

THE EDUCATION FOCUS

FOR THE MEMBERSHIP OF THE OKLAHOMA EDUCATION ASSOCIATION

June/July 2011

MEMBERS DERAIL BAD BILLS

Priest elected vice president



Derailing a runaway train

A nationwide effort to eliminate the rights of Association members took dead aim at Oklahoma educators, threatening to remove a number of long-held rights, such as true due process, payroll deduction of Association dues and collective bargaining. OEA members successfully fought to keep those important issues in law.

Page 2 OEA members played a major role in derailing a number of anti-Association bills, including one that would completely deregulate public schools.

Page 3 The OEA Board of directors elected Yukon's Alicia Priest to fulfill the remainder of Linda Hampton's vice presidency after Hampton moved to president.



Page 4-5 Trial de novo, a career teacher's chance to appeal a school board's termination order, was the biggest casualty of the legislative session. But that doesn't mean OEA members will not have their day in court if their rights have been violated.



Page 6 Patsy McIlvain, a teacher known for creating a learning environment that challenges her students, is the 2011 elementary winner of the Medal for Excellence in Teaching

Page 8 ESP members introduced three new business items at the Delegate Assembly and delegates approved a cost-cutting Association budget.

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Need help? Call us.

Do you need assistance with a personnel matter? Would you like to invite an OEA Teaching and Learning Specialist to provide professional development in your building? Does your Association need organizing help? Call your regional office and ask for help.

Oklahoma City Metro and Southwest Teams

800/522-8091 or 405/528-7785

Northeast and Tulsa Metro Teams

800/331-5143 or 918/665-2282

Northwest Team

800/439-0393 or 580/256-0071

Southeast Team

800/563-4230 or 405/275-4060

The Education Focus

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Your membership just became more valuable

By Linda Hampton
OEA President

This spring's legislative session was challenging, to say the least. And not just for us, but for the entire country. While many so-called reforms were introduced, we were able to hold our own. With help from our members around the state, we were able to keep payroll deduction of dues and collective bargaining in state law.

HB 1380, which was signed by the governor midway through the session, removed trial de novo from law. That means career teachers can no longer appeal a school board's decision to district court. Even so, the one thing I want you be very clear about is that the elimination of trial de novo is not the elimination of due process. As an OEA member, you will have your day in court if your rights are violated.

Trial de novo was not the 'big bad wolf' that the legislature and press would have the public believe. As a

streamlined process for the termination of public school employees, it worked well for our members and for school districts. By law, it had to be completed within 63 days of a school board's decision to terminate an employee. Hardly the lengthy process it was portrayed to be.

The purpose of due process is to ensure fairness – in other words 'the process you are due.' It is the right to tell your story and to be assured a fair hearing. Its purpose is to prevent injustice. Now that trial de novo has been eliminated, affected school employees will have the right to sue school districts as well as school board members and administrators personally, and that will mean a much longer and much more costly process.

This change will make your OEA membership even more valuable and more critical.

As an OEA member you have access to legal expertise, which will ensure that your due process rights are protected. We do not pick and choose



President Linda Hampton

who we represent – we represent all of our members.

The elimination of trial de novo exemplifies the tone of the legislative session this year. Public education has been targeted. Our ability to unite collectively as OEA members has made a difference. We are the only organization that generated over 1200 calls to the Capitol to get a no vote on SB 264. We are the only organization which had a rally on the Capitol steps promoting public education.

While we received some bumps and bruises this legislative session (like the loss of trial de novo), we didn't suffer any fatal blows. We have worked hard to protect the things which attack our basic values and core beliefs as Oklahoma educators and support professionals. Sometimes it's not the things we gain in a legislative session that are important, but the things we protect and keep from being eliminated. We were very successful in that area.

I am incredibly proud of you and your willingness to help us protect public education and Oklahoma children's right to a great public education. You called, emailed and made home visits each time we asked. You told your stories to your friends and family. You made a difference.

Filing opens July 15 for state officers

Filing for OEA President, Vice President and NEA Director opens Friday, July 15, and continues until 5 p.m. Friday, Oct. 7. Filing forms for all three positions will be available on the Local Association Forms page of the website (okea.org), or at OEA Headquarters, 323 E. Madison, in Oklahoma City. For more information, contact Rheta Kennedy at rkennedy@okea.org, 800/522-8091 or a 405/528-7785 locally.

Education Focus now available via the Web

OEA members now have the option to receive the monthly *Education Focus*, OEA's award-winning, all-member magazine, via the World Wide Web and not by regular mail.

Members who "opt out" of the printed copy will receive an email highlighting stories from the current issue and a link to the OEA website where they can read a PDF version online. The online opt out registration can be found at okea.org/member-resources/communications.

Derailing a runaway train

Members help fight off Association-busting bills

By Kandis West

At the start of this legislative session, the national agenda was set. Association rights were to be leveled by the Legislative Locomotive headed by a newly-elected, powerful majority. In one single session, we saw state legislatures steam through decades of advocacy like collective bargaining and fully-paid retirement as if they were a pillar of smoke. But here in Oklahoma, OEA members would not be derailed.

We started the year with our heels dug in, prepared to stand our ground and defend our rights. The first stop was HB 1378. All aboard, Marlow Education Association.

HB 1378 – Collective Bargaining

The bill, authored by Rep. Corey Holland of Marlow, would have eliminated collective bargaining for school employees. Collective bargaining allows teachers and support professionals to negotiate higher salaries, leave time and duty-free lunches, among many other issues. OEA members from Marlow immediately contacted Holland to let him know that collective bargaining allows teachers to have a voice and provides fair working conditions.

Holland responded by withdrawing the bill before it was even heard in committee. The personal connections made by OEA members in Mar-

low made the difference and saved our contracts.

Retirement

OEA members would not be railroaded out of their retirement. Several bills targeted the Oklahoma Teacher Retirement System (TRS). Lawmakers blamed budget shortfalls on the underfunded system. They attempted to transform the current retirement system, which functions much like a pension system with a guaranteed benefit until your death, to a 401-K type system which is subject to stock market crashes and is not a guaranteed, lifetime income.

OEA members made more than 1,000 contacts to their legislators in the form of emails, personal visits and phone calls demanding the legislature guarantee a traditional pension. All five bills that attempted to convert the teacher retirement system

See “Collective action” on next page

Winners and losers

Public education and teacher rights were big targets for harmful legislation this year. Below are two lists – one of the bad bills you helped keep from passing and another list of bills that eventually received Gov. Fallin’s signature.

Harmful bills you killed

SB 264 – A deregulation bill that would have allowed public schools to function much like charter schools, with a few exceptions. Benefits like sick leave and ESP due process could have been eliminated.

HB 1378 – A school employee rights bill that would have made it illegal to negotiate a contract.

SB 534 – A due process bill that would have added “dishonesty,” “insubordination” and other vague terms as additional reasons for dismissal.

SB 80 – A bill that would have allowed school districts to save an unlimited amount of money, instead of spending it on step increases and technology updates. The bill would further limit money available at the bargaining table.

HB 1651 – A bill that would have made it illegal to deduct Association dues through payroll deduction as an attempt to weaken the Association and discourage membership.

Harmful bills that passed

HB 1380 – The bill eliminated trial de novo, which is a teacher’s right to appeal a school board decision in district court. Now, OEA members who are wrongfully terminated can sue school districts, board members and administrators. These cases will be lengthier and more costly to litigate for the school district.

SB 969 – A voucher bill that subsidizes a private education at the expense of Oklahoma taxpayers. A family of four with a household income of more than \$100,000 is eligible for a voucher to attend a private school, while taking funds away from underfunded public schools.

SB 377 – This bill raises the retirement age to 60 for public school teachers hired after Nov. 1, 2011.

OEA Board elects Priest to fill VP post

Alicia Priest has been elected vice president of the Oklahoma Education Association by the organization's Board of Directors. She will take office July 6 and complete Linda Hampton's term, which expires in July 2012.

Hampton became OEA's 96th

president, replacing Becky Felts who passed away in April.

"Whether in the classroom or on the steps of the Capitol, Alicia is a champion for public education and will continue advocating for education and support professionals. It is a privilege to work with Alicia," Hampton said.

Priest has taught English Language Learners (ELL) and Spanish in Yukon for 16 years and is a former Parkland Elementary Teacher of the Year. She received a bachelor's in Spanish from Oklahoma City University and a master's in secondary school administration from the University of Central Oklahoma. She is working on a doctorate in Education Leadership-Superintendency from Oklahoma State University.

A former member of OEA's



Vice President Alicia Priest

Board of Directors, Priest most recently represented Oklahoma on the National Education Association Board of Directors. She was appointed by former Gov. Brad Henry to serve on the state Teacher and Leader Effectiveness Committee, and is the chairperson of the State Textbook Committee.

On the local level, Priest served in a variety of positions for the Yukon Professional Educators' Association including president and negotiations chair.

The OEA Board elected Patti Ferguson-Palmer to fulfill Priest's NEA Director term.

Ferguson-Palmer is vice president of the Tulsa Classroom Teachers Association. She is a 21-year veteran of Tulsa Public Schools, having taught English, humanities, speech, drama, yearbook and stagecraft. Sixteen of those years were spent at her alma mater – Tulsa Hale High School.

Ferguson-Palmer has a bachelor's in secondary education from the University of Tulsa, a master's of liberal studies in humanities from the University of Oklahoma, and a master's in school counseling from Northeastern State University.



Patti Ferguson-Palmer

Collective action makes the difference

Continued from previous page
into a 401-K type plan failed. Our collective action statewide was stronger than the force behind the legislative engine that attempted to trample our hard-earned retirement benefits.

Deregulation – SB 264

SB 264 threatened to deregulate public schools so that every school could function like a charter school. In charter schools, the administration does not have to offer traditional continuing contracts. Teachers and support professionals have no say in their working conditions. Support and certified school employees banded together and made 2,000 legislative contacts over the course of four days. On the final day of session, the bill was not heard in

the house. The deregulation movement was gaining steam toward the end of the session, but we narrowly escaped with the victory.

What's Next

We will certainly face the same battles again. But we've dug some trenches this year, fortified our walls and built a solid foundation. Overall, OEA members sent 6,353 emails encouraging your legislators to make education-friendly decisions. That's 3,863 more emails than last year. OEA members are informed and advocating for their profession. You stepped up to the plate, and while other states across the nation lost hard fought rights, you stopped them in their tracks. That's something to be proud of.

Now what?

Legislature eliminates trial de novo

*By Richard Wilkinson
OEA General Counsel*

The Oklahoma Legislature enacted HB 1380 during the last legislative session and eliminated the trial de novo provision for career teachers who have been recommended for nonrenewal or dismissal from employment. Since the bill did not pass with an emergency clause and/or an effective date, this legislative enactment technically becomes law on August 26, 2011 – but for all practical purposes, the provisions of HB 1380 will govern career teacher termination proceedings for the 2011-12 school year and beyond.

The trial de novo provision was enacted in 1990 as part of HB 1017 and was the final step in the statutory due process scheme that was set forth in the Teacher Due Process Act of 1990. Under the prior statutory scheme, the career teacher had the option of filing a petition for trial de novo in district court after a local board of education voted to accept the recommendation of the superintendent to terminate the employment of the career teacher. The district court was required to hold an evidentiary hearing and issue a decision that either upheld the recommendation of the administration or reinstated the career teacher. The statute required that the process be completed within 63 days after the filing of a petition for trial de novo.

With the passage of HB 1380 a career teacher is now only statutorily entitled to a due process hearing before the local board of education to consider the recommendation of the

superintendent that a career teacher be either nonrenewed or dismissed from their employment. Under the new statutory scheme, both probationary and career teachers now receive the same due process hearing before the local board of education. There are no appeal provisions in the new statute that would allow a career teacher the opportunity to have a district court or some administrative

From your counsel

entity review the decision of the local board of education.

The changes made by HB 1380 were the only substantive changes in the due process procedures affecting career teachers that were enacted during the recent legislative session. The administration of a local school district still has the burden of proving by a preponderance of the evidence facts sufficient to constitute one or more of the eight enumerated statutory causes for the nonrenewal or dismissal of a career teacher.

However, the most significant change resulting from HB 1380 will be that a career teacher will not have the opportunity for a fair and impartial judge to review the recommendation for nonrenewal or dismissal, rather the nonrenewal or dismissal will occur at the conclusion of a due process hearing before the local board of education. The status quo will change upon an adverse decision by the local board of education as opposed to an adverse decision by a district court judge.

So, what's next?



Richard Wilkinson

The Oklahoma Legislature does not have the authority to repeal or otherwise change the due process protections that are set forth in the 14th Amendment to the United States Constitution. Those protections guarantee that a teacher with a property interest in their continued employment with a local school district be provided reasonable notice and a meaningful opportunity to be heard before a fair and impartial tribunal prior to the deprivation of a protected interest.

The Oklahoma Constitution contains identical due process protections that mirror their federal counterparts, as well as a provision that guarantees the courts of justice in Oklahoma “shall be open to every person, and a speedy and certain remedy afforded for every wrong.” The provisions of the Oklahoma Constitution can only be changed by a vote of the people, not by the Oklahoma Legislature. The Oklahoma Legislature can enact statutes – which it has done with the passage of HB 1380 – but it can’t alter rights guaranteed by either the state or federal constitutions.

If a local board of education – under the new provisions contained in HB 1380 – fails to afford a career teacher the procedural due process rights afforded by the state and federal constitutions, then litigation will be

initiated against the school district, and possibly administrators and board members in their individual capacities, to remedy those violations. If a local board of education votes to terminate the employment of a career teacher and the administration has not proved by a preponderance of the evidence facts sufficient to constitute one or more of the eight enumerated statutory causes, then litigation will be initiated on behalf of the career teacher to remedy those violations. If a local board of education fires a career teacher for reasons amounting to personal or political whim, then litigation will be initiated on behalf of the career teacher against the local board of education to remedy that violation.

The list of potential legal theories to address the alleged wrongful termination of a career teacher is voluminous. Now, instead of a trial de novo that for the most part resolved all legal issues that were possibly present when a local board acted upon a recommendation for the termination of a career teacher, traditional litigation will replace the trial de novo process as a result of the changes made by HB 1380. Instead of 63 days, litigation to address the alleged wrongful termination of a career teacher will now take up to 18-24 months to complete (not including any appeals) and will involve the full panoply of legal procedures associated with traditional litigation.

In addition to the pre-trial discovery and summary adjudication procedures that will now be available, these cases will very likely involve jury trials to consider the alleged wrongful termination of a career teacher. And, instead of a simple order either upholding the recommendation of the administration or reinstating the career teacher as was the case with a trial de novo proceeding, these cases will now involve the potential for significant damage awards against local school districts and/or in some cases against individual administrators and board members.

For several years the political climate has suggested that we prepare for the eventual elimination of the trial de novo process for resolving career teacher terminations. Although we successfully advocated in prior years that a trial de novo was a quick and efficient process that involved a fair and impartial decision maker deciding contested issues of fact and law, we were also quietly preparing

The Oklahoma Legislature does not have the authority to repeal protections set forth in the 14th Amendment.

for the anticipated changes that eventually passed with the recent enactment of HB 1380.

The OEA Delegate Assembly in recent years has authorized substantial investments in new software and hardware technology for the Center for Legal and Corporate Services that include state of the art trial practice tools and other trial practice enhance-

ments that will enable us to efficiently and effectively litigate issues that were previously resolved by a trial de novo proceeding.

We now have trial practice tools and technology that rival any large full service firm in Oklahoma and are capable of creating our own demonstrative trial exhibits and other trial presentations that previously required the expertise of an outside com-

mercial vendor.

We also have the capability of conducting litigation focus groups, mock jury trials and other

litigation support functions – all now with in-house resources because of our prior preparation for the anticipated increase in traditional litigation as a result of this change.

While the adage that “only lawyers and judges enjoy litigation” is probably true, the fact that traditional litigation will now be required

See “Your rights” on Page 10

State Supreme Court rules against NBCTs

The Oklahoma Supreme Court recently ruled that local school districts may deduct the required employer matching FICA contribution from the amount of the bonus allocated by the State Department of Education (SDE) for the annual bonus for National Board Certified Teachers.

Since 2008, the NBCT bonus payments have been sent to local school districts for distribution to eligible teachers because of a determination by the IRS that teachers receiving the bonus amounts are employees, instead of independent contractors, and federal withholding taxes are required to be paid on the bonus amounts. The SDE sent the full \$5,000 bonus amounts to local school districts for 2008 and 2009, and also provided a supplemental allocation to

local school districts to cover the cost of the required employer matching FICA contribution.

In January 2010, the SDE sent school districts notice that it had allocated the “full amount” of the NBCT bonus for eligible teachers and directed local school districts to pay each eligible teacher the full \$5,000, minus the required federal tax withholdings. Some local school districts opted to deduct the required employer matching FICA contribution from the bonus amount and then calculated the teacher’s tax withholdings on the reduced bonus amount – which created the dispute that resulted in the recent ruling by the Oklahoma Supreme Court.

Lawsuits were filed against five
See “Insufficient” on Page 10

OEA welcomes three new staffers

A veteran local leader has joined the staff while two long-time employees have retired, highlighting changes to the Oklahoma Education Association's employee roster.

Martha Wissler has joined the Oklahoma City Metro Team as an advocacy specialist. She brings a wealth of experience to the position, having served Edmond ACT as president and negotiations chair. A former OEA board member, she is a National Board Certified Teacher (AYA Math) and was Edmond's 2009 district teacher of the year.

Wissler has extensive experience as a trainer, including workshop presentations in algebra and classroom management. She served as a member of Gov. Brad Henry's Achieving Classroom Excellence (ACE) Task Force and later served on the ACE Steering Committee.

Ashley Knuckles has joined OEA as social media organizing specialist. She will help local associations find ways to use social media as an organizing tool and



Martha Wissler



Ashley Knuckles



Brittany Branstetter

manage the Association's statewide social media initiatives. Knuckles is a 2010 graduate of Oklahoma City University where she majored in mass communications (print media and public relations) and minored in French.

Knuckles replaces Katie Hawk, who earlier this spring accepted a position as legislative and political organizing specialist covering the eastern half of the state and working on the Southeast Team.

Brittany Branstetter has joined the OEA as a legal secretary in the Cen-

ter for Legal and Corporate Services.

Pam Westbrook and Larry Miller, advocacy specialists on the Oklahoma City Metro Team, both retired from the OEA in June.

Westbrook worked at OEA for 23 years, the last 16 as an advocate after spending seven years as a UniServ director.

Miller spent 27 years on the OEA staff, working most recently as an advocate, but also in Teaching and Learning, Organizational Development, and as a research specialist and a UniServ director.

McIlvain awarded Medal of Excellence

Woodward's Patsy McIlvain is a teacher known for creating a learning environment that meets students where they are and challenges them to succeed.

An uncompromising commitment to her students is part of the reason she was recently named elementary



Patsy McIlvain

winner of the Medal for Excellence in Teaching from the Oklahoma Foundation for Excellence.

Medal of Excellence winners each receive a

\$5,000 cash prize and a glass "Roots and Wings" sculpture. Medals are awarded annually to outstanding Oklahoma teachers, one each at the elementary, secondary, community college/regional university and research university levels as well as Medals to an exceptional administrator from the elementary or secondary level.

McIlvain, an OEA member, teaches fourth grade at Horace Mann Elementary School in Woodward. A National Board Certified teacher with nearly 30 years of teaching experience, she is no stranger to high honors. She is a former Woodward Teacher of the Year and was an Oklahoma Teacher of the Year finalist. Last year, the

Oklahoma Heritage Museum recognized McIlvain as its Oklahoma History Teacher of the Year.

"Patsy McIlvain's classroom is a safe-haven, a reading room, an art studio, a research laboratory, an exchange for ideas and a magnet for student success," said Woodward School Board President Roxy Merklin. "Patsy is proof that learning can meet all PASS requirements and still be exciting, engaging and just plain fun."

In designing lesson plans, McIlvain integrates curriculum and incorporates the nine multiple intelligences – from linguistic and mathematical to kinesthetic and musical – to engage students in creative learning experiences.

OEA honors locals, members, media

5 Star Local Awards

The 5 Star Local Program recognizes local associations for the services they provide their members and for activities in the local community with various OEA program service areas of Advocacy, Communications, Legislative and Political Organizing, Organizational Development, and Teaching and Learning. Eleven local associations earned stars in all five areas:

- Bartlesville EA
- Elk City EA
- Enid EA
- Inola ACT
- Moore ACT
- Professional Educators' Association of Lawton (PEAL)
- Professional Educators of Norman (PEN)
- Ponca City ACT
- Putnam City ACT
- Sand Springs EA
- Tulsa CTA

Golden Apple Awards

The Golden Apple Awards recognize OEA local Associations for their consistent efforts to provide quality communications to all of their audiences, including members and other education personnel, local school administration, parents, and the community in general.

Newsletters

MooreACTion, Monte Lawler & Tracey Wallace, Moore ACT
BAEA Bulletin, Katy Cook, Broken Arrow EA

Websites

tulsateachers.org, Patti Ferguson-Palmer, Tulsa CTA

Special Projects

Appreciation Cards – Judy Allen, Bartlesville EA

Total Communications – Renee Hale, Little Axe TA

Marshall Gregory Awards

The Marshall Gregory Awards recognize professional and high school student reporters and broadcasters and their newspapers, websites, radio and television stations for excellence in accurate, positive coverage of public schools, education issues, the education process and/or the OEA.

Student Broadcast Division

Single Event, Videography

Award of Excellence – Katie Allison, Norman North HS

Single Event, Features

Award of Excellence – James Berardo, Norman North HS
Award of Merit – Mireil Etheridge, Norman North HS

Single Event, News

Award of Excellence – Justin Anderson, Broken Arrow HS
Award of Merit – Katie Allison, Norman North HS

Broadcast Series

Award of Excellence – Drew Edington, Lyndsay Jain and Austin Leevirahan, Norman North HS

Broadcast, Year-Round Coverage

Award of Excellence – Norman North HS Broadcasting Class

Student Print Division

Single Event, Features

Award of Excellence – Amanda Barker and Leah Sikes, Edmond Memorial HS

Award of Merit – Aubree Young, Edmond Memorial HS

Single Event, Editorial (print)

Award of Excellence – Christina Hansen, Edmond Memorial HS

Single Event, Editorial (online)

Award of Excellence – Jenna Wetzel, Norman HS

Single Event, News

Award of Excellence – Blake Reichert, Edmond North HS
Awards of Merit – Christina Hansen, Edmond Memorial HS; Sequoyah Moore, Edmond Santa Fe HS

Year-Round Coverage

Award of Excellence – Leah Sikes, Edmond Memorial HS

Single Event, Photojournalism

Award of Excellence – Christina Hansen, Edmond Memorial HS

Professional Broadcast Division

Single Event, Videography

Award of Excellence – Steve Cowen and Gordon Moeller, Broken Arrow Public Schools

Professional Print Division

Year-Round, News

Award of Excellence – Tim Farley, Choctaw Times

Single Event, Features

Award of Excellence – Tim Farley, Choctaw Times

Year-Round, Features

Award of Excellence – Tim Farley, Choctaw Times

Single Event, Photojournalism

Award of Excellence – Jeff Dixon, The Lawton Constitution

ESPs get active at DA

Delegates approve budget with no OEA dues increase

By Doug Folks

Delegate Assembly saw an active contingent of education support professionals introduce three new business items while delegates took part in their own version of a flash mob and opened the annual meeting by remembering former president Becky Felts, who passed away just days before the assembly.

The final Credentials Committee report identified 247 delegates, 13 delegates-at-large and 43 guests. Add staff and elected officers and nearly 325 people took part in the two-day meeting in downtown Oklahoma City.

Delegates approved the 2011-12 OEA Budget, which does not include an increase in state dues for the fourth consecutive year. The budget includes several cost-savings measures, including

- Defunding two professional staff positions which are currently vacant,
- Reducing the number of printed copies of the all-member publication *The Education Focus* to seven,
- Reducing the line item media budget by 26 percent,
- Reducing the line item for the Ballot Initiative and Crisis Fund by 51 percent, and



Telling stories

Delegates took time from the business at hand to send messages to their state representatives and senators during Delegate Assembly. Those with electronic devices (above) posted messages on their Facebook accounts while others, like Little Axe's Renee Hale (right) wrote traditional post cards, giving personal accounts of how budget cuts are affecting their schools.

• Moving the regional office in Shawnee to OEA Headquarters in Oklahoma City.

Three ESP-sponsored new business items were approved by delegates. In the coming year, OEA will 1) take action toward bringing the NEA's "Living Wage Campaign" training and materials to state ESPs; 2) publish a story in the *Education Focus* that outlines the lack of legal job protections for career ESPs; and 3) explore the development of an "ESP of the Year" award with the State Department of Education.

Delegates raised \$25,334.25 for the OEA Fund for Children and Public Education. The Tulsa Metro Region donated the most, \$6,174.

Following are the new business items presented to delegates and subsequently passed:

New Business Item #1 – I move that given the success of the "International Summit of the Teaching Profession," NEA should build on the momentum to ensure that the international models of best practice for union-government collaboration are shared at the state and local levels. Since the origin for the summit came from NEA President Dennis Van Roekel and Executive Director John Wilson, NEA should maintain an active leadership role in developing successive summits and activities that draw in the membership so that we all have the necessary information to demonstrate where high performing investment in public education and how they



support their teachers as well as bring these world-class discussions into our schools and local organizations. The OEA supports NBI-1 as written and should be taken to the NEA RA in the summer of 2011. Moved by David Gould, TM-A/B. Seconded by Rebbie Wale, TM-E. Friendly amendment by Greer Nichols, TM-E.

New Business Item #2 – I move that as a member of the global community the United States has increased its investments in health and trade but largely abandoned any global effort to achieve quality Education for All by 2015. There are nearly a hundred million students, the majority of which are girls in conflict ridden societies that have never been to school. President Obama has repeatedly promised that the United States would join the rest of the world community in investing its fair share to a Fast Track Initiative for Education for All, but has not made the necessary resources available for teachers to be trained, schools to be built and democratic, stable nations to emerge. NEA should urge the Obama administration, as it develops its campaign priorities for 2012 to make global education a central focus via a concrete proposal that elevates education as a development priority. The OEA supports NBI-2 as written and should be taken to the NEA RA in the summer of 2011. Moved by David Gould, TM-A/B. Seconded by Ginger Mendenhall, TM-A/B. Friendly amendment by Greer Nichols, TM-E.

HealthChoice

Focusing on Prevention For the Whole Family!

- ✓ Free health risk assessment
- ✓ Free preventive service visit
- ✓ Free metabolic and lipid panel blood tests
- ✓ \$5 copay for certain prescription tobacco cessation medications
- ✓ Increased number of well child/preventive visits



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New Business Item #3 – I move that the OEA offer members options to receive OEA publications, in printed format via U.S. Mail or local delivery, in digital format via email, or online via webpage availability, with the default option being in printed format. Moved by Elise Robillard, OKC-A. Seconded by Caleb Allison, OKC-A.

New Business Item #5 – We move that the OEA change the date for the annual OEA Delegate Assembly to the second weekend in May, in order to avoid the state testing window. Moved by Erika Penuel, TM-A/B. Seconded by Jennifer Thornton, TM-A/B. REFERRED TO COMMITTEE.

New Business Item #6 – I move that the OEA take action toward bringing the NEA's "Living Wage Campaign" training and materials to Oklahoma's Education Support Professional locals, including the OEA Education Support Professional Committee in discussions toward this goal, with a report on actions taken provided from the podium at the 2012 OEA Delegate Assembly, separate from the Committee Reports. Moved by Terri Robinette, OKC-A. Seconded by Elise Robillard, OKC-A. Friendly amendment by Greer Nichols, TM-E.

New Business Item #7 – I move that we direct OEA to publish an article including ESP interviews in the OEA Focus and on the OEA website to raise awareness of the general membership that there is a lack of legal job protections for career ESP with regard to terminations and that ESP members are subject to similar termination rules to those against which OEA and certified personnel have recently been fighting. Moved by Terri Robinette, OKC-A. Seconded by Whitney Stafford, OKC-A.

New Business Item #8 – I move that the Delegate Assembly be one day, a Saturday. Motion by Monte Lawler, OKC-A. Seconded by Kenna Peterson, OKC-A. REFERRED TO COMMITTEE.

New Business Item #9 – I move that the OEA commit to work with the ESP Committee and the Oklahoma State Department of Education to develop an "Oklahoma ESP of the Year" award. Moved by Terri Robinette, OKC-A. Seconded by Wilma Bunting, OKC-A.

New Business Item #10 – I move that the OEA explore the possibility of utilizing a portion of the Media Campaign budget or other resources to counter negative information about public education and laws affecting public education through the purchase of ad space in publications such as The Oklahoman and the Tulsa World, etc. Moved by Stephanie Bailey, OKC-D. Seconded by Jamie McCoy, OKC-D.

Insufficient funding allows for prorated bonuses

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representative school districts over this issue in the fall of 2010. Approximately 20 additional school districts had calculated the NBCT bonus amount in this manner and litigation against those school districts was pending the outcome of the five representative cases that were initially filed.

The case against Norman Public Schools was the first case to be appealed to the Oklahoma Supreme Court. The Court retained jurisdiction and issued a ruling in early May holding that a local school district is a “necessary party” for IRS purposes and responsible for paying the FICA taxes that were owed by the SDE to the IRS on the NBCT bonus amounts.

Although the Court referenced in its opinion the correspondence from the SDE indicating that the “full amount of the bonus” was being allocated, the Court then concluded that the failure of the SDE to provide the additional amounts necessary to cover the employer FICA cost suggested that there were insufficient funds appropriated by the legislature to fully fund the bonus amount. The Court held that since the applicable statutes allow for a prorated bonus amount if there were insufficient funds appropriated by the legislature, local school districts could deduct the matching FICA contribution from the NBCT bonus amounts. This ruling would also apply to any academic performance or achievement awards that are allocated to local school districts and which were handled in the same manner.

While the ruling of the Court is disappointing for NBCT bonus recipients, this was an important issue for our NBCT members and litigation was necessary to clarify whether in fact it was appropriate for school districts to deduct their required matching FICA contribution from an employee wage – and in this instance the Court has ruled that it is appropriate to do so. As the funding for common education continues to decrease, these kinds of issues will continue to surface and litigation on behalf of our members will likely be necessary in the future to address those issues.

Your rights are still protected

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to remedy the wrongful termination of a career teacher should not operate as an impediment to protecting the procedural and substantive rights of OEA members. OEA has a long history of protecting the legal rights of its members and it looks forward to the challenges that lie ahead in continuing that tradition – your rights are still protected and we will continue to advocate for the vindication of those rights when they are violated.



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