

Most schools now choosing to follow the law

Handful of districts still ignoring AG opinion

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As discussed in the last issue of the Education Focus (April 2007), a number of Oklahoma school districts were choosing to ignore the law concerning the mandates set forth in Senate Bill 2XX, which was passed during a special session of the 2006 Oklahoma Legislature. SB 2XX states that teachers who were employed during the 2005-06 school year shall receive at least a \$3,000 salary increase for the 2006-07 school year and the legislation further requires that the \$3,000 salary increase be “in addition to, and not as a replacement for, the step increase indicated for the certified employee pursuant to the State Minimum Salary Schedule.”

Despite what appeared to be clear language in the legislation, several school districts initially refused to provide the mandated salary increases, which prompted Sen. Stratton Taylor to request an official opinion from Oklahoma Attorney General Drew Edmondson in an effort to clarify the minimum salary increases required by SB 2XX. Taylor asked the following questions:

1) Under 2006 Okla. Sess. Laws ch. 49, § 1 (SB 2XX), must a state-paid teacher, employed by a public school district in Oklahoma for the 2005-06 school year, receive a minimum \$3,000 increase in salary level for the 2006-07 school year, plus an amount equal to the applicable experience step increment on the statutory minimum salary schedule?

2) Under the language of 2006 Okla. Sess. Laws ch. 49, § 1, may a public school district substitute non-salary benefit payments or employer contributions for part or all of the mandated salary increase? On February 23, Edmondson issued a formal opinion, 2007 OK AG 4, wherein the questions were answered as follows:

It is, therefore, the official Opinion of the Attorney General that:

1. By virtue of the provisions of 2006 Okla. Sess. Laws ch. 49, § 1 (S.B. 2XX), teachers are to receive a \$3,000 salary increase for the 2006-07 school year in addition to the step increases required by 70 O.S Supp.2006, § 18-114.12.

2. The 2006 Okla. Sess. Laws ch.49, § 1, does not allow a public school district to substitute non-salary benefit payments or employer contributions for part or all of the \$3,000 salary increase mandated by statute.

After Edmondson issued his opinion, local boards of education were advised by their statewide association that they were free to ignore the official opinion of the Attorney General and reasoned that the opinion only applied to those districts that did not pay above the state minimum salary schedule – a conclusion that is simply not supported by the clear language of the statute or a fair reading of the AG Opinion.

Despite the edict from their statewide association, several school districts have since quietly concluded that the law does require compliance with an official opinion of the Oklahoma

Attorney General and have indicated a willingness to provide the mandated salary increases.

Currently, there exist only a handful of school districts that have indicated they are “still not sure” or that they will definitely not comply with the statute and the AG Opinion. In those instances where the local association has authorized legal action to further pursue this issue, petitions for declaratory relief are being prepared and will be filed in the appropriate district courts seeking a declaration that the local school district is violating not only the mandates of SB 2XX, but other Oklahoma statutes as well.

If a declaratory judgment in favor of the local does not force compliance with the law by a local school district, then a petition for damages on behalf of all certified staff that authorize such litigation will be filed seeking recovery of all unpaid salary amounts, interest and attorney fees against the recalcitrant district.

Hopefully, such legal remedies will not be necessary and the remaining few non-compliant school districts will find a method to resolve these disputes short of litigation.

If any local association believes that there exists a problem in their district with the implementation of the salary increases required by SB 2XX, it should contact its OEA regional advocacy specialist who can review current salary schedules and assist a local in making that determination.