

**Minutes of the Regular Meeting
of the
State Board of Education**

October 24 , 2024



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

October 24, 2024

The State Board of Education met in regular session at 9:39 a.m. on Thursday, October 24, 2024, 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, October 23, 2024.

The following were present:

Mr. Michael Beason, General Counsel to the Oklahoma State Dept. of
Education(OSDE)
Mr. Brad, General Counsel, Oklahoma Office of the Attorney General-
Acting General Counsel to the State Board of Education
Ms. Terrie Cheadle, Chief Executive Secretary

Members of the State Board of Education present:

State Superintendent Ryan Walters, Chairperson of the Board
Mr. Zachary Archer, Hammon
Ms. Sarah Lepak, Claremore
Mrs. Katie Quebedeaux, Guymon
Mrs. Kendra Wesson, Norman

Members of the State Board of Education not present:

Mr. Donald Burdick, Tulsa

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 9:39 a.m. Ms. Terrie 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

Superintendent Walters said the agency received email notification from the Oklahoma Attorney General regarding the Oklahoma State Board of Education (OSBE) 74 O.S.§20i application request for legal counsel and three options for a legal counsel. Superintendent Walters asked Brad Clark, General Counsel, Office of the Attorney General, to introduce himself and tell why he was attending the meeting.

Mr. Clark thanked Superintendent Walters and greetings to Board Members. He said earlier today, Michael Beason, General Counsel, State Department of Education, emailed inviting him to attend the meeting presumably in response to the Attorney General's Office letter laying one of three options, and the last option identified his attendance today. Going forward, we will see how that works out as it is the department's decision for the most part and he was happy to partner with the OSBE and go from there.

Superintendent Walters asked to explain why the board's attorney Cara Nicklas was not present and Attorney General's decision to deny Ms. Nicklas service under the 20i request.

Mr. Clark said Ms. Nicklas, who was not present, was serving under a 20i request, under Section 20i Part 7 that lays out various options for legal services to state agencies, boards and commissions, and the Attorney General's Office serves approximately 115 different agencies, boards, and commissions. Statues have changed over time, even predates his service to the Oklahoma State Department of Education (OSDE) prior to the Attorney General's Office, and the statute has always been in place.

In October 2023, the OSDE submitted a 20i request for Ms. Nicklas which was coming on the heels of Travis Jett, board counsel and his departure, leaving a void. The request for Ms. Nicklas was submitted and approved. That contract expired June 30, 2024, and the Attorney General's Office reached out inquiring about to the OSDE/OSBE, and at some point, the contract was requested to renewed, and the Attorney General's decision was to deny the request and letter sent yesterday. These are the details that I know, and I am here to serve the Board, advise the Board and go from there.

Superintendent Walters thanked Mr. Clark for walking through the details and clarified the decision was made, and yesterday, October 23, 2024, communication to OSDE that Cara Nicklas' 20i contract to represent the OSBE was not approved; and given a day notice the reason Mr. Clark is present to legally represent the OSBE, advising on any actions.

Mr. Clark said he was present to serve the Board of Education and the members present today and going forward see how it works out as there were three options today. In the letter, Option 1-under Title 70 Section 3-104 the State Board of Education may employ, as they do, the executive secretary and attorney with duties and compensation of the individual and the employment; Option 2-was a separate 20i request for another individual with a timely request and; Option 3-under Title 74 utilized the Attorney General's Office for legal services and board advisor and that is what I am here for today.

Board members discussed and asked questions regarding the terms of the Attorney General's Option 2, OSBE hires and possibly Department Allocations Budgets pays contracted services; Mr. Clark's employment by the OSDE and legal counsel employee for the OSBE and representation overlap for OSDE/OSBE, circumstances decide OSDE legal counsel serving OSBE; Attorney General's Office and OSDE ongoing communications indicating request was denied and October 23, 2024, letter confirmed; Option 3 Attorney General's Office provide same counsel or an available counsel, Attorney General hourly rate versus contractual rate, litigation advisement per case, conflicts of interest prosecutor and defense counsel; clarified Attorney General's position advising availability as council and/or approval of private counsel; 20i request exceeded the hourly rate and was rejected; provide counsel for and in executive sessions; and short notice given to review prepared agenda items and legal liability issues and decision responses.

Proposed 2025 School Capital Improvements Budget - Tabled

Superintendent Walters said board members did not have an opportunity to discuss with counsel prior to the meeting due to the short notice from the Office of the Attorney General and understand the options for counsel. Agenda item 3(a) did not have to be determined today and options would be to take no action or table.

Board members discussed and asked questions if deadline effects tabling the item or take no action with out legal advice.

Michael Beason, General Counsel, State Department of Education, advised state statute requirements were tied to the No Child Left Behind Act and has not been replaced by Every Student Succeeds Act (ESSA). There is a definition in the state statutes but does not reference ESSA. It has not been amended to match the federal statute, and the definition the state statute relies on no longer exists. It does not appear there is a comparative or comparable definition under ESSA and the state statute does not contain language such as any subsequently enacted comparable federal legislation. The budget item will be zero as it was zero last year and I think it was zero prior year before that. I reached the same conclusion as Mr. Cleveland did, but for different reasons.

Board member Lepak move to table item 3(a). Board member Wesson seconded the motion. The motion carried with following votes: Ms. Lepak, yes; Ms. Quebedeaux yes; Ms. Wesson, yes; Mr. Archer, yes; and Superintendent Walters, yes.

BOARD ADMINISTRATIVE

Minutes of the September 26, 2024, regular State Board of Education meeting - Approved

Board member Lepak moved to approve the minutes of the September 26, 2024, regular State Board of Education meeting. Board member Quebedeaux seconded the motion. The motion carried with the following votes: Ms. Lepak, yes; Ms. Quebedeaux, yes; Ms. Wesson, yes; Mr. Archer, abstain; and Superintendent Walters, yes.

CONSENT DOCKET - Approved

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2024-2025 school year and other requests:

- (a) **Abbreviated School Day – OAC 210:35-29-2 and 210:35-3-46**
Prague Public Schools, Lincoln County
3 years
Granite Public Schools, Greer County
Millwood Public Schools, Oklahoma County
Shawnee Public Schools, Pottawatomie County

- (b) **Cooperative Agreements for Alternative Education Programs –
70 O.S. § 1210.568**
3 years
Lookeba-Sickles Public Schools, Caddo County
Hugo Public Schools, Choctaw County
Bishop Public Schools, Comanche County
Leach Public Schools Delaware County
Talihina Public Schools, Latimer County
Shady Pointe Public Schools, LeFlore County
Eagletown Public Schools, McCurtain County
Nowata Public Schools, Nowata County
Millwood Public Schools, Oklahoma County
Wynona Public Schools, Osage County
Shawnee Public Schools, Pottawatomie County
Nashoba Public Schools, Pushmataha County
Goodwell Public Schools, Texas County

- (c) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**
Calera Public Schools, Bryan County
Silo Public Schools, Bryan County
Geronimo Public Schools, Comanche County
Sapulpa Public Schools, Creek County
Seiling Public Schools, Dewey County
Bridge Creek Public Schools, Grady County
Ninnekah Public Schools, Grady County
Tuttle Public Schools, Grady County
Talihina Public Schools, Latimer County

Osage Public Schools, Mayes County
Nowata Public Schools, Nowata County
Morris Public Schools, Okmulgee County
Canadian Public Schools, Pittsburg County
Tecumseh Public Schools, Pottawatomie County
Weleetka Public Schools, Okfuskee County
Wynona Public Schools, Osage County
Chelsea Public Schools, Rogers County
Brushy Public Schools, Sequoyia County
Duncan Public Schools, Stephens County
Grandfield Public Schools, Tillman County
Liberty Public Schools, Tulsa County
Porter Consolidated, Wagoner County
Wagoner Public Schools, Wagoner County

3 Years

Forgan Public Schools, Beaver County
Gracemont Public Schools, Caddo County
Holdenville Public Schools, Hughes County
Olustee-Eldorado Public Schools, Jackson County
Lone Wolf Public Schools, Kiowa County
Wellston Public Schools, Lincoln County
Madill Public Schools, Marshall County
Putnam City Public Schools, Oklahoma County

(Wiley Post EM)

Bowring Public Schools, Osage County
Grove Public Schools, Pottawatomie County
Bixby Public Schools, Tulsa County
Broken Arrow Public Schools, Tulsa County
Tulsa Public Schools, Tulsa County
Copan Public Schools, Washington County
Cordell Public Schools, Washita County

(d) Library Media Specialist - 70 O.S. § 3-12

Zion Public Schools, Adair County
Enid Public Schools, Garfield County
Thackerville Public Schools, Love County
Oklahoma City Public Schools, Oklahoma County
Catoosa Public Schools, Rogers County

(Cherokee EM, Wells MS)

3 Years

Lomega Public Schools, Kingfisher County
Putnam City Public Schools, Oklahoma County
**(Harvest Hills EM, Hildale EM, Western Oaks EM,
James L. Cooper MS)**

Western Heights Public Schools, Oklahoma County
(Council Grove EM, Greenvale EM, Winds West EM)
Claremore Public Schools, Rogers County

- (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 for **Evergreen Christian Academy (ECA)** and **Putnam City Christian School (PCCS)** to participate in the **Lindsey Nicole Henry Scholarships for Students with Disabilities** program – 70 O.S. § 13-101.2
- (g) Request approval on flexibility to use textbook funds-70 O.S. § 16-114a(B) **Morrison Public Schools, Noble County**
- (h) Discussion and possible action on payment of a joint federal program claim listed below – OAC 210:25-3-7(12)

Coyle Public Schools	Project 722
Krebs Public Schools	Project 795
Pleasant Grove Public Schools	Project 795
Tulsa Honor Academy	Project 511
- (i) Request approval of private school accreditation application for **Great Plains Christian, Chickasha**

Board members discussed and asked questions regarding Consent Docket items 5(g) **Morrison Public Schools** flexibility to use textbook funds, and (i) **Great Plains Christian, Chickasha** – private school accreditation application.

Board member Lepak moved to approve the Consent Docket waiver requests except for 5(g) and (i). Board member Quebedeaux seconded the motion. The motion carried with the following votes: Ms. Lepak, yes; Ms. Quebedeaux, yes; Ms. Wesson, yes; Mr. Archer, yes; and Superintendent Walters, yes.

Board member Lepak moved to table Consent Docket item 5(i) for further review of the **Great Plains Christian** private school accreditation application and to submit a Lindsey Nicole Henry Scholarship Application. Board member Wesson seconded the motion. The motion carried with the following votes: Ms. Lepak, yes; Ms. Quebedeaux, yes; Ms. Wesson, yes; Mr. Archer, yes; and Superintendent Walters, yes.

Board member Lepak moved to table Consent Docket item (5(g) **Morrison Public Schools** waiver request for further clarification of funds and intent. Board member Wesson seconded the motion. The motion carried with the following votes: Ms. Lepak, yes; Ms. Quebedeaux, yes; Ms. Wesson, yes; Mr. Archer, 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

Michael Beason, General Counsel, State Department of Education (OSDE), advised there were no House Bill 1775 issues to report on agenda item 6(a).

STATE BOARD OF EDUCATION

Board member discussed and asked questions concerning actions for Agenda items 7(a) through (f); counsel and member review time, executive session option; any case poses imminent threat, board determine emergency actions, agency investigations and make use of teacher and certificate national registry database service; Mr. Clark excused due to conflict of 7(e) and another Attorney General to advise.

Board member Lepak proposed taking no action on Agenda item 7(a) through (f) at this meeting.

7(a) Resolve into Executive Session pursuant to **25 O.S. §§ 307 (B)(4)(7) and (8)** for the purpose of discussing possible action on the following issues:

7(b) Applications for an emergency order summarily suspending the teacher certificates and certificate numbers and application to revoke of **1) Kimberly Coody; 2) Andrew C. Swartz; 3) Vernon Thetford; 4) Floyd Robinson; and 5) James Miller**

7(c) Final Board determination after Hearing Officer's proposed findings of fact, conclusions of law and on the teacher certificates and certificate numbers of **1) Toya Benton; 2) John Boggs III; 3) Vernon Thetford; 4) Floyd Robinson and; 5) James Miller – 70 O.S. § 3-104; OAC 210-1-6**

7(d) Consider and take possible action on the amended application for an emergency order summarily suspending the teacher certificate and certificate number and application to revoke of **Dr. Aaron P. Espolt - 70 O.S. 3-104; OAC 210:1-5-6**

7(e) Consider and take possible action on Motion to Strike the Final Order, and determine the Final Order Void as a matter of law and Motion for Rehearing and/or Reconsideration on the teacher certificate and certificate number of **Nathan Holland -70 O.S. § 3-104; OAC 210-1-5-6**

7(f) Consider and take possible action on Accept Voluntary Surrender teacher certificates and certificate numbers of **Brandi Price - 70 O.S. 3-104; OAC 210:1-5-6**

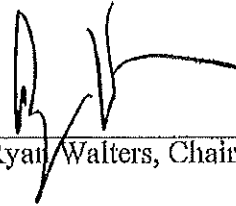
PUBLIC COMMENT

Individuals signed up to address Agenda item #8 included Philip Solinger, Polly Tyler, Larina Starks, Linda Woodrow, Bryan Morris, Joy Wallace, Ed Moore, and William Rooth.


ADJOURNMENT

Board member Lepak moved to adjourn the meeting at 11:02 a.m. Board member Quebedeaux seconded the motion. The motion carried with the following votes: The motion carried with the following votes: Ms. Lepak, yes; Ms. Quebedeaux, yes; Ms. Wesson, yes; and Mr. Archer, yes; Superintendent Walters, yes.

The next regular meeting of the State Board of Education will be held on Thursday, November 21, 2024, at 1:00 p.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

STATE BOARD of EDUCATION
 REGULAR MEETING
 OCTOBER 24, 2024

Sign In Sheet
 (please print)

Name	Business-School-Agency	Address
Bonnie DeMartini	Citizen	3712 SW 130th St OKC
Carol Carstensen	Citizen	411 NW 32nd St, OKC
Linda Woodrow	Citizen	3100 SW 41st, OKC
Crystal Waggoner	Citizen	2205 Union Ave Shreveport, LA
Bryan Morris	Citizen	200 Merrigate Dr.
Jeff Loughlin	Citizen	228 NW 30th St OKC
Teri Loess	Citizen	4024 GRANDA Ln Edmond
Ashley Hall	Citizen	Edmond OK 73034
BEN CARLSON	CITIZEN	1955 GLENBROOK DR, SHAWNEE, OK 74804
Joy Wallace	Citizen	15403 NE 178th Lathrop OK
Lisa Walker	Citizen	2001 Brookhaven Dr 73134
Bill Routh	Citizen	2211 Baysport Via Shawnee OK
LED Moore	" "	Local person OKC
Phillip Ward	Citizen	909 S. Holly Lane, OKC
DAVID OKLEY	Press	120 N 52nd St, OKC, OK
Phyllis Gram	Press	444 E. Britton
Jamison Keefover	Press (KOKH)	1228 E. Wilshire Blvd
Eric Sulp	Press (KOKH)	1028 E. Wilshire Blvd
Kevin Toseby	Press (KTOR)	444 E. Britton Rd OKC