

The
Education

FOCUS

For the membership of the Oklahoma Education Association • February 2016

A flicker of hope

*Even in a tough budget
year, there is hope
for education this
legislative session*

Challenges and
opportunities await

Sifting through the
salary proposals

Public pensions
could see attacks
this session

*SQ 779 nearly
ready to pass
petitions*



Putting education first

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4 Challenges and opportunities

A look at the good and the bad bills that educators will be keeping a close eye on this session.

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– Six seats open on the OEA Board



Photos by Doug Folks.

The Education **Focus**

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Oklahoma Education Association
putting education first.

There is a light

By Alicia Priest
OEA President

“There are two ways of spreading light: to be the candle or the mirror that reflects it.” – Edith Wharton

In public education, we have been living in darkness for a while. I think we kept adjusting as the light faded into darkness, so much so that we just shut down all of our senses to keep balance with what was happening.

The darkness of budget cuts during growth of student enrollment – an increase in punitive state mandates, testing/labeling/punishing, A-F, TLE – have all taken their toll. We’ve been targeted by those who want to make it harder for education employees to organize and be a part of their professional organization. I need not go on, as you are living it out every day. You have felt the power of the darkness.

But, wait ... I see a light ... the smallest flicker from the candle flame. Because of your activism and conversations about

our students’ learning conditions, we have elected two new legislators who are true supporters of public education, Rep. Cyndi Munson in Oklahoma City and Sen. J.J. Dossett in Owasso.

Because of you, pay raises are being discussed and corporate tax welfare is being studied as a means to fund them.

Because of you, testing, A-F and TLE bills are being introduced that will lighten the label and punish system that is currently in place.

Because of YOU, the members of the OEA, rallying, standing up, speaking out, #askateacher and #evaluatethat and not giving up for the first time in a long while, elected officials are calling educators to the table to have conversations.

OEA members – help spread the light, fan the flame and hold up your mirrors. Let us point our efforts into growing that light for public education. We must continue to give voice to what is happening in our schools as a result of funding cuts. We must continue to call, write, tweet and visit with our elected



President Alicia Priest

officials. Build those relationships. The light within must be awakened.

When we stand together and stand for our kids, that flame grows. Truly, it is our passion for what we do that makes us a force to be reckoned with. That is why we are targeted — they are afraid of our ability when we act collectively.

We are on the verge of an awakening. Will you be an active part in making that happen? My answer to that question can best be summed up in song: “This little light of mine, I’m gonna make it SHINE!” I know you’ll join me.

Seizing the Profession

Oklahoma’s National Board Certified Teachers’ Summit

8:30 - 4:00 — February 16, 2016

Francis Tuttle Technology Center, Portland Campus, OKC

Calling All NBCTs! Join us for:

- NBCT Celebration
- Find Your Voice, Tell Your Story
- Create an NBCT Network Plan
- Advance an Excellence-in-Education Plan

*Facilitated by the Oklahoma Office of Education Quality & Accountability
and the Oklahoma Education Association*

This free event includes lunch. Save the date and watch for registration information soon.

Register @ <http://bit.ly/IPFa0vf>

Skill sharpener

National Board Certification inspires Tenae Davis to envision new possibilities

By Bill Guy

There's probably no phrase within the last 30 years or so that can raise the hackles of educators more than the old wisecrack, "Those who can't, teach!"

Anyone who spends any time at all in public schools knows that most teachers do the best they can to help their students succeed. And there are some, like Jones Elementary School first grade teacher Tenae Davis, who go to great expense and monumental effort to attain National Board for Professional Teaching Standards (NBPTS) certification.

Davis, certified in Early to Middle Childhood Literature, Reading and Language Arts, says she probably wouldn't have even known about the program had the school district not offered the NBPTS component, "Take One," as a free in-service professional development opportunity. In the current fiscal climate, she worries that such opportunities, though infrequent now, could go away completely under the austere budgets predicted.

"How is Oklahoma going to recruit and retain good teachers if we can't support their reasonable desire to improve their teaching for the benefit of their students?" she asked.

The Jones native, an 11-year teaching veteran, taught first in Edmond before returning to teach in her hometown. "Once I saw how much that one session helped me improve instruction, I knew that no matter what the cost in money and time, I was determined to get my certification," said Davis.

"The course was rigorous, time consuming and expensive. In fact, I could not have afforded it except for some scholarship assistance for part of it from Education Leadership Oklahoma funds approved by the state legislature in 1997."

She spent many hours into the night with the program's extensive required reading and Web-based work and many miles on the road for area and regional evening and weekend meetings at colleges and universities with other candidates and NBPTS mentor teachers.

"I also have to give my husband 'props.' He supported me all the way, helping with our son when necessary. I just kept telling myself that it wasn't going to last forever."

Davis says that the thing she enjoys most about teaching is the opportunity to make even small positive differences in the lives of

her students.

"I wanted to broaden my teaching skills, to open my eyes to other possibilities for helping them. NBPTS certification helps me dig deeper and sharpen my skills in such strategies as a multi-sensory approach to teaching. It has inspired me to do everything I can to help my students achieve academic success, no matter what their level of ability or circumstances."

Apart from the program's curriculum, she believes meeting fellow teacher candidates and NBPTS certified teachers was an invaluable asset.

"We formed groups analogous to professional learning communities within school sites, where we could share ideas, teaching strategies and even mistakes in supportive, collaborative online and in-person professional and social networks."

Currently president of the Jones Education Association, Davis says that her involvement in the University of Central Oklahoma's Student Oklahoma Education Association as an education major left her with a "given" that she would join OEA as a practicing teacher.

"If we look at the dismal level of funding from our legislature and the relentless attacks on our profession, it is obvious that educators need a powerful voice in our corner. And it's OEA who is fighting for us, and most importantly, for Oklahoma's students and their families.

"I would encourage any fellow teacher to seriously consider NBPTS certification," said Davis. "Yes, it's a strenuous process, but the important thing for me is achieving my personal and professional goal of attaining NBPTS certification in order to help my students. That's what it's all about."



Photo by Bill Guy.

Congratulations to the 2015 Class of National Board Certified Teachers

Jennifer Chewey, Hilldale Lower Elementary
Tenae Davis, Jones Elementary
Julie Enlow, Freedom Elementary, Sapulpa
Angela Harris, Southeast Elementary, Jenks
Genny Moehle, East Side Elementary, Chandler
Cassie Nash, Whittier Middle School, Norman
Rexi Phillips, Boulevard Academy, Edmond
Carolyn Piguet, Vinita High School
Renea Smith, Moore Norman Vocational Technical Center
Gila Sooter, Vinita High School
Amy Wilkerson, Chickasha High School
Jennifer Willhoite, Oakdale Elementary
Karen Workun, Jenks High School



get connected



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Read Across America 2016

Tips & Ideas For Your Event

- 1. Daily themes:**
Monday: Cat in the Hat day
Tuesday: Top Hat Tuesday
Wednesday: Wacky Wednesday
Thursday: Thing 1 & Thing 2 day
Friday: Fox in Sox day
- 2. Library scavenger hunt**
- 3. Family Fun Night**
- 4. Guessing games with Seuss Book themes:**
 - One fish, two fish (colored goldfish)
 - How many Cat's hats are in the library
- 5. Guess-y web search**

For links to these fun ideas, and more Read Across America event inspiration...



Legislative apps, bill tracking and how to find your legislator



Available in the App Store and on Google Play

The legislative session can be an overwhelming experience, but OEA wants to make it easier. These four apps all have different qualities, but hopefully one will fit your needs. From bill introductions, real-time alerts and tracking changes to complete legislator contact information, including their social media accounts, you'll be able to tailor these apps to your preference. For complete details, visit the App Store or Google Play.

Apps (clockwise): OpenStates (not available on Google Play), OAEC 55th Legislature Guide, Oklahoma Legislative App, and TrackBill.



OEA LEGISLATIVE TOOLS:

The OEA website is also a great tool for finding your local legislators, contacting them via social media and reading updates about current bills from our LPO staff. Visit: okea.org/legislative



FOLLOW OEA on Facebook and Twitter for daily news, professional tips, classroom ideas and more. Connect with other members, share ideas and ask questions to get the most out of your membership.



Oklahoma.Education.Association



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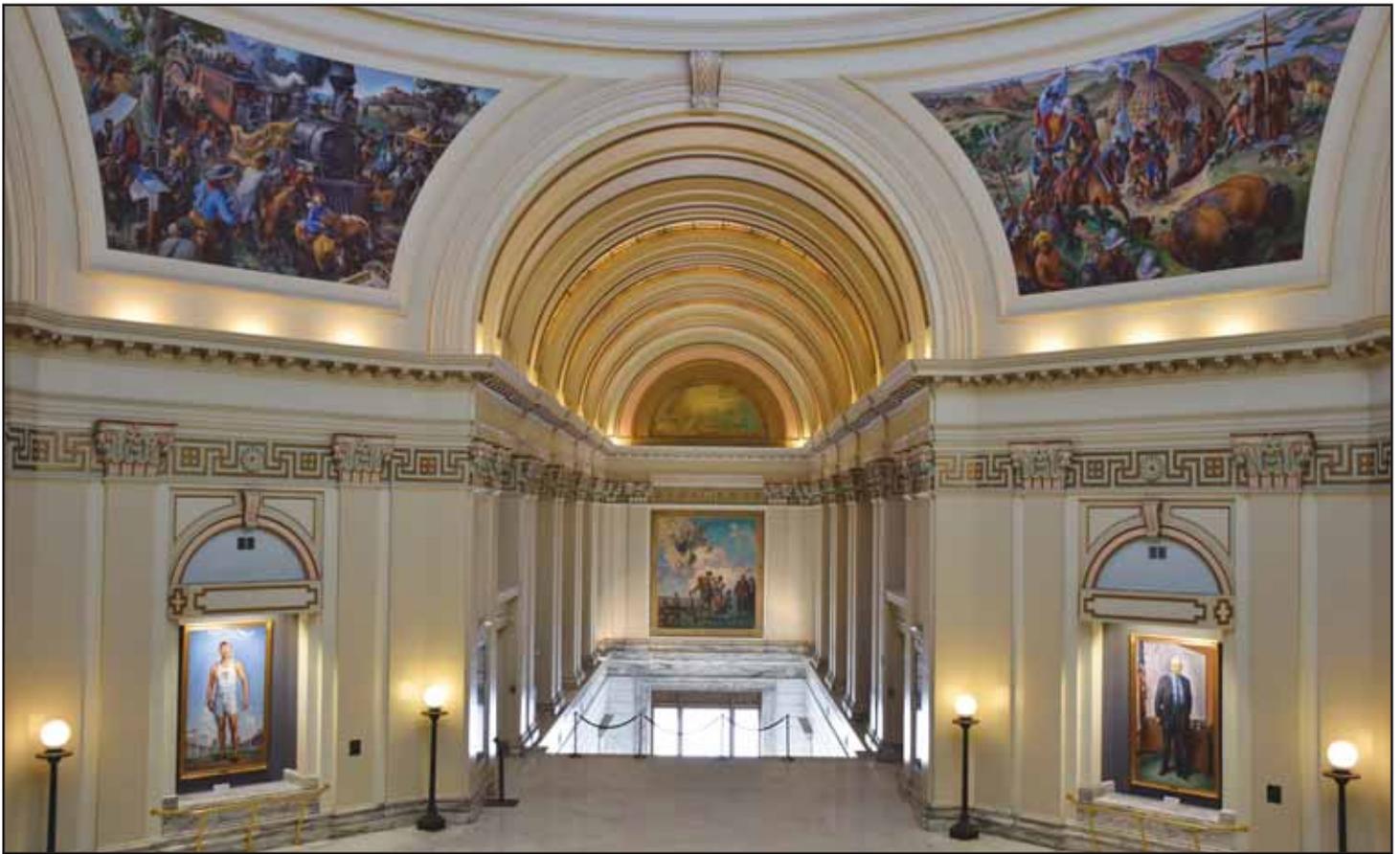


Photo by Doug Folks.

The third floor rotunda reflects the calm before the storm that is the annual legislative session. Beginning February 1, the State Capitol will be a hive of frantic activity until the end of May.

Challenges & Opportunities

A billion dollar budget hole will put pressure on legislators to fund core government services

By Amanda Ewing
OEA Chief Lobbyist

Every elected official is already feeling the pressure, even before the first gavel bangs open the 2016 Legislative Session.

With a budget hole of about \$1 billion and no relief in sight for the oil and gas industry, which generates most of our state's revenue, balancing a budget is already on everyone's mind. Revenue failure has meant mid-term budget cuts for every agency and Fiscal Year 2017 is expected to bring more cuts. Even so, members of both parties agree teachers and support professionals badly need a raise to help ease the teacher shortage.

Therein lies the dilemma – how do you move core government services forward when the oil industry cycles through another bust? The state legislature convenes

on February 1 when Gov. Mary Fallin will give her State of the State address, outlining her priorities for session.

Legislators filed more than 1,700 new bills in January, and more than 1,500 return from last year for further consideration. Here are the biggest challenges and opportunities we anticipate this session.

Challenges

Budget Shortfall – The tax cuts of recent years, coupled with the downturn in oil prices, have wreaked havoc on our state's budget. All of public education took a three percent budget cut in January, with more expected before the end of this fiscal year. This session's biggest challenge will be crafting the Fiscal Year 2017 budget (FY17 begins July 1, 2016 and ends June 30, 2017) in light of the anticipated \$1 billion shortfall.

Vouchers – They'll be disguised as "Education Savings Accounts" this session. Expect a strong push from the home school lobby for these plans that divert money from public schools.

Charters – The effort to proliferate charter schools this year will focus on allowing charter management companies to circumvent the Oklahoma City and Tulsa Public School Boards by applying to city councils for approval instead.

Pensions – To some, the multi-billion dollar Teachers' Retirement System will appear a convenient solution to fill next year's massive budget hole. (*See page 6 for more details.*)

Health Insurance – There's a bait-and-switch effort underway to provide a teacher pay raise by taking away health insurance coverage and putting that money into salary. That way, as health insur-

See "Pay raises" on Page 12

Defying the stereotype

Rep. Wood – young, conservative and pro-education

By Doug Folks

Justin Wood is not your typical legislator for a couple of reasons.

He's young – just 26 years old and now in his second term in the State House of Representatives. Even more unique, he's a Republican who won office running on a platform of improving public education and public safety.

In a short conversation, one can quickly see where Justin's passion lies. He is just nine hours short of a degree in English education, his mom Shirley is a third grade teacher and an OEA member at Jefferson Elementary in Shawnee and his father, Freeland, has been a police officer for nearly 30 years.

As a 21-year-old freshman representative, he introduced a bill to eliminate the End of Instruction exams and replace them with the ACT (an idea he had, "before it was cool," he admits). He counts his vote to override Gov. Fallin's 2013 veto of changes to the Reading Sufficiency Act as his proudest moment in office. He also voted against HB 1749, which attempted to silence the voice of educators by denying them access to payroll deduction for association dues. That vote brought an email from someone asking him if he really is a Republican.

During the upcoming Legislative Session, Justin will serve as author of a bill to eliminate Value Added Measures as an indicator on teacher evaluations.

Becoming a legislator or a teacher wasn't really in his early thoughts. Justin's favorite

teacher growing up, other than his mom, was his third grade teacher, Mrs. Comb at Grove Elementary, a dependent preK-8 school in Pottawatomie County.

"She had us create books. We used fabric for the covers and drew pictures and wrote (stories). It was really cool," he said. "I wrote a series called Sheriff Joe. My dad was a police officer so I was infatuated with law enforcement, and I read the Hardy Boys mysteries. (Mrs. Comb) encouraged me to be creative."

As a high schooler, he served as a page for Rep. Kris Steele, and the experience sparked a new interest that would come into play sooner than most would have expected. He loved the experience, but was still fascinated with law enforcement and planned to follow that path after he graduated from Shawnee High School.

"My father talked me out of it. He wanted me to do something that paid better and was less political. So I went to college to become a teacher," Justin says, laughing at the irony.

A teaching degree was put on hold when he read in 2010 that Steele would be leaving office due to term limits. After talking with his family and receiving their blessing and encouragement, he began



Photo by Doug Folks.

Rep. Justin Wood has an education insider – his mother is a third grade teacher in Shawnee.

campaigning for the office a year-and-a-half before the election.

"I was told time and time again, especially by donors, that you can't win as a Republican running on public safety and education. You have to run on being pro-business, and I did those things, too. But I'm not a businessman, it's not what I do," he said. "I ran on those issues because I knew a lot about them and I could talk most intelligently about them and I won."

Justin never felt that coming into the legislature as one of the youngest representatives was a handicap.

"I can't see that my learning curve has been any different than it has been for Bobby Cleveland (R, Slaughterville), who is 70 years old and was elected the same year as me. It's been the same learning curve for him. Neither of us had ever done it before," Justin said.

He obviously has a special relationship with teachers since his mom is one. He makes a point to visit all of the schools in his legislative district and seeks input on education matters. Most recently, he's been talking to teachers about whether the TLE is making their professional lives

See "Legislators" on Page 12

HB 2269 would eliminate VAM

After listening to concerns of educators in his district, Rep. Justin Wood filed House Bill 2269, which prohibits the use of Value Added Measures (VAM) in teacher evaluations. VAM is a complicated and controversial formula used to predict student test scores, taking into account factors such as socioeconomic status. Labeled as "junk science" by many of its critics, VAM is the source of dozens of lawsuits across the U.S. by teachers who were passed over for raises or terminated as a result of the faulty formula. At this time, VAM is still part of the Oklahoma Teacher and Leader Effectiveness (TLE) evaluation system, but OEA will work for the passage of HB 2269 this year as we continue our efforts to de-couple test scores and teacher evaluations.

More pension attacks expected

By Doug Folks

With a budget hole of at least \$1 billion, cutting services and finding avenues to save money will no doubt be the most pressing tasks facing the legislature during the 2016 session. What educators and other public employees will have to be wary of are ideas sold as cost-saving measures that will prove to be much more costly and more detrimental in the long run.



Photo by Doug Folks.

KOP's Kris Masterman

Public pensions are ripe for just such a gambit, and Keep Oklahoma's Promises (KOP) is ready for the battle.

KOP is a coalition of education employees, public employees, firefighters and other Oklahomans dedicated to protecting the state pension program. The goal of the group, according to Kris Masterman, KOP managing director, is to work together to protect the respective pension systems from outside threats. That includes the Arnold Foundation, which was founded by John Arnold, the ENRON executive who sold out employee retirement accounts. Masterman says that while it is difficult to track super PAC money, it is a common belief that the Arnold Foundation has funneled at least \$500,000 into so-called pension reform through Secure Oklahoma, an organization run by lobbyist Bobby Stem.

"We expect two specific threats to pensions in the legislature this year," Masterman said. "One is the consolidation of pension boards and the other is converting traditional defined benefit plans to defined contribution, aka 401(K), plans."

Both ideas have been broached during past sessions, but KOP and the OEA have been able to keep those ideas from becoming reality for the Teachers' Retirement System.

Consolidating boards saves very little

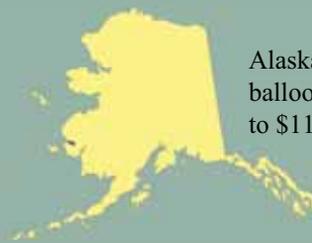
Each of Oklahoma's public pension systems have a board with stakeholders serving on those boards. Teachers are members of the TRS board just as police and firefighters serve on their respective boards. If the public pension boards are consolidated, fewer and fewer members would sit on those boards – fewer police making decisions about the police pension, fewer teachers on the TRS board, and more gubernatorial appointees. Masterman says that the consolidation of power would give the governor far more

(Continued on the next page)

Defined contribution is a proven loser for public employees

"Actuaries have studied proposed 401(K) transition plans in more than a dozen states. In each case, they find that it comes with a hefty price tag – millions or even billions in 'transition' costs that are conveniently swept under the rug during political debate. When a defined benefit plan is closed, new employees are no longer paying into the system – making debt problems worse. What's more, taxpayers are left on the hook to pay for transitions fees, which go straight to Wall Street hedge funds, instead of just going back into the pension system." From Keep Oklahoma's Promises' "Pensions & Retirement, 2015 Oklahoma Legislative Guide."

Three states moved their public employees from a defined benefit pension system to a defined contribution (401[K]) system. All three experiments failed miserably.



Alaska's pension debt ballooned from \$5.7 million to \$11.9 billion.



Michigan's pension debt jumped from \$697 million to \$5.4 billion.



West Virginia's pension debt reached a funding deficit of just 18 percent after 14 years. Retirees, who once had a modest yet reliable pension plan, found themselves with little savings and forced to rely on social welfare programs. The state switched back to a defined benefit plan at great expense.

Source – Keep Oklahoma's Promises accumulated these statistics from a variety of sources.

(Continued from previous page)

control over those pensions.

“The big problem with consolidation is it will cost the state millions of dollars in fees while putting about \$30 billion in pension assets in fewer hands,” Masterman said. “Consolidating the boards would save one-fourth of 1 percent.”

He added that there is a strong argument for each of the different systems to employ completely different strategies of investment. For instance, a judge could sit on the bench until he is 80 years old, but almost no one could teach until 80. The physical wear and tear of police and firefighters calls for an even different approach to pensions.

“Law enforcement, firefighters, first responders live an average of 20 years less than other professions. It’s just hard on the body,” Masterman said. “It really wouldn’t be advantageous for anybody to be combined with anybody else’s money and investment strategy.”

Defined Contribution Always Fails

Two years ago, the legislature passed a law that puts future state employees in a defined contribution retirement plan. The same idea has been mentioned as a way to save money for the teacher pension plan, but history shows it is a no-win measure.

For one, 401(K) systems are more immediately susceptible to market fluctuations. Secondly, Alaska, Michigan and West Virginia all shifted to 401(K) systems and each failed miserably, costing

those states billions of dollars. (See sidebar on Page 6.)

Masterman says KOP’s best ally are facts just like those from Alaska, Michigan and West Virginia.

“The actuarial reports for 2015 show the funded status of each of our state pension systems are in what the Governmental Accounting Standards Board considers ‘fair’ shape. Fair is anything above 60 percent, and 80 percent or better is considered ‘well’ funded. All of the systems are doing better than the previous year – the sky is not falling. The systems are 72 percent funded as a whole, so we’re doing very well.”

So who stands to make money if public pension plans are forced into one or both of these changes?

“Wall Street stands to make a fortune if these plans are crunched up into more consolidated, 401(K) systems,” Masterman said. “The people who will suffer are not only the members of the systems – who will obviously suffer from reduced benefits – but the taxpayers will suffer as well. It’s been shown in other states that have tried this that it costs the taxpayers literally billions and billions of dollars.”

While members of KOP are keeping a close eye on any potential changes to public pension systems this session, the only pension bills filed so far are shell bills, giving the enemies of public employees a few bills in which they can place specific language as the session rolls on.

OEA’s 2016 Legislative Agenda

Funding

- Restore Common Education per pupil funding to fiscal year 2008 level, adjusting for inflation.
- Improve current tax structure to achieve proper education funding.

School Culture

- Ensure sufficient alternative education settings to address chronic classroom discipline issues at all grade levels.
- Provide adequate personnel for the delivery of counseling services and other strategies to minimize disruptive and violent behavior.
- Provide each school site with a full-time on-site qualified medical professional.

Retention and Recruitment – Quality Teachers and Support Professionals

- Protect current and future education employees’ pensions by preventing harmful changes to the Oklahoma Teachers’ Retirement System.
- Increase teachers’ salaries outside the funding formula by \$5,000 across the board.

- Increase education support professionals’ salaries outside the funding formula by \$2,500 across the board or a minimum of \$15 per hour, whichever is higher.
- Increase the National Board Certified Teacher scholarship program to cover the full cost of the NBCT program and to include scholarships for renewal of certification.

Classroom Instruction – Standards and Accountability

- Replace the End of Instruction exams with the ACT.
- Repeal state mandated standardized testing in excess of federal requirements for grades 3 through 8.
- Allow students with special needs to be tested or withheld from testing in accordance with their Individualized Education Plans.
- Prohibit the use of the Value Added Model as an assessment of student growth for the Teacher and Leader Effectiveness evaluation.
- Extend the delay of implementation of the quantitative portion of the Teacher and Leader Effectiveness evaluation until

new standards have been implemented and remained substantially unchanged for three years.

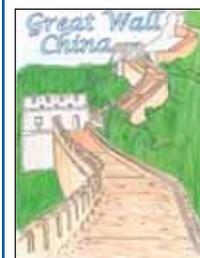
- Repair or replace the A-F school grading system.

Artist Corrections

In the last issue of *The Education Focus*, two artists’ names and places were listed under the wrong drawings in the Read Across America poster contest announcement. Below are the corrected attributions.



1st Place - Paris
by Jessica Treat,
12th grade, Muldrow
High School



2nd Place - China
by ShaiAnne
Warner, 12th grade,
Tulsa Memorial
High School

Signature gathering for SQ 779 nearly ready to start

All challenges to State Question 779 have been denied by the State Supreme Court, paving the way for Oklahoma's Children, Our Future to begin collecting signatures for a 1-cent sales tax referendum to benefit public education.

The Secretary of State has established that the campaign may begin

collecting signatures on February 16. Proponents of SQ 779 will then have 90 days to collect 124,000 signatures.

Oklahoma Education Association staff is working with local associations to train members and other education employees on how to collect signatures. Our goal is for every member to collect the signatures of their friends, family and neighbors.

Those who do collect signatures will be paid for each signature by the campaign, should they choose to be paid.

On this page you'll find several facts and figures about the campaign. If your local has not scheduled a signature gathering training, contact your local president or a member of your OEA regional team.



Collect signatures, collect a check



- 1-250 signatures – \$2 per signature
- 251-500 signatures – \$3 per signature
- 501-1000 signatures – \$4 per signature
- 1001 or more signatures – \$5 per signature

Campaign Goals

Create a dedicated funding stream for public education to:

- Recruit and retain teachers
- Raise student achievement
- Improve college affordability
- Expand pre-school access/quality for low-income and at-risk children
- Improve career readiness

Common Ed's Share

\$369 million (86.33%)
Teacher Recruitment/Retention

- \$5,000 teacher raise*
- Retention strategies
- Recruitment strategies

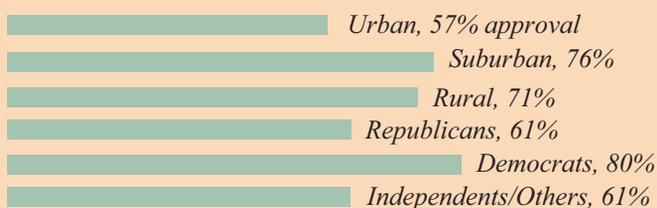
\$58.4 million (14.67%)
Student Achievement

- Grade-level reading
- College-career readiness
- High School graduation rates

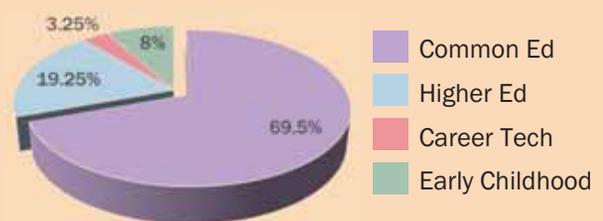
*\$5,000 above 2016-17 district salary schedule.

A popular idea

When voters were asked if they liked the idea of adding 1-cent to the state sales tax for education, every subgroup approved it.



Revenue Distribution



Source – Oklahoma's Children, Our Future, okchildrenourfuture.org

Payroll deduction is still an option for members

HB 1749, last session's most controversial bill, was supposed to become law on November 1. The measure was designed to prevent members of the Oklahoma Education Association and the American Federation of Teachers from being allowed to payroll deduct membership dues.

The OEA and the AFT sued to prevent the measure from ever taking effect, but so far the Oklahoma County and District Court has not completely ruled on the case. Below, OEA General Counsel Richard Wilkinson gives an update on the law and the court case through a question and answer session.

Q: Was there a lawsuit filed to challenge HB 1749 and the attempt by the Oklahoma Legislature to prevent voluntary payroll deduction of OEA dues?

A: Yes, a lawsuit was filed in Oklahoma County District Court on August 18, 2015, seeking a declaratory judgment that HB 1749 has no effect on the current statute authorizing payroll deduction of professional association dues by a local school district.

The lawsuit was filed by the OEA and its local affiliate, OEA-OKC; the Okla-

homa Federation of Teachers and its Oklahoma City affiliate, the OCFT; Seminole ACT; Teranne Williams, an OEA member who teaches in Putnam City; and Mary Tran, an AFT member who is a media specialist in Oklahoma City.

The defendants are the Oklahoma Office of Management and Enterprise Services (OMES), the state entity that is responsible for, among other things, overseeing state agencies and enacting rules to assist state agencies comply with legislative changes, and Oklahoma City Public Schools.

Q: What is a declaratory judgment?

A: A declaratory judgment is a declaration by the court clarifying the rights of the parties to the litigation. Declaratory judgment actions are common when there is ambiguity or confusion in a statute or in the interpretation of an insurance contract or collective bargaining agreement. The court reviews the specific issue and enters an order that determines the rights of the parties to the particular dispute.

Q: Why was the lawsuit filed?

A: HB 1749 purports to prohibit a local school district from payroll deducting dues for any professional organization that collectively bargains on behalf of its members pursuant to federal law. First, neither OEA nor AFT collectively bargain on behalf of their members and would not be impacted by HB 1749 even if it had some effect. Second, and most importantly, no local affiliate or designated bargaining agent in Oklahoma bargains with a local school district pursuant to federal law – they bargain pursuant to state law. The federal law dealing with collective bargaining specifically exempts states and political subdivisions such as school districts from its coverage.

So, the entities that were targeted by the Oklahoma Legislature when enacting HB 1749 (OEA and AFT) do not collectively bargain on behalf of their members and the federal law referenced in HB 1749 does not even apply to local school districts in Oklahoma. As a result, the current statute authorizing a local school district to payroll deduct dues for a professional

organization upon request of a school employee remains in full force and effect and HB 1749 does nothing to change that.

Q: What is the status of the lawsuit?

A: The lawsuit is still pending. Both defendants filed Motions to Dismiss and those motions have been favorably resolved.

Upon a joint stipulation, the court has also entered a declaratory judgment as to the defendant OMES wherein notwithstanding the provisions of HB 1749, OMES is not responsible for establishing procedures for or administration of payroll deductions for employees of local school districts and that HB 1749 does not impose any duty upon OMES to manage payroll deductions for any of the plaintiff teachers or organizations.

A similar stipulation is anticipated between the plaintiffs and the defendant Oklahoma City Public Schools. If no joint stipulation is reached between those parties, then the court will issue a declaratory judgment after reviewing motions for summary judgment submitted by both parties.

Q: Are school districts continuing to payroll deduct dues for OEA and local affiliates, even those that happen to collectively bargain?

A: Yes. Despite the passage of HB 1749, most lawyers representing school districts in Oklahoma advised their clients that HB 1749 did not change the current statute authorizing the voluntary deduction of dues for professional organizations upon the request of a school employee. Almost all school districts have continued to payroll deduct dues for any professional organization, and for local affiliates – even if those local affiliates are a designated bargaining agent and collectively bargain with the local school district.

Q: What should I do if my school district refuses to continue the payroll deduction of OEA dues?

A: Contact your Regional Advocacy UniServ Specialist as soon as you find out that your local school district is not following the current statute. They will contact the local superintendent and if the issue is not resolved at that level and you authorize OEA to proceed, we will file litigation against the school district to ensure that you retain the right to have your professional organization dues payroll deducted.

Stay connected

We all believe legislators should listen to education professionals when making decisions, right? In order for them to listen, you have to talk! Here are a few ways your Legislative and Political Organizing Center will keep you informed. Contact LPO Center Assistant Lisa Cobb at 800/522-8091, 405/523-4310 or lcobb@okea.org to ensure you're receiving them all.

- Wednesday Top 4@4 Podcast
- Text Message Alerts
- Friday Legislative Update Email
- Like us on Facebook and follow us on Twitter

Additional protection

HB 2369 would save teachers from false accusations

By Heath Merchen
Associate General Counsel

Every classroom teacher in Oklahoma is one false accusation away from job loss, certification loss or a jail cell.

Sadly, many school districts lack the funding or the fortitude to back a teacher's version of events and simply suspend immediately and await the outcome of a criminal proceeding or presume the worst and set the case for termination. In recent years, even the State Department of Education began attempting to revoke certificates based on allegations alone before criminal charges were even filed.

While the Oklahoma Education Association has an outstanding track record of defending those who are falsely accused, winning the case doesn't make up for the trauma inflicted on the falsely accused teacher. Many cases take over a year to resolve and during that time period the teacher must deal with the ever-present stress of a false conviction or unjustified termination.

As the law stands now, a teacher has no defense or protection if they have to get physical with a child to either defend themselves, defend other children or prevent harm. Instead, the phrase "you bruise you lose" holds all too true, and teachers who are preventing violent outbursts end up disciplined or criminally charged if the offending child ends up with a red mark or bruise on his or her arm.

The YouTube videos showing school employees being violently abused are not exaggerations ... and each of those staff members simply accept the assault as they know if they raise a hand in defense, they will likely be the party charged. So OEA is going beyond the courtroom and taking steps at the legislature to prevent false accusations from wreaking havoc on the lives of teachers across the state.

Through the Teacher Protection Act (HB 2369, authored by Rep. Casey Murdock, R-Felt) school employees who use

physical force to discipline a student or protect other students or staff would be protected from employment discipline, criminal charges and certificate revocation unless that force inflicts serious bodily harm.

The standard is borrowed from the exact same language used under federal law to determine when a special education student's physical actions justify exclusion from a classroom. The measure will keep teachers from having their careers threatened because a violent student ended up with a red mark on his or her arm after being restrained. It will keep teachers from feeling powerless against the baseless and false accusations of students who seek to intimidate, threaten and abuse them.

We have come to a place in Oklahoma's schools where students are increasingly violent and threatening due in part to the fact that the students know they can end the teacher's career by making false accusation or pointing out a bruise incurred when the teacher was defending himself or herself. It is ironic that our state talks about arming teachers on one hand while at the same time making it impossible for teachers to defend themselves physically without being accused of assault or child abuse.

It is time to protect teachers from false accusations, to ensure that teachers are protected when physical force is necessary, and to empower teachers to respond to physical attacks and threats.



Association dues are tax deductible

Members who itemize deductions and meet the two percent requirement for additional miscellaneous deductions are able to deduct most of their membership dues.

Below is a chart of how much can be deducted for your OEA/NEA dues. Members should also check with their local associations for the amount of non-deductible local dues spent on lobbying. For additional help, contact your tax professional.

Full-time active certified	\$441.83
Halftime active certified	\$232.42
Full-time active support	\$240.38
Halftime active support	\$131.94
Substitute	\$143.42
Reserve certified	\$209.42
Reserve support	\$108.71
Student member	\$24.27
Retired-Lifetime member	\$250.00

Contenders and pretenders

Comparing this session's salary proposals

By Doug Folks

In a year when the legislature is facing an epically large budget hole – nearly \$1 billion! – it's interesting there are not one but several bills filed to give teachers a pay raise. Are these bills honest attempts to reverse a severe teacher shortage, or are they designed to detract from State Question 779, the 1-cent sales tax initiative that will soon begin gathering signatures to place it on next November's ballot?

SQ 779 – This measure has the best chance of becoming a reality if supporters can get enough signatures to place the question on the ballot. Polling shows every demographic likes the idea and it would provide a new revenue stream – a statewide, 1-cent sales tax – just for education and at least a \$5,000 raise for teachers. (See page 8 for more information)

HB 2386 – Rep. Regina Goodwin's bill raises the state minimum salary schedule by \$2,500 on every step in each lane (bachelor's, national board certified, master's and doctorate) and \$1,000 on each step for masters plus NCB. The rub comes from language in the first paragraph of the bill, which says, "Contingent upon the availability of funds appropriated for such purpose, beginning with the 2016-17 school year." With a \$1 billion shortfall and no new revenue stream identified in the bill, this measure appears to have little chance of doing for teachers what it hopes to do.

HJR 1058 – Rep. Doug Cox's bill adds \$1.50 tax to a pack of cigarettes, which is expected to raise \$182 million a year with 66 percent (about \$120 million) dedicated to teacher salaries. Adding taxes to cigarettes normally reduces

the number of smokers, so while this tax would be expected to raise less money in coming years, it is a new revenue stream for education.

HB 3129 – Rep. Josh Cockroft and Sen. A.J. Griffin plan to use this shell bill to give teachers a \$5,000 raise without raising taxes. According to media reports, Cockroft and Griffin plan to reduce nonessential state spending, efficiency reforms and "overly generous" tax credits. No other details are available yet.

The Holt Plan – Sen. David Holt's plan – three different bills and three joint resolutions, which would become state questions for voter approval – is the most ambitious, the most complicated and, therefore, probably the least likely to ever deliver on its promises. Holt wants to give teachers a \$10,000 raise by eliminating \$200 million annually in business tax incentives, redirecting state revenue in 2017 to education and consolidating Oklahoma's 540 school districts into just 200. All the pieces of the plan would not be fully in place until 2020.

Six seats open on OEA Board

Filing is open through February 19 for six OEA Board of Directors positions as well as delegate at-large positions to the OEA Delegate Assembly and the NEA Representative Assembly.

The OEA online elections will be held March 1-15 and will accessible from our homepage at okea.org.

OEA's Board is designed to represent members at the grassroots level. Each zone is made up of at least 1,000 Association members who elect their representative on the board. The newly elected Zone Directors will take office on July 8.

At-large delegates to the Delegate Assembly and NEA Representative Assembly will serve at this year's meetings. The OEA annual meeting is April 22-23 at the Sheraton Oklahoma City Downtown Hotel and the NEA RA is set for July 2-7 in Washington, D.C.

Filing forms are available at okea.org, OEA Headquarters in Oklahoma City or at the OEA regional office in Tulsa. For more information on the elections or filing forms, contact Maureen Peters at 800/522-8091, 405/528-7785 or mpeters@okea.org.

OEA Zone Director Positions

Active members in six different zones will have an opportunity to run for open positions on the OEA Board of Directors. Five of the positions are for three-year terms which expire in 2019. These board members will also serve as NEA Delegates in 2017 and 2018. Those races will be for:

Northeast B, representing Osage, Pawnee, Rogers, Wagoner and Washington Counties.

Northwest C, representing Blaine, Canadian and Kingfisher

Counties.

Southeast A, representing Lincoln, Murray, Pontotoc, Pottawatomie and Seminole Counties.

Southwest C, representing Bryan, Carter, Garvin, Grady, Jefferson, Love, Marshall and Stephens Counties.

Tulsa Metro C, representing Creek and Tulsa Counties.

The sixth position – **Southeast B** – is for one year of an unexpired term, which expires 2017. The SE-B director represents members in Haskell, Hughes, McIntosh, Okfuskee, Okmulgee and Sequoyah Counties.

Statewide Openings

Delegate Assembly Positions:

OEA/NEA Retired Delegate(s)-at-Large to OEA/DA

OEA Administrator Delegate(s)-at-Large to OEA/DA.

OEA Ethnic Minority Delegate(s)-at-Large to OEA/DA.

(Should the Bylaws requirement in this election category be met by local associations, no OEA Ethnic Minority Delegates at Large will be seated.)

NEA RA Positions:

NEA Retired Delegate(s)-at-Large to the NEA/RA (successor delegates only)

Regional Positions Open

Category I Delegates-at-Large, 2016 NEA Representative Assembly

(The zones and exact number of delegates involved in this election were not determined by press time. This information will be posted in the Election Filing Forms section of the Local Association Forms page on okea.org by February 1.)

Pay raises, improved evaluations possible

Continued from Page 4

ance costs rise, you'll have to foot the bill rather than the state.

Consolidation – When funding is short, this is a convenient-sounding solution, yet none of the many proposals this year would actually save the state money.

Opportunities

Tax credit reform – The budget hole has legislators looking for more creative funding solutions than ever. We expect to see them take their first real look at the

billions of dollars we give away in corporate welfare each year.

Pay Raise – The teacher shortage has impacted every corner of the state, and legislators have gotten the message that a long overdue pay raise is essential to fix this problem. Beware of proposals that may sound lucrative but lack any realistic means of paying for the raise.

Evaluations – Several proposals have promise to improve the Teacher and Leader Effectiveness evaluation system, from prohibiting the use of Value Added

Measures (VAM) to allowing districts to opt-out of quantitative (test score-based) evaluations altogether.

Testing – This year is all about cutting expenses, and we know high-stakes testing is one of the most questionable expenditures of tax dollars in common education. We'll fight to move from seven End of Instruction (EOI) exams to the ACT and to do away with any state-mandated, high-stakes test that isn't required by the federal government.

Legislators have a hard job, too

Continued from page 3

better or worse. While mom often serves as his eyes and ears in public school, he thinks it's important for education employees to communicate with their legislators and make an effort to visit with them in their home districts.

Justin asks that educators remember that legislators have a difficult job, too.

"I think (teachers) need to, maybe not put on your kid gloves, but as they visit with the legislators please remember that we're (facing) probably the most stressful session ever this year. So when you're calling us and you're upset with us about the budget and what's happening and what's being cut ... just remember that we're dealing with it too," he said.

"There's very few of us who are here because we want to cut education. That's not why we ran for office.

"I think it's OK to send me an email and say, 'I don't agree with what you're doing, but I know your job is not easy.' I think being an encourager is important and I have several teachers that do encourage me other than my mother," he laughed.

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