

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

**March 24, 2022**

The State Board of Education met in a regular session at 1:02 p.m. on Thursday March 24, 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 12:30 p.m. on Wednesday, March 23, 2022.

The following were present:

Mr. Brad Clark, General Counsel, State Department of Education  
Mr. Travis Jett, General Counsel, State Board of Education  
Ms. Terrie Cheadle, Chief Executive Secretary

Member 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

Member of the State Board of Education not present:

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

## **CALL TO ORDER**

State Superintendent Joy Hofmeister called the State Board of Education regular meeting to order at 1:02 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 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 Department Employee for the month of March: Shana Classen**

Superintendent Hofmeister recognized Shana Classen, Director of Physical Education & Health, as the March employee of the month for outstanding leadership, professionalism and going above and beyond in meeting the needs of children, school districts and OSDE.

#### **Recognition of Ernest Graham and Kimberly Ivester for years of service to the state of Oklahoma**

Superintendent Hofmeister recognized Ernest Graham, Assistant Chief of Operations, for 30 years of service and Kimberly Ivester, Assistant Director, State Aid, for 25 years of service to the state of Oklahoma.

Todd Loftin, Deputy Superintendent, Special Education, was also recognized for receiving the Oklahoma Department of Rehabilitation Services (DRS) 2021 Partnership of the Year award. Mr. Loftin was honored at the annual DRS “People with Disabilities Awareness Day.”

Superintendent Hofmeister updated on the Class Grant initiative surpassing expectations and setting a national record with the Donors Choose partner. The federal relief fund project provided \$6 million to award grants, up to a \$800, to schoolteachers for classroom needs. Special thanks to Charles Best, Donors Choose founder; Charles and Lynn Schusterman Family Philanthropies and Mona and Mark Whitmire Family Foundation for donating additional funds to complete the teacher projects statewide.

#### **Recognition of Davyon Johnson, Muskogee Public Schools**

Superintendent Hofmeister recognized Davyon Johnson, a 6<sup>th</sup> grader, who on December 9, 2021, saved the life of a fellow student who was choking and hours later, saved a neighbor from a house fire. Mr. Johnson attends Ben Franklin 6<sup>th</sup> and 7<sup>th</sup> Grade Academy, Muskogee Public Schools.

When asked what his thoughts were after these moments and how he responded? He said, “After the fact, it felt great for saving two lives that could have potentially caused families to bury them. But mainly just saving two lives.”

Special guests with Mr. Johnson included his mother, Latoya Johnson; Jarrod Mendenhall, Superintendent, Muskogee Public Schools; Latricia Dawkins, Principal and De’Amber Bunch, Student Life Coach, 6<sup>th</sup> and 7<sup>th</sup> Grade Academy; and Steve Braun, Director Communications, Muskogee Public Schools.

State Superintendent and State Board of Education members presented a Proclamation declaring March 24, 2022, as “Davyon Johnson Day” for all public schools in the state of Oklahoma, and read as follows:

***Whereas, Davyon Johnson has demonstrated heroic aptitude by assertively performing the Heimlich maneuver to save a life of a fellow student who was choking on a bottle cap; and***

***Whereas, Davyon Johnson has valiantly put the needs of others before his own by coming to the aid of a neighbor and leading her from a burning home; and***

***Whereas, Davyon Johnson is pursuing his dream of devoting his life to helping others by acquiring the education skills necessary to become an emergency medical technician, and is an honorary member of the Muskogee Police Department and the Muskogee County Sheriff's Office; and***

***Whereas, Davyon Johnson has touched the hearts of many in his school and community, displaying extraordinary courage and bravery beyond his years, evoking immeasurable pride from his family and teachers, and inspiring countless children and adults near and far from Oklahoma;***

***Therefore, be resolved that, I, State Superintendent of Public Instruction, Joy Hofmeister, hereby declare on this day Thursday, March 24, 2022, the date of his commendation, from the Oklahoma State Department of Education, to be***

***“DAVYON JOHNSON DAY”***  
***for all public schools in the state of Oklahoma.***

### **ELEVATE presentation**

Phil Bacharach, Chief of Staff, reported an upcoming ‘Shape My Life’ will feature Greg Fredrickson in the video series of successful Oklahomans and the special teachers who saved his or her life. Mr. Fredrickson, a native of Oklahoma City, was one of the producers of the “Godfather” movie 50 years ago.

### **First-Year Superintendents**

Superintendent Hoffmeister recognized first-year superintendents attending the meeting that included John Pinkston, Braggs Public Schools; Kyle Hildebran, Watonga Public Schools; Sean Buchanan, Geary Public Schools, Jared Armer, Brushy Public Schools, Robert Kinsey, Tecumseh Public Schools; Angelia Nandell, Stidham Public Schools, Lisa Muller, Pryor Public Schools; Rhonda Barkhimer, New Lima Public

Schools; Dr. Daniel Craig, Kingfisher Public Schools; Jerrod Johnson, Drummond Public Schools; Lance Stuart, Moffett Public Schools; Chris Michael, Liberty Public Schools; Lisa Derryberry, Canadian Public Schools; Rick Sullinger, Bowlegs Public Schools; Greg Lovelis, Stonewall Public Schools; and Dr. Angela Gruenwald, Edmond Public Schools.

## **BOARD-ADMINISTRATIVE**

### **Minutes of the March 10, 2022, special State Board of Education meeting**

Board member Bobek moved to approve the March 10, 2022, special meeting minutes. Superintendent Hofmeister seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, abstain; Mr. Bobek, yes; Ms. Lepak, yes; and Superintendent Hofmeister, yes.

### **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) **Cooperative Agreements for Alternative Education Programs – 70  
O.S. § 1210.568**

Ringling Public Schools, Jefferson County  
Tonkawa Public Schools, Kay County  
Frontier Public Schools, Noble County  
Tipton Public Schools, Tillman County

**3 Years**

Stigler Public Schools, Haskell County  
Smithville Public Schools, McCurtain County  
Wynona Public Schools, Osage County

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

Wynnewood Public Schools, Garvin County  
Stidman Public Schools, McIntosh County  
Paden Public Schools, Okfuskee County  
Morris Public Schools, Okmulgee County

**3 Years**

Sterling Public Schools, Comanche County  
Milburn Public Schools, Johnston County  
Locust Grove Public Schools, Mayes County

(c) Request approval on exceptions to State Board of Education teacher certification regulations to permit issuance of emergency (provisional) certificates - [70 O.S. § 6-187](#)

(d) Request approval for **Cornerstone Christian Academy (CCA)** to participate in the Lindsey Nicole Henry Scholarships for Students with Disabilities program – [70 O.S. § 13-101.2](#)

Board members discussed, asked questions/recommendations regarding Consent Docket waiver requests on:

6.(a) **COOP agreement** – Ryan Pieper, Executive Director of Accreditation, provided clarity on the 3-year deregulation requests of **Stigler, Smithville, and Wynona Public Schools**. All districts met the alternative education requirements. Stigler and Smithville are 10–20-miles away from a local cooperative and Wynona is 50 miles which will not change. Recommended approving a 3-year request for Wynona; and a 1-year waiver for Stigler and Smithville.

Board member Smith moved to approve Consent Docket 6(a) with a 3-year waiver for **Wynona Public Schools** and a 1-year waiver for **Stigler and Smithville Public Schools**. Board member Bobek seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Lepak, yes; and Superintendent Hofmeister, yes.

6.(c) **Emergency exceptions** – Mr. Pieper provided clarity on waivers for traditional certification and requirements that indicates an emergency certification and 1-year provisional issuance requiring recertification. Thirty-nine applicants had background in the needed area in which they applied and met the 1-year exception waiver requirement to apply for emergency teacher certification.

Board member Smith moved to approve Consent Docket item 6 (b) (c) and (d). Board member Hernandez seconded the motion. Board member Bobek seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Lepak, yes; and Superintendent Hofmeister, yes.

## **LEGAL SERVICES**

### **New and amended permanent rule adoption – Approved**

- (1) Title 210. Oklahoma State Department of Education  
Chapter 15. Curriculum and Instruction  
Subchapter 11. Early Childhood Education Programs  
**210:15-11-3. Criteria for pilot early childhood program  
pursuant to Title 70 O.S. § 10-105.4 [AMENDED]**
- (2) Title 210. Oklahoma State Department of Education  
Chapter 15. Curriculum and Instruction  
Subchapter 27. Reading Sufficiency Act  
**210:15-27-4. Individualized Program of Reading Instruction  
[AMENDED]**
- (3) Title 210. Oklahoma State Department of Education  
Chapter 20. Staff  
Subchapter 9. Teacher Certification  
Part 9. Teacher Certification  
**210:20-9-110. Alternative Placement Teaching Certificates  
[AMENDED]**

- (4) Title 210. Oklahoma State Department of Education  
Chapter 10. School Administration and Instructional Services  
Subchapter 1. General Provisions  
**210:10-1-18. Transfers [AMENDED]**
- (5) Title 210. Oklahoma State Department of Education  
Chapter 10. School Administration and Instructional Services  
Subchapter 1. General Provisions  
**210:10-1-18.1 Right to appeal transfer application upon denial  
[NEW]**
- (6) Title 210. Oklahoma State Department of Education  
Chapter 1. State Board of Education  
Subchapter 5. Due Process  
**210:1-5-6. Suspension and/or revocation of certificates  
[AMENDED]**

Brad Clark, General Counsel to the State Department of Education, presented six (6) proposed permanent rules, item 7. (a) (1)-(6), reviews, amendments/changes, standards updates and public comments.

Mr. Clark said the early childhood pilot project rules were implemented in 2007 and had not been updated. Updates proposed included current staffing requirements, program year changes, day and hourly requirement and adds 'associate' where it states it has to be a 'bachelor's or master's'.

Travis Jett, General Counsel to the State Board of Education advised members vote separately for each rule as they are a part of the Administrative Procedures Act.

Board member Bobek moved to approve item 7. (a) (1) **Early Childhood Programs** proposed amended permanent rule. Board member Smith seconded the motion. The motion carried with the following votes: The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Lepak, yes; and Superintendent Hofmeister, yes.

Mr. Clark said public comment and changes (reflected in yellow highlight) proposed amending the Reading Sufficiency Act to add 'daily' which was previously omitted in the 2020 amended language.

Board member Bobek moved to approve item 7. (a) (2) **Reading Sufficiency Act** proposed amended permanent rule. Board member Smith seconded the motion. The motion carried with the following votes: The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Lepak, yes; and Superintendent Hofmeister, yes.

Mr. Clark said the alternative certification is the pathway to the teaching profession. Changes related to school counselors not having classroom management. Proposed requiring a conference in school counseling component instead of classroom management.

Board member Hernandez moved to approve the 7. (a) (3) **Alternative Placement Teaching Certificates** proposed amended permanent rule. Board member Bobek seconded the motion. The motion carried with the following votes: The motion carried with the following votes: Mr. Bobek, yes; Ms. Lepak, yes; Ms. Hernandez, yes; Mr. Smith, yes; and Superintendent Hofmeister, yes.

Mr. Jett said the changes are clarify that certain transfers were statutorily required prior to the passage of the Open Transfer Bill and prompted the rule rewrite to reflect the current state law. But for parents who teach and deployed parents the school district did not have discretion whether to take the students and setting capacity aside. The rule amendment clarifies it is not changing the student to fall in those categories regardless of capacity.

Mr. Clark said the Oklahoma State School Board Association (OSSBA) and Cooperative Council for Oklahoma School Administration (CCOSA) public comments referenced that 'subsection A-3 of the Individuals with Disabilities Act' is an incorrect reference. The correct title is "Individuals with Disabilities Education Act" (IDEA) and proposed inserting 'education' as a proper federal reference. Proposed in subsection B2, 3, and 4, to express transfer of student who is gifted and talented, deployed parent and parent is a teacher are not subject to the Open Transfer Act, have automatic transfer, and are not subject to the two-transfer maximum.

Board member Smith moved to approve the 7. (a) (4) **Transfers** proposed amended permanent rule. Board member Bobek seconded the motion. The motion carried with the following votes: The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Lepak, yes; and Superintendent Hofmeister, yes.

Mr. Clark said the structure of the 'right to appeal a transfer denial application' was approved in January. One comment from CCOSA was the same to add 'education' to IDEA.

Mr. Jett said all public comments were provided in the board packet as a summary of the agency's response.

Mr. Clark said that is correct.

Board member Bobek moved to approve the 7. (a) (5) **Right to appeal transfer application upon denial** proposed new permanent rule. Board member Hernandez seconded the motion. The motion carried with the following votes: The motion carried with the following votes: Mr. Bobek, yes; Ms. Lepak, yes; Ms. Hernandez, yes; Mr. Smith, yes; and Superintendent Hofmeister, yes.

Mr. Clark said suspension and revocation suspensions are in the existing administrative role. In the general sense, the proposal is to verify the existing rules around presentation of evidence. The current rule is for the State Board Counsel to present evidence to the State Board of Education. The appropriate way is for the Department General Counsel to present and the Board of Education Counsel to advise on the evidence. **???Similar but not the same sentence but prosecution of the evidence for that evidence???**



Mr. Jett agreed it is the right course to make sure everyone gets a process, and the board continues to get counsel from the Board Counsel and would not have to solicit the Attorney General's Office.

Board member Smith moved to approve the 7. (a) (6) **Due Process** proposed amended permanent rule. Board member Bobek seconded the motion. The motion carried with the following votes: The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Lepak, yes; and Superintendent Hofmeister, yes.

**Executive Session pursuant to 25 O.S. §§ 307 (B) (4) and (7)  
for the purpose of discussing pending proceedings to possibly revoke  
the teacher certificate and certificate number of David Pitts –  
70 O.S. § 3-104; 75 O.S. § 314 and 314.1; OAC 210-1-5-6**

Travis Jett recommended the board go into executive session. Recommend it would be a short executive session and because of a full house board move to another location.

**Executive Session**

Board member Bobek moved to convene into Executive Session at 1:45 p.m. Board member Hernandez seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Lepak, yes; and Superintendent Hofmeister, yes.

**Return to Session**

Board member Smith moved to return to open session at 1:55 p.m. Board member Bobek seconded the motion. The motion carried with the following votes: Mr. Bobek, yes; Ms. Lepak, yes; Ms. Hernandez, yes; Mr. Smith, yes; and Superintendent Hofmeister, yes.

Mr. Jett said no decisions were made during the Executive Session. Board Counsel remained in the Executive Session and no Department Counsel.

**ADJOURNMENT**

Board member Bobek moved to adjourn the meeting at 1:56 p.m. Board member Smith seconded the motion. Board members unanimously agreed.

The next regular meeting of the State Board of Education will be held on Thursday April 28, 2022, 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.

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Joy Hofmeister, Chairperson of the Board

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Terrie Cheadle, Chief Executive Secretary