



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

March 30, 2021

VIA E-MAIL ONLY

Mannix Barnes
Western Heights Public Schools
8401 SW 44th Street
Oklahoma City, OK 73179
mannix.barnes@westernheights.k12.ok.us

Re: Western Heights Public Schools
(the "District") - Notice to Appear

Dear Mr. Barnes,

This letter shall serve as formal notice from the Oklahoma State Board of Education (the "State Board") that Western Heights Public Schools (the "District") appear at the April 9, 2021, special meeting of the State Board. On March 25, 2021, the State Board took action to require the District's appearance at the April 9 meeting, and in so doing expressed its utmost concern surrounding the operations, decisions and outcomes in the District. The concerns stem from the numerous complaints received by the Oklahoma State Department of Education ("OSDE") and its determination that the District has failed to comply with Oklahoma laws and regulations. The complaints received and subsequent substantiation surround, at a minimum, the following:

1. Failure to provide in-person instructional services to students since March 2021¹;
2. Determination in the Spring of 2020 to discontinue provision of nutritional services to students as provided and represented to OSDE and the community in the District's child nutrition program participation;
3. FY 2019 audit report reflecting violations of state law, including 62 O.S. §430.1, as a result of using 2018 bond election proceeds for the purposes of constructing and repairing facilities to repay 2009 Lease-Purchase Financing and 2013 Lease-Purchase Financing²;

¹ Upon information and belief, at this time the District is the only accredited public school in the State to not offer an in-person option to students. As such, the State Board strongly encourages the District to open its doors and provide an option for on-site instructional delivery to its students, no later than April 1, 2021.

² Section 430.1(E) provides "[t]he payment for lease of real or personal property shall be made only from annual or supplemental appropriations specifically designated for such purpose, and no appropriation for the purpose of paying rentals on real or personal property shall be transferred or diverted to any other purpose, except as may be authorized by the terms of the agreement or by law." Further, Section 430.1(E) prohibits the use of subsequent lease-purchase financing to make payments on previous or existing lease-

4. District School Board member consuming alcohol while conducting official District business in a public meeting of the District's school board in June 2020;
5. Majority of school sites in the District are federally designated as in need of increased student support and school improvement;
6. A significant loss of student enrollment (3365 to 2597) in the last year;
7. A loss of more than 100 District personnel in the last two years;
8. Disharmony in the school environment and community (Oklahoma Administrative Code 210:35-3-48), including an apparent lack of willingness to respond to concerns of the parents and the community (OAC 210:35-3-21).

In light of the foregoing, the District is compelled to appear at the State Board's April 9, 2021, special meeting. Specifically, the District's School Board President, Superintendent Barnes and Board Member Linda Farley should appear. The meeting is currently scheduled to begin at 9:30 A.M., and will be held through videoconference means consistent with the amendments to the Open Meeting Act, 25 O.S. 2011, §301 *et seq.*, signed into law by Gov. J. Kevin Stitt on February 10, 2021. *See* Senate Bill No. 1031, 2021 O.S.L 3, §2. At the April 9 meeting, the District is officially notified that the State Board may discuss, consider and take action on the District's accreditation status, including but not limited to placing the District on warning or probation. Finally, should the District not take action and come into compliance with the laws, regulations and standards within ninety (90) days, the District is hereby officially notified that the State Board may withdraw the District's accreditation.

Sincerely,



Brad Clark,
General Counsel

Cc: The Honorable Members of the State Board of Education

SDE/Investigation/Western Heights/March 2021

purchase agreements. By its actions, the District diverted funds approved for specified purposes and uses proceeds of a later (2018) lease-purchase to make payments on earlier (2009 and 2013) lease-purchases. Moreover, in so doing, the District incurred additional interest expense and issuance costs on the 2018 lease-purchase financing due to additional amounts needed to make payments on the 2009 and 2013 lease-purchase financings.