bobek moved to approve **Consent Docket 6. (c) Sponsorship donation** recommendation. Board member Bollenbach seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

GOVERNMENT AFFAIRS

FY 21 Common Education Budget

Carolyn Thompson, Chief of Government Affairs/Deputy Chief of Staff presented an update on the State Board of Education \$2,992,729,814 appropriation for the FY21 Common Education Budget, \$78 million (2.5%) appropriation decrease; Senate Bill 1921 "Rainy Day" Fund, Senate Bill 1922 General appropriation bills and House Bill 4153 common education programs limits bill.

Ms. Thompson reviewed the Constitutional Reserve (Rainy Day) Fund one-time appropriation, 1017 Fund supplemental, ad valorem appropriation, Flex Benefit Allowance increase, Reading Sufficiency Act (RSA) and alternative education program reductions, and Standards, Arts Institute and teacher induction program eliminations, line item (new funding) for Imagine Math digital curriculum; revenue sources, fund use, allocations and distributions, FY2021 and 2022, of Common Education Technology Fund, Education Lottery Trust Fund and School Consolidation Fund; flexible benefit allowance 2010-2019 funding levels; Support of Students & Teachers (aka Public School Activities) FY2014-2020 funding levels; OSDE decreased funding 7.5%; Coronavirus Aid, Relief and Economic Security (CARES) Act relief funding and emergency supplemental guidelines, restrictions and flexibilities; mid-year adjustments, and potential revenue shortfalls.

(Superintendent Hofmeister recessed at 11:18 a.m. to 11:29 a.m.)

LEGAL SERVICES/STATE BOARD OF EDUCATION OFFICE

Sovereign Charter School finances, operations, and proposed merger with Santa Fe South Charter School

Brad Clark, General Counsel advised Sovereign Community School (SCS), sponsored by the State Board of Education (SBE), publicly announced merger plans with Santa Fe South Charter School, an entity under the governance sponsorship of Oklahoma City Public Schools (OKCPS). Oklahoma law does not allow commingling of assets between separate legal entities. As it was publicly announced, the SCS did not consult nor notify the SBE of plans to alter the governance structure or education program prior to their public merger announcement, as required in the sponsorship agreement and relationship with the SBE.

Charter School representatives included Matt Wilson, Superintendent, SCS, and Kate Sultuska, former SCS President; and Chris Brewster, Superintendent, Santa Fe South.

Mr. Wilson appreciated the opportunity to come before the SBE and said SCS offers a curriculum and wellness focus approach, and in the first year experienced successful academic and cultural growth. However by June 2019, faced financial challenges due to facility code violations, decreased student enrollment and relocation cost. Enrollment increased after October 1 but were still low. January 2020 SCS schoolboard faced a budget shortfall when anticipated enrollment decreased, fundraising efforts and tribal partnership supports ceased as COVID-19 impacted finances of all participants. As an alternate solution to keep SCS open, he reached out to Santa Fe South Charter School to discuss possible merging. Both school boards met and discussed merging and subsequently agreed April 2020 and then posted the decision on the SCS social media page. After which time he recognized his error in not notifying the charter school sponsor of any concerns and/or issues it was experiencing nor merger considerations.

Mr. Wilson offered his apology and regrets, and asked the State Board of Education consider approval of the merger. Currently, SCS holds the school site facility lease which will remain the permanent campus the following school year independent of Santa Fe South but with an advisory board. Santa Fe South will hire current SCS employees and SCS board to continue fundraising 3 year to support financial repayment.

Mr. Brewster said the University of Oklahoma sponsored the flagship elementary and now Oklahoma City Public Schools (OKCPS) Board sponsors all which authorizes 3600 students in eight locations. The proposal to the SBE is to consider being SCS authorizer and contract Santa Fe South, Inc. as manager or developer. Santa Fe South legal counsels did not foresee problems merging since Santa Fe South had separate contracts to operate charter schools.

Mr. Clark reviewed SBE sponsorship authority, acceptance of SCS appeal, and a proposed charter management company (CMO); given the first year of operation the required first year contract performance review was not possible neither was a review of the schools finances and audits as they were yet to become due. The SBE also reviewed and discussed requirements relating to exclusion of co-mingling funds, debt/grant funding, facility lease liabilities; school consolidation statutes not applicable; Charter School Act provisions, and encumbrance clerk role/records.

Ms. Sultuska said she was recently made board president. The board was restructured upon becoming aware of the financial shortfall and COVID-19 disrupting fundraising options. Unfortunately, members were in crisis mindset and apologized for the oversight.

Board members asked questions and discussed the proposed draft merger request; delayed notifications to Sante Fe South authorizer, contracting Santa Fe South assuming campus operations, disruption in learning; approximately \$700,000 deficit shortfall/debt repayment/restructured budget, enrollment and finance projections; OKCPS past rejection of SCS sponsorship; state law merger options and apprehensions; and State Board of Education sponsorship contract violations.

Superintendent Hofmeister and board members recommended tabling action Sovereign Charter School, Agenda item 7(a) to further discuss with legal advisors.

Annexation of Keyes Public Schools – Approved

Mr. Clark presented an overviewed Keyes Public School District accreditation with probation status; and reviewed 2015-16 enrollment decline, February 2020 nine (9) students enrolled, district sustainability; statutory annexation requirements/timelines, finance/payroll; Yarbrough and Boise City school districts annexation notification, mandatory annexation to Boise City recommended.

School representatives Tiffany Adams, President, Keyes School Board and Freda Burgess, Keyes Superintendent; and patron comments included J.B. Stewart, Keyes Mayor; Keyes residents: Corinna Kerbo, Marci Corichi and Bob Cochran.

Board members asked questions and discussed district localities, enrollments/expenditures, logistics, cooperative agreements, current school board activity and administration status/operation; compliance recommendations, processes and timelines.

Board member Hernandez moved to approve annexation of Keys Public Schools to Boise City School District. Board member Monies seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

Accept or deny the appeal for charter school sponsorship submitted by Harlow Creek Elementary-Tulsa – Denied

Mr. Clark reviewed the Harlow Creek Elementary appeal denial by Tulsa Public Schools, remanded by the State Board December 2019 back to the district and again was denied. Harlow Creek Elementary returns requesting appeal action after receiving a third revised application denial. All submitted materials were reviewed, scored by the OSDE application review committee and made available to board members.

Individuals providing public comment included Robert Ruiz, President, Scissortail Development Corporation in support of HCE sponsorship to offer new high quality education options to families in an underserved area; Scott Pardee, Business owner- HCE Developer provided overview of the six (6) year 74127 zip code community project site study, 2 mile radius area with 190 families; clarification of historical data, underserved inner city/core areas, zoning rule restrictions/exceptions; 1980s Land Trust model/program

options/obtainability, and community developer investors/investments; and Dr. Lorilynn Coggins, Educator experienced with charter startups and charter boards 25 years. Corrected TPS board voted on the 2nd HCE application, community development and school were not contingent upon each other or vice versa. If not approved, the HCE team able to pull project off and will continue search for an authorizer.

Representatives presenting included Bill Hickman, Legal Counsel, Harlow Creek Elementary (HCE) and Andrea Castaneda, Tulsa Public Schools (TPS).

Mr. Hickman presented the HCE mission and vision for the Northwest Tulsa targeted Academic Enterprise Zone (AEZ) population; K-3 school 2021 opening and yearly grade additions, educational programming, events timeline; TPS application denial, HCE model set up and impact and community engagement and partners.

Ms. Castaneda presented the TPS charter school authorizing process and summarized the Harlow Creek application deficiencies in the area of mission/development/opening; educational programming; budget and financing; viable facility; pre-open condition requirements, no transport for Prek-3 students, no automatic student enrollment, viable district charter schools options, OSDE authorizer process and Oklahoma Charter School Act provisions.

Board members discussed and asked questions regarding community notices, support, commitments; project funding, reserves and financing, mixed income models and affordable housing options/projections, community revitalization and gentrification, AEZ clarification; application deficits, enterprise zone student limitation, pandemic impact creating school, school vs developed community and no underserved needs assessment.

Board member Williams Bradley moved to deny the charter application for Harlow Creek Charter Elementary school sponsorship. Board member Bollenbach seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, nay; Ms. Hernandez, nay; Ms. Monies, nay; Mr. Bobek, 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 suspend the teacher certificate and
certificate number of **Alberto Morejon** pending an individual proceeding
for revocation or other action –**70 O.S. § 3- 104; 75 O.S. § 314; OAC 210-1-5-6**

Board member Flanagan moved to convene into Executive Session at 3:02 p.m. Board member Monies seconded the motion: The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

(Board member Hernandez left during the Executive Session)

Return to Open Session

Board member Flanagan moved to return to Open Session at 3:30 p.m. Board member Monies seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, absent; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

Superintendent Hofmeister said no decisions were made on the matters discussed in the Executive Session. Brad Clark, General Counsel, remained in the Executive Session.

Board member Monies moved to suspend the teaching certificate and teaching number of **Alberto Morejon**. Board member Bobek seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

ADJOURNMENT

Board member Monies moved to adjourn the meeting at 3:21 p.m. Board member Williams Bradley seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

The next regular meeting of the State Board of Education will be held on Thursday, June 25, 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