



JOY HOFMEISTER
STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

July 14, 2021

VIA EMAIL WITH CERTIFIED MAIL TO FOLLOW

Western Heights Public Schools Board of Education
c/o Robert Everman, President
8401 SW 44th Street
Oklahoma City, OK 73179
coachnok@aol.com

RE: Notice of Intervention and amended conditions of Accreditation With Probation

President Everman and Members of the Board of Education,

At its July 12 public meeting, the State Board of Education (“State Board”) took action to modify the conditions that apply to the “Accredited With Probation” status of Western Heights Public Schools (the “District”). The State Board voted to maintain the District’s public school accreditation, currently in probationary status, and to amend the conditions of probation to provide for full state intervention and oversight for a period of one (1) year, to be reviewed at least every ninety (90) days. The Intervention Plan approved by the State Board (attached) is effective as of July 12 and includes the following elements:

- Appointment of Monty Guthrie as Interim Superintendent, acting on the authority of the OSDE and the State Board, to begin serving immediately.

As a condition of maintaining public school accreditation, the District shall immediately update all necessary documentation and designations to indicate that only the Interim Superintendent designated by the OSDE under the Intervention Plan approved by the State Board is authorized to act as the District’s superintendent under all applicable state and federal laws and regulations for the duration of the state intervention.

- OSDE completion of an on-site Needs Assessment addressing issues such as:
 - A report on parental involvement strategies
 - Details on available staff, including certified staff, and identification of additional staff needed

- An assessment of the quality, quantity, and appropriateness of instructional materials, including the technology available to students and staff
 - Financial and accounting practices
 - An assessment of the District's governance, including a review of its policies, structure, capacity and performance
 - School district community, including but not necessarily limited to staff, assessment of the environment, relations, trust, culture of the District.
- Under the direction of the Interim Superintendent, establishment of a Community Intervention Team, which shall consist of teachers, parents, students, other District personnel, community leaders, business representatives and others who have knowledge or expertise in the field of public education, underserved students and/or community engagement.
 - Preparation of a District Improvement Plan, subject to OSDE approval. The District Improvement Plan shall be developed by the Community Intervention Team, who will convene no less than three (3) public meetings to solicit input and engagement on the Improvement Plan. The stakeholder engagement and consultations must include students, families, District personnel, business and community representatives, individuals and organizations representing the interests of children with disabilities, English learners, children experiencing homelessness, and students in foster care. The District Improvement Plan shall include such issues as:
 - Governance, procedures, and operations
 - Allocation of resources, and identified needs for technical assistance
 - Teacher recruitment and retention, and staff development for instructional and administrative staff
 - Student opportunities and academic outcomes
 - Family and community engagement
 - Use of COVID-19 relief funds
 - Until the District Improvement Plan is approved, all actions and decisions of the District by and through the school board are subject to the approval of the State Board acting through the designated Interim Superintendent.
 - Engagement of law enforcement as necessary and may be deemed appropriate to effectuate the Intervention Plan.

Willful Disregard of State Authority and Applicable Laws

As has been clear since the March 30, 2021, correspondence was sent to the District, the District has exuded a willful and knowing disregard for the authority of the State and applicable laws and regulations. This extremely concerning trend, intended to perpetuate the attempted stronghold by a few within the District, has only continued recently.

As you know, last Thursday, July 8, a Motion for Temporary Restraining Order (TRO) and Preliminary Injunction was filed by counsel Jerry Colclazier on behalf of the District **and on behalf of Mannix Barnes** against the State Department of Education, the State Board, and the State Superintendent. In this motion, the District/Barnes requested two items of immediate injunctive relief: (1) a TRO prohibiting the State Board from taking any action against the District or its purported “Superintendent”, and (2) claiming the State Board did not have authority to suspend a superintendent’s certificate such that the suspension of Barnes’s administrator certification to be vacated. The brief in support of this motion, 25 pages long, was provided to the OSDE General Counsel by counsel for District and Barnes via email at 2:09 p.m. on July 8. This email from District counsel advised that a hearing on the motion would be held before Judge Timmons at either 1:30 p.m. the next day, July 9, or at 8:30 a.m. on Monday, July 12 (one hour before the scheduled start time of the State Board meeting for which a restraining order was sought). As you know and the record reflects, the assertion that the hearing had been scheduled for one of these two days was a misrepresentation by the District. Notwithstanding the District’s tactics of misrepresentation and attempted surprise, Judge Timmons denied the District’s requested emergency orders. Unfortunately, though, the District’s distortions of the truth continued with its statement to all District staff that no action would be taken against the District on July 12. The District’s misrepresentations alone are a concerning demonstration of reckless behavior by adults entrusted with the care of children and taxpayer resources, as is its willful refusal and bold disregard of State authority.

Simply, there is no genuine question of such authority under state law. *See, e.g.*, Okla. Const. Article 13 Sec. 5; 70 O.S. § 3-104.4. Instead of recognizing the authority and instead of addressing other concerns about the District’s fulfillment of the obligations of a public school district, the State Board notes that public funds are being expended to pay for what appear to be frivolous legal challenges to the state’s general authority regarding public education. Moreover, the District is brazenly attempting to use taxpayer funds to defend the action to suspend Mr. Barnes in his personal licensure proceedings. As though that was not enough, the District has also willfully refused to respond to the State’s June 29 letter requesting acknowledgement of the law to put Mr. Barnes on suspended leave. Additionally, *since the suspension*, the District has taken action to renew Mr. Barnes’s employment agreement, extending his contract to 2024, provided a \$25,000 performance bonus to him and failed at two meetings to consider and take action to suspend Mr. Barnes as required by law. These brazen acts alone exceed obligations of taxpayer funds beyond \$1,000,000.00. The students and community of Western Heights would be better served by the District’s attention to ensuring a quality education than by the apparent decision to engage, to date, four different lawyers to work on legal actions challenging the Oklahoma State Board of Education’s authority regarding public education in Oklahoma—more attorneys than the State Department of Education itself employs.

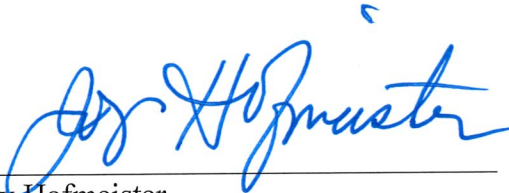
Though there is no confidence that the District’s current leadership and advisors will cede their hubris in favor of compliance with the laws and regulations of the State of Oklahoma, OSDE takes this opportunity to again remind the District that its actions in refusing to comply may be determined to be illegal, and result in the imposition of personal and criminal liability on District leaders. Most recently, it has come to OSDE’s attention that the District has scheduled a special meeting of its board of education for Thursday, July 15. To the extent you were somehow unaware,

please consider this as formal notice that proceeding with this meeting will be in violation of the State Board's conditions of continued accreditation, with which the District must comply.

Additionally, the OSDE has received information, photographs, and video clips indicating the District's apparent destruction by shredding of a large volume of paper documents. **Given the impending state audit of District finances and the need for OSDE staff to access District records to implement the Intervention Plan, as well as applicable state laws and District policies relating to record retention periods, please be advised that any action or conduct to alter or destroy a record may be a violation of law and/or deemed to interfere with the authority and obligations of the State Auditor, the OSDE, and the State Board of Education.**

Finally, OSDE and the State Auditor will be on-site on Friday, July 16 to begin the on-site needs assessment and reviews, and begin the work as a part of the State Board and citizens petitions audit requests. The Interim Superintendent or State Auditor will soon make contact with the District to arrange for this on-site meeting and presence.

On behalf of the Oklahoma State Board of Education,



Joy Hofmeister
Chair of the State Board of Education
State Superintendent of Public Instruction

Enclosures

Cc: The Honorable Cindy Byrd, Oklahoma State Auditor and Inspector
Honorable Members, State Board of Education
Jerry Colclazier, Attorney for the District