

Minutes of the Special Meeting of the

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

July 23, 2020

The State Board of Education met in special session at 9:35 a.m. on Thursday, July 23, 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, July 22, 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
Mr. Brian Bobek, Oklahoma City
Mrs. Jennifer Monies, Oklahoma City
Mr. Barry “Kurt” Bollenbach, Kingfisher

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

Mrs. Estela Hernandez, Oklahoma City
Mrs. Carlisha Williams Bradley, Tulsa
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 9:35 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

Information from the State Superintendent

Superintendent Hofmeister said the EngageOK in the cloud conference, July 15-17 was successful and highlighted professional development sessions “Student Voices” panel participants, OKEdge Virtual Learning Community, dyslexia and early reading instruction; Updates included Digital Divide awareness, issues, problems; Hotspot devices grants (ESSA funding) awarded in July; Reopening Schools survey results, CARES Act funds specifically used for the Exact Path no cost online tool, 251 districts committed and 172 ready to deploy, and districts encouraged to sign up soon.

Proclamation Recognition of Department Employee for the month of July

Superintendent Hofmeister announced the retirement of Dr. Cindy Koss, Deputy Superintendent, Student Learning & Achievement and recognized her as the July Employee for the month. Board members thanked Dr. Cindy Koss for her 40 year service in public education to children, educators and the State of Oklahoma and presented a Proclamation proclaiming July 24, 2020 as “Cindy Koss Day.”

Superintendent Hofmeister said Dr. Koss was embarking on a well-earned retirement and joins her husband in raising chickens, goats and rabbits, and growing fruit trees and grapes.

Dr. Koss said it was bittersweet loving the work she does and getting to working with several of educators/leaders, workforces/businesses, higher educations, career techs, etc. She was honored to be a member of the state leadership team and to work with many diverse learner teams over the years. It has been a privileged opportunity to learn and grow, experience many team accomplishments, and especially the ‘putting kids first’ leadership culture of Superintendent Hofmeister.

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

Board member Williams Bradley motioned to approve the June 25, 2020, State Board of Education special meeting minutes. Board member Hernandez 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.

**Resolution honoring Jena Nelson,
2020 Oklahoma Teacher of the Year (TOY) - Approved**

Superintendent Hofmeister introduced Jena Nelson, Oklahoma's 2020 Teacher of Year and presented a Resolution honoring her. Ms. Nelson teaches English composition and academic enhancement to 7th and 8th grade students at Deer Creek Middle Schools. On July 1 she began her 1 year tour of duty as Ambassador for Teachers in Oklahoma.

Board members congratulated Ms. Nelson as Oklahoma Teacher of the Year and the official teaching ambassador for the 2021 school year.

Board member Bollenbach motioned to approve the Resolution honoring Jena Nelson, 2020 Teacher of the Year. 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.

Ms. Nelson thanked board members for kind words and encouragement. She looks forward to showcasing amazing things Oklahoma educators and students are doing. As well as reaching out, seeing all virtually or in person, and to shine a positive light on the state at the national level. Even though we are experiencing difficulties she is confident there is nothing a group of Oklahoma educators cannot do.

**Notification of dispensation of grades 9-12 by voters of
Paola Public Schools, I-004 of Latimore County and
resulting in Panola Becoming an elementary school district**

Brad Clark, General Counsel said the item 3. (c) is not an action item nor a required action item. However, when school district electors vote to dispense all or part of a school district, a notification of dispensation of grades is required to the State Board of Education (SBE). Electors of the Panola Public School District on June 30 voted to dispense with grades 9-12 for 2020-2021 school year, and will no longer be a K-8 school district.

This was a notification only and no action was required.

PUBLIC COMMENT

Jami Murphy, Tahlequah resident and Kari Phillips, Piedmont resident and Mid-Del Public Schools teacher signed up to address concerns regarding reopening of schools that included mandated measures, local school board options, distance vs face-face learning, state testing considerations, district social distancing protocols and capabilities; psychological, physical and social development effects, and COVID-19 upticks, student and teacher safety concerns.

CONSENT DOCKET – Approved

Discussion and possible action on the following deregulation applications, statutory Waivers, and exemptions for the 2020-2021 school year – 70 O.S. § 3-104; OAC 210: 35-1-4:

- (a) **Abbreviated School Day – OAC 210:35-29-2 and 210:35-3-46**
Putnam City Academy, Oklahoma County
(Evening Program)
Putnam City Academy, Oklahoma County
(SOAR)
Shawnee Public Schools, Pottawatomie County

3 Years

Noble Public Schools, Cleveland County
Pond Creek-Hunter Public Schools, Grant County

- (b) **Cooperative Agreements for Alternative Education Programs – 70 O.S. § 1210.568**
Sequoyah Public Schools, Central County

- (c) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**
Cyril Public Schools, Caddo County
Fletcher Public Schools, Comanche County
Geronimo Public Schools, Comanche County
Jay Public Schools, Delaware County
Dover Public Schools, Kingfisher County
Fairview Public Schools, Major County
Checotah Public Schools, McIntosh County
Commerce Public Schools, Ottawa County

3 Years

Felt Public Schools, Cimarron County
Noble Public Schools, Cleveland County
Indiahoma Public Schools, Comanche County
Bluejacket Public Schools, Craig County

Grove Public Schools, Delaware County
Rush Springs Public Schools, Grady County
Prague Public Schools, Lincoln County
Putnam City Public Schools, Oklahoma County
(Kirkland Early Childhood)
Miami Public Schools, Ottawa County
Claremore Public Schools, Rogers County
Bixby Public Schools, Tulsa County
Collinsville Public Schools, Tulsa County
Sperry Public Schools, Tulsa County

- (d) **Library Media Specialist – 70 O.S. § 3-126**
Monroe Public Schools, LeFlore County
Edmond Public Schools, Oklahoma County
(Orvis Risner ES, Sunset ES, Summit MS,

Cimarron MS, Centennial ES)
Oklahoma City Public Schools, Oklahoma County
(Buchanan ES, Hawthorne ES, Nichols Hills ES)

- (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)**

Ada Public Schools, Pontotoc County

Board members discussed and asked questions regarding **Consent Docket 5. (a)-(f) request** and discussed inadequate applications.

Board member Bollenbach moved to approve the Consent Docket with the **exception of Noble Public Schools** 3 year waiver request, Abbreviated School Day-Consent Docket 5. (a). The application will be returned to the 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.

LEGAL SERVICES/STATE BOARD OF EDUCATION OFFICE

Emergency Rule Adoption Approved

Lori Murphy, Assistant General Counsel, Legal Services, presented a request to adopt the following emergency rule:

- (1) Title 210. State Department of Education
Chapter 35. Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools
Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools
Part 7. Standard IV: Curriculum, Instruction, Assessment, and Climate
210:35-21-2. Alternative instructional delivery systems
[AMENDED]

Ms. Murphy said the 1990s alternative instructional delivery systems rule was updated to amend with the distance learning definition, plans, and delivery methods, and new content reflecting changes in technology and terminology.

Board members asked questions and discussed distance learning guidance; school district and charter school boards distance learning plan/policy, implementation, equity; student connectivity opportunities/provisions.

Ms. Murphy counseled the rule provision authorizing distance learning for all students applies only when a federal or state government entity and/or the State Board of Education declares an emergency impacting school operations. Traditional school districts and non-virtual charter schools are authorized to implement their distance learning plans during such an emergency, and distance learning plans may include virtual instruction provided all students are ensured access or equivalent instruction. The rule does not require a public school to offer virtual instruction if it delivers its distance learning plan by other means. The rule neither creates any new student transfer options nor limits any transfer rights that already exist in statute. The rule does not apply to virtual charter schools sponsored by the Statewide Virtual Charter School Board, which offer virtual instruction as their standard instructional program.

Ms. Murphy recapped board member's oral rule amendment requests that included: (1) inserting "internet" prior to the word "connectivity" throughout the rule to clarify that the need for equity applies to both technological devices and internet access; and (2) on page 4, #3, reinsert "board" to refer to the "local school district board or charter school board" and aligning the language.

Board member Flanagan moved to adopt the emergency rule as amended. Board member Williams Bradley second 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.

**COVID-19 Alert System to govern health alert levels,
school safety response and operations for the public schools
of the State of Oklahoma due to the Coronavirus/COVID-19
Global Pandemic - Okla. Const. art 6, §1; Okla. Const. art 13, §5;
70 O.S. §§ 1-105 and 3-104; 25 O.S. §§ 304 and 311**

Mr. Clark overviewed SBE instruction relating to the March federal and state COVID-19 emergency declarations, continued COVID-19 effects; July 18, 25,000 COVID-19 Oklahoma cases and elevating; onset of the 2020-2021 school year; SBE Title 70 authority, duties to school children and health/safety proposal, policy and procedure, and plan of action.

Carolyn Thompson, Government Affairs/Deputy Chief of Staff highlighted the Return to Learn Oklahoma – School Safety Protocols that provided minimum requirements, masked for instructional delivery; State Health Department/County COVID-19 data, alert levels, cases detailed per capita, color coded alert levels, meaning and full outbreaks of COVID-19; risk levels determined by health professionals and educators, mandatory mask wearing, limiting exposure, county transmission surges; CDC quarantine guidelines, required and recommended instructional delivery limitations/health protocols; school district implementation authority, restrictions/requirements, continued special education services,

Board members asked questions and discussed concerns on bare minimum protection protocol mandates versus guidelines/recommendations; local school board controls, school building reopening protocols and CDC guidelines, SBE CDC responsibility, oversights; Return to Learn guidelines and revision options, PPE and mask wearing safeguards and state behavioral changes; department of health alert system county awareness, responses and rapid spikes in institutional spread/transmission and community transmission.

Board member Bobek moved to change protocols to guidelines and recommendations not requirement and restriction mandates. Board member Hernandez second the motion.

Board members discussed possible reconsidering amending the motions to modify the protocols guidelines and recommendation.

Board member Bollenbach moved to amend the protocol to make the instructional piece a recommendation, and the remaining protocol stays as is. To clarify, the mask portion and extracurricular activities are mandates; instructional piece will be under local school district control.

Mr. Clark advised board members before reconsidering another motion, Mr. Bobek's motion would need to be withdrawn or amended and voted.

Mr. Bobek restated the motion is to utilize the protocol as a guideline and suggestions, not as requirements or mandates; and clarified that any wording currently in the protocols that 'requires or mandates' would need to be changed accordingly to 'recommendations or strongly recommended'. The motion carried with following votes: Ms. Williams Bradley, no; Mr. Bollenbach, no; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, no.

Board members discussed reconsideration of the motions and votes to modify the protocols; and modify the protocol.

Board member Bradley moved to reconsider the motions and votes to the protocol. Board member Flanagan seconded the motion.

Mr. Clark advised on a motion/vote to reconsider only, and if passed, motion/vote to modify.

Board member Bradley and Flanagan withdrew the motions.

Board member Bollenbach motioned to reconsider. Board member Bradley seconded. The motion failed with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, no; Ms. Hernandez, no; Ms. Monies, no; Mr. Bobek, no; and Superintendent Hofmeister, yes.

(Superintendent Hofmeister called for a recess at 12:20 p.m. and reconvened at 12:37 p.m.)

Quarterly Report by Oologah-Talala Public Schools as required at the June 25, 2020 State Board of Education Meeting

Mr. Clark reviewed the probationary status previous ruling at the June 25, 2020 SBE meeting 2020-2021 school year, quarterly reporting requirements, and public reprimand of the Oologah-Talala Public School District. District representatives present adhering to the quarterly reporting requirements included Karen Long, Legal Counsel; Max Tanner, Superintendent; Brian Wiggington, Board member and Don Tice, Board President.

Mr. Wiggington reviewed the district board of education and leadership report addressing the SBE concerns to improve investigative procedures, processes of student and

staff sex discrimination and sexual harassment complaints and violations of Title IX; utilizing OSDE guidance and resources; hiring Title IX Coordinator/responsibilities, student and staff federal regulation trainings, reporting actions; new sexual harassment, child exploitation and profession conduct policies; updated student handbooks, parent notification/involvement; school board member trainings/obligations and boundaries, district probation status/improved safety plan,

Board members asked questions and discussion legal counsel representation, district delayed/timely reporting and law enforcement involvement; experienced Title IX Coordinator, OSSBA training, community trust; Senate Bill 711 requirements/compliance.

District representatives consented, per Board member Flanagan request, to provide an in-depth current action plan(s) taken, all future scheduled compliances and continued education processes updates.

Mr. Tanner confirmed he will remain the Superintendent through the 2021 school year.

Resolve into Executive Session
pursuant to **25 O.S. §§ 307 (B) (4) (7) and (8)** for the purpose of
discussing possible action on the Hearing Officer's proposed findings of fact,
conclusions of law and orders on the teacher certificates and certificate numbers of
(1) Cameron Gladd; 2) William Self; 3) Rocky Walker; and 4) Brian Banfield -
70 O.S. § 3-104; OAC 210-1-5-6

Convene into Executive Session

Board member Bobek moved to convene into Executive Session at 1:08 p.m. Board member Hernandez 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.

Return to Open Session

Board member Flanagan moved to return to Open Session at 1:33 p.m. Board member Bobek 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; Lori Murphy, Assistant General Counsel; and Telana McCullough, Staff Attorney remained in the Executive Session.

Board member Monies moved to accept the Hearing Officers proposed findings of fact, conclusions of law and orders. Board member Hernandez 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.

ADJOURNMENT

Board member Bobek moved to adjourn the meeting at 1:35 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. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

The next regular meeting of the State Board of Education will be held on Thursday, August, 23 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