

# *Resolution*

*At a duly called meeting of the Board of Education of Independent School District No. 89 of Oklahoma County ("District") held on Friday, April 2, 2021, the following Resolution was introduced and adopted by the approval of a majority of the members of the Board of Education:*

***Whereas**, on July 7, 2017, the Oklahoma Public Charter School Association ("OPCSA"), filed an Emergency Petition for Declaratory Judgment and Writ of Mandamus against the Oklahoma State Board of Education ("SBE") in the District Court of Oklahoma County, Case No. CV-2017-1330, seeking a declaratory judgment that charter schools have not been properly funded in accordance with the requirements of Oklahoma law and requesting a writ of mandamus directing SBE to equalize funding between charter schools and public school districts; and,*

***Whereas**, on November 3, 2017, the District Court of Oklahoma County ruled that District and Tulsa Public Schools should be allowed to intervene in the case; and,*

***Whereas**, on Thursday, March 25, 2021, SBE met in executive session to discuss this pending litigation. Upon returning to the open session portion of the meeting, SBE Board member Trent Smith made a motion to adopt a broadly overreaching board resolution regarding funding between all public schools and charter schools and settle the lawsuit filed by the Oklahoma Public Charter School Association. SBE voted 4 to 3 to adopt the resolution; and,*

***Whereas**, State Superintendent of Instruction, Joy Hofmeister, voted against the motion and advised the other members of SBE that she believed, based on legal advice, that such action violated the Oklahoma Statutes, the Oklahoma Constitution, and her oath of office. Superintendent Hofmeister stated that the action of SBE circumvents the will of the people and the state legislature by unilaterally determining how public education is to be funded; and,*

***Whereas**, a draft of a proposed resolution reflects that SBE's action will result in local sources of revenue, such as ad valorem taxes levied for the benefit of a school district's general fund and building fund, being provided to charter schools, despite the fact that the Oklahoma Constitution provides that such levies are only for the benefit of "school districts" as opposed to charter schools and despite the fact that the proposed settlement does not involve District or Tulsa Public Schools; and,*

***Whereas**, District is funded by taxpayer dollars appropriated by the State of Oklahoma and funds raised through local tax levies, including but not limited to, general fund and building fund levies provided in the Oklahoma Constitution for school districts and will suffer significant impact to its financial resources if the proposed settlement of the case is implemented as approved by SBE; and,*

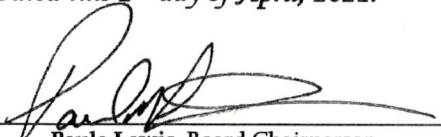
***Whereas**, Districts' Board of Education on October 23, 2017, approved a motion to authorize legal counsel to represent the District's interest in Oklahoma County District Court Case No. CV-2017-1330.*

***Now Therefore, Be It Resolved**, as follows:*


- 1. Due to the overreaching, illegal, and unconstitutional nature of the action by the State Board of Education, District's Board of Education demands that the State Board of Education lawfully meet and rescind the action of March 25, 2021, adopting a resolution to equalize funding between all public schools and charter schools and to settle the lawsuit with OPSCA; and,*

2. District's Board of Education authorizes the Superintendent and District's legal counsel to pursue appropriate actions against the State Board of Education or any other entities, organizations, or persons in any pending litigation or any new litigation.

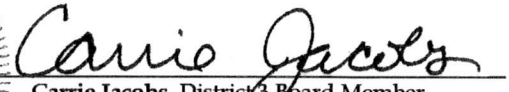
Dated this 2<sup>nd</sup> day of April, 2021.


  
Paula Lewis, Board Chairperson

  
Mark Mann, Vice Chair & District 4 Board Member

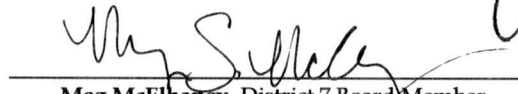
  
Rebecca Budd, District 2 Board Member



  
Carrie Jacobs, District 3 Board Member

  
Ruth Veales, District 5 Board Member

  
Gloria Torres, District 6 Board Member

  
Meg McElhane, District 7 Board Member