

FOCUS

FOR THE MEMBERSHIP OF THE OKLAHOMA EDUCATION ASSOCIATION - FEBRUARY 2017

Walking the Walk

*Local associations
are stepping up
for education*

Is education the
Legislature's
top priority?

OEA Legal helps
2 ESP members
win large settlement



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OEA's Organizing Conference, March 3-4, is almost here. Local associations will give presentations on how they have successfully organized in their communities and David Blatt, Oklahoma Policy Institute's executive director, will give the keynote address.

Most of your dues are tax deductible

This chart tells you how much of your OEA dues are tax deductible if you itemize your tax return.

10 ESPs split large settlement

Two education support professionals received a larger-than-normal court settlement thanks to the efforts of OEA Legal and Corporate and Advocacy Centers.

11 Read Across America posters are now available



Tulsa CTA board member Kelli Roberts speaks at a bipartisan education forum at Tulsa's Booker T. Washington High School. The event was one of several that members of OEA's Black Caucus took part in over the last year. See page 2 for more.

Don't retreat – stay engaged and do something!

By Alicia Priest
OEA President

Scenario 1: With the legislative session beginning, I am withdrawing into myself – in my fluffy sweats, losing myself in a non-education related world of books and/or games or the ever-present mountain of papers that need to be graded. I refuse to read emails and legislative updates that call me to action. I don't want to recognize nor deal with reality of politics around me. I can shut myself off and only focus on my classroom.

Scenario 2: With the loss of 779 and many of those for whom I voted, I am a ball of rage and ready to take it out on anyone – especially those legislators who put us in this mess. I can't wait to give one a piece of my mind!

Reality Check: Everyone deals with emotions in different ways. We know this because we see it in our students' behaviors. Yet, as adults, we don't always give our colleagues the same understanding.

Challenge: I am challenging all of our members to refocus and channel our emotional energies to support and hold each other up and keep us accountable via legislative action of some form. We must help each other use our talents in the most

meaningful way. Most importantly, we must act on something that we believe in – specifically public education.

Maybe you're not comfortable visiting with a legislator in person. If not, team up with someone who is and be the volunteer to watch their class so they can go to the Capitol. Did the angry scenario remind you of yourself? Channel that passion and offer a postcard writing session for your colleagues. Share your passion. Just make sure to have a proof reader for grammar and punctuation. Most importantly, stay engaged in a positive way and DO SOMETHING.

I have a feeling we will have many opportunities to make lots of contacts in order to protect our benefits. The members of OEA fought hard and won a defined benefit pension plan and health insurance. Those benefits reward school employees for a career long served and a job well done.

Unfortunately, there is another association out there who is willing to sell our benefits down the river. They have even come out saying their members are willing to cap or give up benefits to have a raise. THAT IS NOT A RAISE! Within five years of capping insurance, you would be upside down and lose more of your salary every year.



President Alicia Priest

Neither would it be a raise to give more salary and add more days. That is just paying for additional work. OEA members draw a line in the sand when it comes to those types of shenanigans! OEA members stand strong and understand the big picture of giving up benefits. They understand that schools need funding and education employees deserve both benefits and a raise. We must work together to come up with appropriate solutions to the state's lack of resources.

Everyone can do something. What are you going to do this legislative session?

**Cast your vote
in OEA's 2017
elections online,
March 20-31**

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putting education first.

OEA's reactivated Black Caucus is gaining a new momentum

By Bill Guy

As our nation's schools and educators are celebrating the contributions black people have made to our culture during February's Black History Month, what better opportunity



Anthony Cherry speaks on behalf of OEA's Black Caucus during last July's "Unite T-Town" peace rally.

to recognize the reorganization of OEA's Black Caucus?

First organized in 1926 as "Negro History Week," by noted African-American historian, scholar, educator and publisher Carter G. Woodson, Black History Month became a monthlong celebration in February 1976 to coincide with the birthdays of Frederick Douglass (Feb. 14, 1818) and Abraham Lincoln (Feb. 12, 1809).

In 2015, a group of OEA members in Tulsa came together to reorganize OEA's Black Caucus, an organization with a lengthy and distinguished history but that had ceased to exist for several years. Former Professional Educators' Association of Lawton president Ruby Peters is the new president of the organization.

According to OEA Black Caucus communications spokesperson Anthony Cherry, a TCTA member who teaches African American history at Tulsa's Booker T. Washington High School, several black OEA educators and retired educators met

together during last year's OEA Organizing Conference. They decided to ramp up the organization's involvement and visibility.

"The Caucus is dedicated to support the goals, objectives and programs of the OEA and NEA in relation to advancing

the interest of the teaching profession, and to promote freedom, responsibility, equality of opportunity, mutual respect and the exercise of initiative, leadership and self-development in the democratic process," said Cherry.

"However, the more specific goals and objectives of the organization center on assessing the academic and environmental needs of black educators in Oklahoma to facilitate advancement opportunities for minorities both within the profession at large and

in the administrative and governance structure of OEA."

During last summer's NEA Representative Assembly in Orlando, OEA member

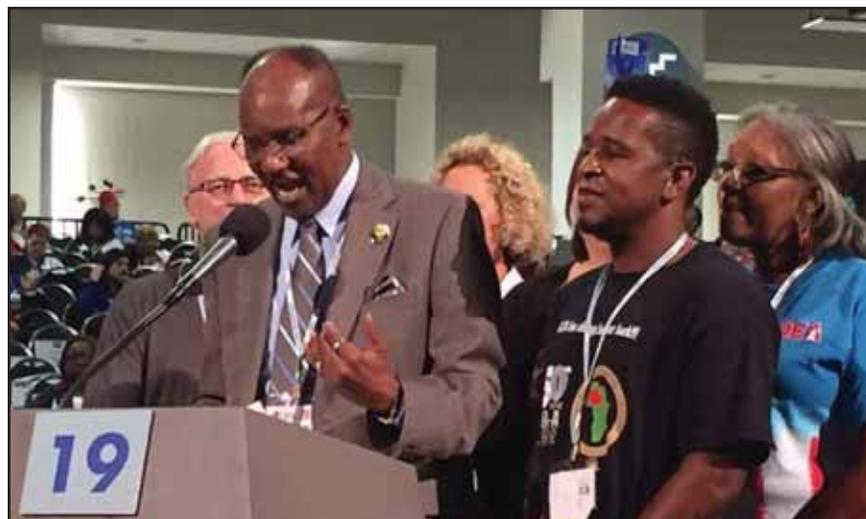
and Checotah CTA member Lawrence Lane, supported by other OEA Black Caucus members, introduced a resolution that RA delegates voted to approve calling on school districts to celebrate the annual birthday of Martin Luther King, Jr. by not conducting classes on that day.

On July 16, 2016, following acts of violence throughout the country, Tulsans from all walks of life came together for a rally for peace called Unite T-Town, where Cherry, speaking on behalf of the Black Caucus, joined others, including Tulsa Superintendent of Schools Deborah Gist. Cherry's call for racial equality and an end to acts of discrimination echoed another of the Caucus' primary objectives.

During last year's SQ 779 campaign, the Caucus helped gather signatures to bring the question to the state ballot and hosted two forums for Oklahoma Senate and House office candidates to help raise awareness of 779 and other education-related issues. Last fall, the Caucus facilitated a professional development opportunity presented by TCTA member Lynn McKenney for association members on successful strategies to help black young men achieve academically and socially.

"Membership in OEA's Black Caucus is open to any current OEA member," said Cherry, "and we welcome anyone who supports our mission and goals to join with us."

To join, send a check for \$15 made out to OEA Black Caucus to Robyne Caddy, 504 E. Pine Pl., Tulsa, OK 74106. To obtain additional information about Caucus activities and events, send an email to Okeablackcaucus@gmail.com.



Checotah CTA member Lawrence Lane, supported by other OEA Black Caucus members, introduces a successful new business item at the 2016 NEA Representative Assembly in Orlando.



get connected



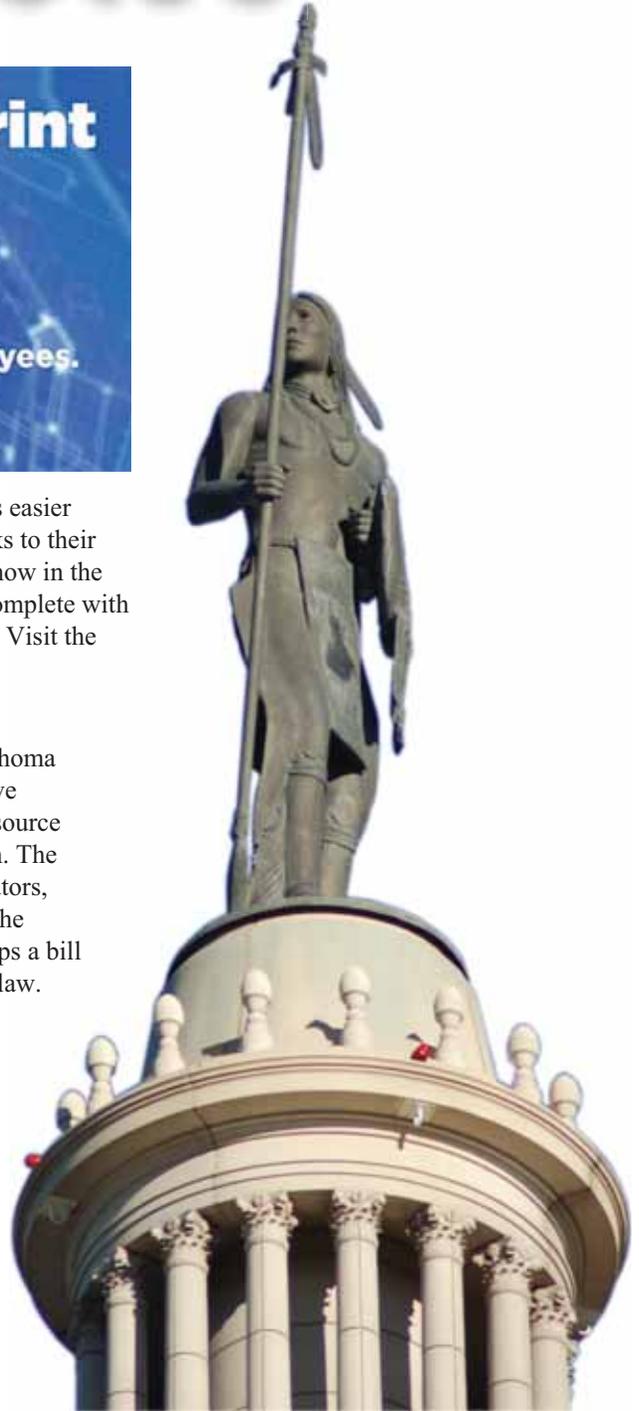
OEA's new legislative web page will make tracking the legislative process easier in 2017. You will now find links to the education committees and weekly links to their agendas. Legislative Updates and Alerts will be posted to the page, which is now in the public section of the website. There is even a link to the top education bills complete with a short description written by OEA Legislative and Political Organizing staff. Visit the new page today at okea.org/legislative/2017-legislative-session.



Download a copy of the Oklahoma Policy Institute's 2017 Legislative Primer at okpolicy.org. It's a resource you'll use throughout the session. The guide includes a list of all legislators, committees and an overview of the budgeting process and all the steps a bill must complete to be signed into law.



The Oklahoma Association of Electrical Cooperatives has a great legislative app for your smart phone. The app features detailed profiles of legislators, interactive contact links, a comprehensive list of state and federal elected officials and rich map features with personalizable pinpoints. Find the app in iTunes or the Google Play store, or visit www.oaec.coop.



The Guardian, created by former State Sen. Enoch Kelly Haney, sits atop the Oklahoma State Capitol dome.



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Is education the Legislature's top priority?

There are 44 new faces in this legislature, but many of the same topics are highlighted in the 2,200 bills filed

By Doug Folks

Starting a legislative session after an election year is a little like welcoming a new classroom of children in late August.

For both, there is certainly a good deal of mystery around the unknown. How will this group behave? Will they be above average as a group, or will we have to do a lot of after-hours tutoring to get them up to speed? In the end, will our work be enough to help them pass?

At the same time, we also find quite a bit of similarity from year to year. After all, just as kids are kids, politicians are usually pretty similar to the last batch. They generally stick with their party and must deal with the same issues as previous legislatures.

There are 44 rookie representatives and senators in this year's legislature, and they have filed more than 2,200 bills. Those measures cover a lot of familiar territory for education, from funding to pensions, testing to health insurance, and vouchers to virtual schools.

Education became the major issue leading up to Oklahoma's election in 2016. Between State Question 779's promise of a teacher pay raise and the larger-than-normal number of candidates who ran for office as part of the so-called "Educator Caucus," education was front and center. While voters didn't respond the way we hoped they would – with the failure of SQ 779 and only a handful of educators winning office – education remains a top priority for this legislature.

A teacher pay raise plan looks possible

There is not be enough room here to outline all of the proposed teacher salary bills that have been filed. Most of them offer some kind of deferred plan, like \$1,000 this year and \$3,000 each of the next three years described in Sen. David Holt's (R-Oklahoma City) SB 316. Several others offer a \$5,000 across-the-board raise, including bills authored by Rep. Scott Inman (D-Del City), Sen. Ron Sharp (R-Shawnee) and Rep. Regina Goodwin (D-Tulsa).

What is important to remember is that this legislature will have a budget hole of nearly \$1 billion to start the year. So finding funding for any salary increase will be where the real heavy lifting happens. Every state agency is hurting. Case in point: The Department of Human Services needs a \$50 million supplemental appropriation right now just to make it through the year.

The question becomes, does this legislature have the courage and the political will to create new revenue streams (i.e., tax increases)? Removing tax incentives and adding services to the sales tax roll have both been mentioned. Even Republican Treasurer Ken Miller has spoken several times, publicly, about how the state has a revenue problem, not a spending problem.

Your pension is in jeopardy

For the first time since 2013, there is a serious movement to dismantle the defined benefit pension system that education employees enjoy today. A defined benefit (DB) plan means you receive a guaranteed retirement benefit for life after you retire. The alternative, a defined contribution (DC), puts the employee in a 401(k) plan and the retirement is only as good as the investments you make.

The return on a defined contribution plan is often much less than a defined benefit, especially in low-paid professions. West Virginia, Michigan and Alaska all tried DC plans and their state employees retired into poverty. At great expense, all three went back to a defined benefit plan.

Rep. Randy McDaniel (R-Oklahoma City) has introduced two bills that cause us great concern. One makes it voluntary for



new employees, beginning in 2018, to choose a defined contribution plan. The other bill would require new teachers to work two more years before they could retire with normal retirement.

Over time, we've seen plenty of legislation that started as "optional" eventually become mandatory. The current DB plan for education employees incentivizes staying in the profession, which is better for our students.

There may be legislative offers of changing the retirement system in exchange for a teacher raise, but OEA will not accept any take-backs on pensions or health insurance.

Stronger voucher push is coming back

Senators Kyle Loveless (R-Oklahoma City), Nathan Dahm (R-Broken Arrow) and Rob Standridge (R-Norman) are all pushing hard this session to expand Oklahoma's voucher efforts. We have been successful over the years at keeping voucher legislation from even getting out of committee and we will need a similar effort this year.

Loveless has three bills that allow students to receive taxpayer dollars for private and religious education. Time and again, studies show that most vouchers wind up going to families who already have children in private schools and not to families in schools labeled as "needs improvement."

There are two anti-voucher bills which the OEA likes: SB 124 by Sen. J.J. Dossett (D-Owasso) would prevent tax dollars from going to private schools and SB 164 by Sen. Sharp would require any school that accepts tax dollars to publish on its website a description of who they serve, what kind of special education services they offer and the number of certified teachers on their faculty. (Rep. Inman is carrying the same bill as HB 1638.)

At a time when public education funding has been slashed more than any other state and when Oklahoma teachers have not had a state-paid raise in nine years, we cannot afford to send tax money to private, religious institutions. Vouchers leave too many kids behind and further erode what little funding schools receive.

Black Caucus wants MLK Day to be a holiday for everyone

Celebration or recognition of Martin Luther King Jr. Day takes different forms around the state, but the OEA Black Caucus is hoping a new law would require all schools to close for the federal holiday.

Currently, some Oklahoma schools are open on MLK Day and others are closed to students while teachers must attend professional development. A handful, mostly in the metropolitan areas, are closed for both students and teachers.

Rep. George Young (D-Oklahoma City), has filed HB 1481, which currently requires all schools to close for students on the third Monday in January. However, the Black Caucus is hoping to get the bill amended to require no school and no teacher responsibilities on MLK Day.

The bill is assigned to the House Rules Committee.

Virtual schools, testing bills filed

Virtual Schools – Oklahomans are increasingly aware of just how unaccountable virtual schools are with tax dollars. There are several different bills that require more transparency and accountability of virtual schools that receive state money, including a better definition of attendance, the quality of education a student receives and graduation rates that must be met over time or the school would be forced to close. Bill numbers include HB 1503 by Rep. Rhonda Baker (R-Yukon), SB 244 by Sen. Gary Stanislawski (R-Tulsa) and SB 639 by Sen. Dahm.

SB 101, by Mark Allen (R-Spiro) changes the funding factor and bases appropriations on actual attendance, not enrollment. It would require the virtual school to notify the parent of a child who doesn't respond to a teacher for five days. Students who fail to respond within five days three or more times in a semester would be sent back to their home public school.

Testing – There are two bills that further improve the Reading Sufficiency Act. Sen. Dossett's SB 123 would do away with the third grade reading test altogether while Rep. Katie Henke's (R-Tulsa) HB 1760 allows schools to determine who is on the team to decide whether a child advances to fourth grade, makes permanent the team provision and eliminates "limited knowledge" as a reason for retaining a child in third grade.

Health insurance – There is no word yet that legislators are looking to take state-paid health insurance from education employees, or that there is any movement to reduce or cap the benefit. However, there are nearly two dozen shell bills filed for health insurance so we'll be watching how those bills are used.

In all, there are nearly 450 education-related bills. The OEA Legislative and Political Organizing Center will keep an eye on every one of them and keep you informed as we move through the legislative session. Watch for weekly Legislative Updates in your home email inbox, check our website from time to time and follow us on Facebook and Twitter.

Have questions? Contact Ivy Riggs (iriggs@okea.org) or Nick Singer (nsinger@okea.org) at 800/522-8091 or 405/528-7785.

2017 OEA Legislative Agenda

Members of the OEA Legislative Committee create the association's Legislative agenda, which is then debated and approved by the OEA Board of Directors. The following agenda was approved at the December 2016 OEA Board meeting:

I. Advocate for a pay raise to ensure all education support professionals receive a living wage and all teachers receive a regionally competitive salary.

II. Replace the A through F grading system with a state-wide accountability system that includes research-based multiple measures of student growth and school effectiveness. This system would not include a single summative letter grade or indicator for schools or districts.

III. Adopt a common sense testing structure intended to support student growth and inform instruction, such as the ACT for high school students.

IV. Protect the health benefits and pensions of all education professionals.

V. Protect public school funding by opposing legislation that would divert money away from public schools.

Walking the walk

Local associations are organizing members and their communities to keep education Oklahoma's #1 issue

By Bill Guy

For nearly a year leading up to the November 2016 elections, education was on the lips of most Oklahomans, including politicians from both sides of the aisle looking for support. State Question 779 ramped up the conversation even further.

Oklahoma Education Association members and public education supporters were understandably disappointed with the loss of SQ 779 and with only a handful of education candidates winning seats. But focus on education has continued both at the Capitol and in communities around the state.

OEA local associations are not just talking in their teachers' lounges and break rooms about how to keep the conversation alive. They are walking the walk – organizing teachers, support professionals, parents and school patrons to take an active role in supporting education at home as well as at the Capitol during this spring's legislative session.

The Gathering in Moore

Building relationships, finding common interests

“Bringing parents, educators, administrators and legislators together in a collaborative, non-threatening environment to explore how we can work together to improve our schools is a tremendous gift,” said Moore parent Debra Woods, a participant in The Education Association of Moore’s (TEAM) community-wide initiative to achieve mutual understanding and positive change for public education.

“As the mother of five children who have attended Moore schools, I care deeply about the success of our school system, and The Gathering reminds me that all of us really are on the same team because we want the same thing – the best education possible for our children.”

Since its initiation last fall, The Gathering has met four times, focusing on building relationships, identifying areas of common interest, setting goals using a theory of change model and planning specific action items, both within the district and in relation to the current session of the Oklahoma Legislature.

Westmoore High School Spanish teacher Zach Grimm helped facilitate discussion around creating a concise theory of change by asking participants questions like, “What can we do now, with the resources available, to fix problems students and teachers face every day in the classroom?”

Recognizing that many of the participants did not have a clear understanding of what it is really like to be a public school teacher in today’s environment, Grimm said it has been very meaningful to tell his story as a teacher and truly be heard by other educators, legislators, administrators, school board members and parents.

“I leave the meetings feeling very empowered and ready to facilitate change,” he said.

Woods said that she has come to understand on a new level just how passionate Oklahoma teachers are about educating our children, even as their energy is increasingly sapped by low pay and additional demands.

“I also better understand the challenges legislators face as they try to adequately fund public education,” she added.

Participant Mark McBride, Moore resident and Republican legislator who represents State House District 53, said he has found The Gathering to be very helpful in terms of gaining a better understanding of public education issues important to his constituents.

“I would like to thank everyone involved in putting together The Gathering,” McBride said.

“TEAM’s legislative action committee now has a plan based on input from our entire education community to lobby for positive legislation that will benefit students, educators and communities both in Moore and statewide,” said TEAM President Elise Robillard.



IMPACT Norman

Working to create a more positive environment for Norman schools

“When SQ 779 failed to pass last fall, I was heartbroken,” said Professional Educators of Norman (PEN) member and school interventionist Christy Cox. “I was fed up, and sick of reading and posting about the problems facing public education in Oklahoma on social media. For me, it was time for action.”

At the same time, during post-election school site visits, PEN President Cari Manzer observed that many Norman teachers felt their voices were not being heard and wondered if the public truly appreciates the work they do with the community’s children.

“I knew we needed to do something positive to move beyond the disappointment and frustration to be able to effectively continue advocating for the needs of our students, so PEN launched IMPACT Norman,” said Manzer. The community-wide effort provides opportunities for Norman educators to meet with administrators, parents, legislators and other Norman residents to generate positive ideas for improving both the perception of and reality for public education in the district.

For Cox, IMPACT Norman came just at the right time.

“I lost 20 percent in salary when we moved to Norman from Missouri four years ago so my husband could attend graduate school at the University of Oklahoma. To help make ends meet,



I’ve worked as a waitress and in social networking sales in addition to teaching,” said Cox. “We’ve delayed having a second child because we can barely afford child care for one. After the election, I desperately needed to have something positive to be able to move forward.”

Over the course of several sessions, IMPACT Norman participants have learned about various issues from many different perspectives and then brainstormed on ways to address them effectively. Committees are tackling specific objectives that include ways to create a more positive environment in Norman’s schools and plans to lobby the legislature during the current session.

“The committee I’m working on wants to celebrate our schools by organizing a district-wide ‘walk in,’ inviting parents, legislators and the entire community to come and see the amazing things that happen every day in Norman schools,” said Cox. “I’m proud of our work so far, and I know that raising our voices together, we can make a difference for our students and our community.”

Every Tuesday Lobbying

Several local associations are planning frequent trips to the Capitol to lobby their legislators, including the Tulsa Classroom Teachers Association (TCTA). Vice President Shawna



Tulsa CTA Vice President Shawna Mott-Wright (left) and TCTA emerging leader Matt Campbell (right) met with Rep. Meloyde Blancett (D-Tulsa) during OEA’s first Every Tuesday Lobbying earlier this month.

Mott-Wright said TCTA plans to strengthen lobbying efforts by taking a team to the Capitol every Tuesday during the session.

“We’ve put out information via email and have sign-up sheets at our monthly delegate assemblies and most recently at a progressive Rock, Rabble and Rise Rally,” said Mott-Wright, “and we’ll have TCTA members, ESP members, parents, students and community members to form our weekly teams.”

The TCTA lobbyists will join others from around the state as part of OEA’s session-long lobbying initiative each Tuesday.

Rallying for education

Bryng ESP member and Ada firefighter Danny Manuel is organizing a second pro-education rally to be held March 28 at the Pontotoc Technology Center in Ada as part of a continuing personal mission to “give area educators a pat on the back.”

Last spring, as statewide efforts geared up to collect signatures to bring SQ 779 to the ballot, Manuel participated with other educators and citizens in Pontotoc County, but he also felt that area educators needed some appreciation shown locally and immediately. Enlisting fellow educators and lifelong area friends, he organized a pro-education rally featuring State Superintendent of Instruction Joy Hofmeister and Oklahoma Institute for Child Advocacy CEO Joe Dorman that drew some 500 people. Area citizens and businesses donated gifts and gift card door prizes.

Building on momentum from the first rally, Manuel is working to make this year’s March 28 rally just as successful, helping educators feel appreciated and channeling that enthusiasm into a continued push for increased education funding in Oklahoma.

Join the fight

What plans are your local association making to keep the conversation going about public education? Share your efforts on the OEA Facebook and Twitter accounts. Contact a member of your regional OEA team for assistance or more information.

What if my school district runs out of money?

By Richard Wilkinson
OEA General Counsel

With the current climate of sparse education funding becoming a stark reality year after year, many questions arise as to what will happen to an employee's pay if a school district either runs short of money during the fiscal year, or runs out of money before the end of the current fiscal year. There are several remedies available to address either scenario.

If a school district does not have sufficient funds in its bank account to cover the cost of issuing payroll or other checks, one remedy is for the district to issue what are referred to as non-payable warrants. A non-payable warrant has the same value to an employee or vendor as a regular school check. Even though the warrant is titled non-payable, the warrant can still be submitted to a bank for deposit, just like any other check.

When issuing a non-payable warrant, the school district makes arrangements with its bank to issue the non-payable warrant and the bank agrees to cover the amount of the warrant. In return, the school district promises to pay the bank at some point in the future the cost of the non-payable warrant plus applicable interest. Issuing a non-payable warrant is a method of dealing with cash flow shortages that may occur during a fiscal year, particularly when state aid allocations have been reduced as is the case for the current school year. Non-payable warrants are not an appropriate remedy for when a

school district runs out of money during a fiscal year.

If a school district actually runs out of money during a fiscal year, yet still owes money for services already performed or for contracts that have been made and approved within the fiscal year budget, then a more complex scenario may be required to collect the money owed for the services performed or the balance of



an employment or other contract. An employee or vendor will likely be required to take legal action against a school district, sometimes referred to as a "friendly suit" since there is typically no dispute that the money is owed, only that the district does not have sufficient funds to pay what it has lawfully obligated itself to pay during the particular fiscal year.

In those instances, an employee or vendor must first file a lawsuit against the school district alleging that they have a lawful claim for money against the school district. Next, a court must rule that the school district owes the money for the services performed or for the bal-



Richard Wilkinson

ance of a contract, often referred to as the "entry of judgment."

Finally, once the court enters a judgment, state law requires that any money judgment against a school district be paid out of the sinking fund of the school district over a three-year period. Judgments against a sinking fund may be assigned to a financial institution that will typically pay the employee or vendor face value for the judgment and then collect the judgment and accrued interest on the judgment from the sinking fund over the three-year period.

Some school districts have recently attempted to avoid having lawsuits filed against them for payment of back wages when they have run out of money during a fiscal year. Some have resorted to community fund-raising and other mechanisms in an attempt to raise other revenue that can be used to pay a portion of back wages. In those instances, school districts attempt to "negotiate" with employees who have not been paid their contractual wages and ask them to agree to a lesser amount to satisfy their contractual obligation. School employees are not required to negotiate a lower amount for back wages and should avoid those discussions whenever possible.

The bottom line is that a school district is legally obligated to pay their contractual

See "Districts" on next page

Organizing conference will feature local success stories, OK Policy's David Blatt

Participants at the 2017 Organizing Conference will hear success stories from local associations, have a chance to practice effective lobbying techniques and hear from the Oklahoma Policy Institute's Executive Director David Blatt.

Registration for "Organizing for Action" is \$35 per person and is open through 5 p.m. March 2. All activities will benefit certified and support professional members. You can find a link to register as well as the complete conference agenda at okea.org.

The conference, at the Reed Center in Midwest City, will kick off at 6 p.m. Friday, March 3, with registration and heavy hors d'oeuvres. President Alicia Priest will open with a welcome and Executive Director David DuVall will talk about "Where Do We Go Now?" in relation to

November's election results. The evening will wrap up with bingo to benefit the OEA Fund for Children and Public Education. Priest and Vice President Katherine Bishop will call the numbers and give out \$500 in prizes to the winners.

During Blatt's keynote speech on Saturday morning, he will discuss the state's various funding sources for education.

The Legislative and Political Organizing Center will follow Blatt with a legislative overview and will share effective lobbying techniques.

After lunch, representatives from Claremore CTA, Bixby EA, Edmond and Moore ESP chapters, Stillwater EA, Ponca City ACT, and Professional Educators of Norman will present 30-minute sessions on successful grassroots organizing activities they have conducted.



Oklahoma Policy Institutes's Executive Director, David Blatt

Other breakouts will discuss Degrees Not Debt, ESP Organizing, bargaining, and communications.

For more information, contact your regional OEA Organizing Specialist.

Districts are legally obligated to pay their bills

Continued from previous page

obligations when they are owed and if they have no funds to do so, then a legal remedy is the only option available to satisfy that obligation under Oklahoma law.

If you are in a district that refuses to cooperate in acknowledging its obligation and you have not been paid your contrac-

tual wages within three days of the regularly designated payday, then you have a legal case against the school district. The school district could also be fined and subject to criminal penalties for violating the protection of labor statutes found in Title 40 of the Oklahoma Statutes. These issues are serious and should be taken seriously

by those school districts that face these unfortunate circumstances – the failure to pay wages due and owing employees should be immediately addressed and refusal to do so should result in litigation seeking to remedy the non-payment of wages as well as any administrative or criminal remedies imposed by the Oklahoma Department of Labor.

While issuing non-payable warrants is a simple and convenient method of quickly paying employees or vendors when a school district suffers cash flow problems during a fiscal year, the legal process of collecting a sinking fund judgment is more time consuming and may result in a delay in ultimately collecting wages owed an employee. Additionally, there may be remedies available with the Oklahoma Department of Labor against the school district for any failure to pay contractual wages when due and owing to an employee.

If any of these scenarios occur in your school district, you should contact your OEA Regional Advocacy UniServ Specialist or the OEA Center for Legal and Corporate Services for assistance in dealing with these issues.

Association dues are tax deductible

Members who itemize deductions and meet the 2 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 on this year's tax filings. 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	\$444.98
Halftime active certified	\$233.99
Full-time active support	\$242.96
Halftime active support	\$133.23
Substitute	\$143.99
Reserve certified	\$210.99
Reserve support	\$109.99
Student member	\$24.31
NEA Retired Lifetime member	\$250.00

The deduction for NEA Retired Lifetime members is available only for the year in which the dues are paid.

ESPs split large settlement

Improper pay, racial discrimination charges settled quickly for OEA members

By Doug Folks

Failure to properly pay a pair of education support professionals and a potential violation of civil rights recently resulted in a large, out-of-court settlement for two Oklahoma Education Association members.

The results of the lawsuit and the protection these two ESP members received from their professional association highlight the real value and the necessity of OEA membership.

Our members, a custodial supervisor and a warehouse employee, claimed they were not being paid the negotiated wage and overtime pay for their positions. The two requested their OEA regional advocacy specialist to investigate the issue. During the ensuing investigation, it was discovered one of them had been subjected to a racially hostile work environment.

Both men were working 16 hours or more a day for the school system – their

regular assignments during the day and as custodians at night. The district invented contracts for non-negotiated “positions” and manipulated the pay scales to avoid paying overtime for over five years.

The issue of racial discrimination was addressed through the school district’s discrimination policy. Following an investigation, the human resources director’s investigation concluded one of the members, who is African-American, had been subjected to a racially hostile work environment. The district agreed to make changes, including personnel changes and training on racially sensitive issues.



Unfortunately, no training ever took place and the person responsible for the racially hostile treatment of our member was not only never punished, but in the end was rewarded.

“The main bad actor was allowed to retire with a lot of fanfare and then come back on campus at will as a sort of vendor, which did nothing to alleviate the hostility. If nothing else, it made it worse,” said Tim Melton, OEA attorney.

After the initial investigation into the

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wages, it was determined the two men had a legitimate complaint and the case moved to OEA’s legal department. Melton received the case right after joining the staff in June 2016.

As legal claims and lawsuits go, this matter raced to a conclusion at warp speed. The complaint came to light last June and was settled by December.

“We viewed that situation as a sham to circumvent the Fair Labor Standards Act,” Melton said. The district had created different titles for the two shifts and

lowered the wages so that the average hourly rate for the two shifts was equal to the negotiated rate, thus denying overtime to our members.

OEA filed a lawsuit on the wage issue and started a discrimination claim with the Equal Employment Opportunity Commission (EEOC). Shortly into the litigation, the school district, under new leadership, requested that the plaintiff members agree to mediation to settle both issues. The mediation resulted in settlements totaling \$60,000 and \$90,000.

Melton said the settlements were “exceptional” for such claims, which were paid partly from district (taxpayer) funds and partly through liability insurance.

While the quickness and amount of the settlement was very beneficial to both members, neither of the two men are any longer employed by the district. One left before the school year started and has since moved out of state. The other agreed to leave the district as part of the settlement and remains in the community.

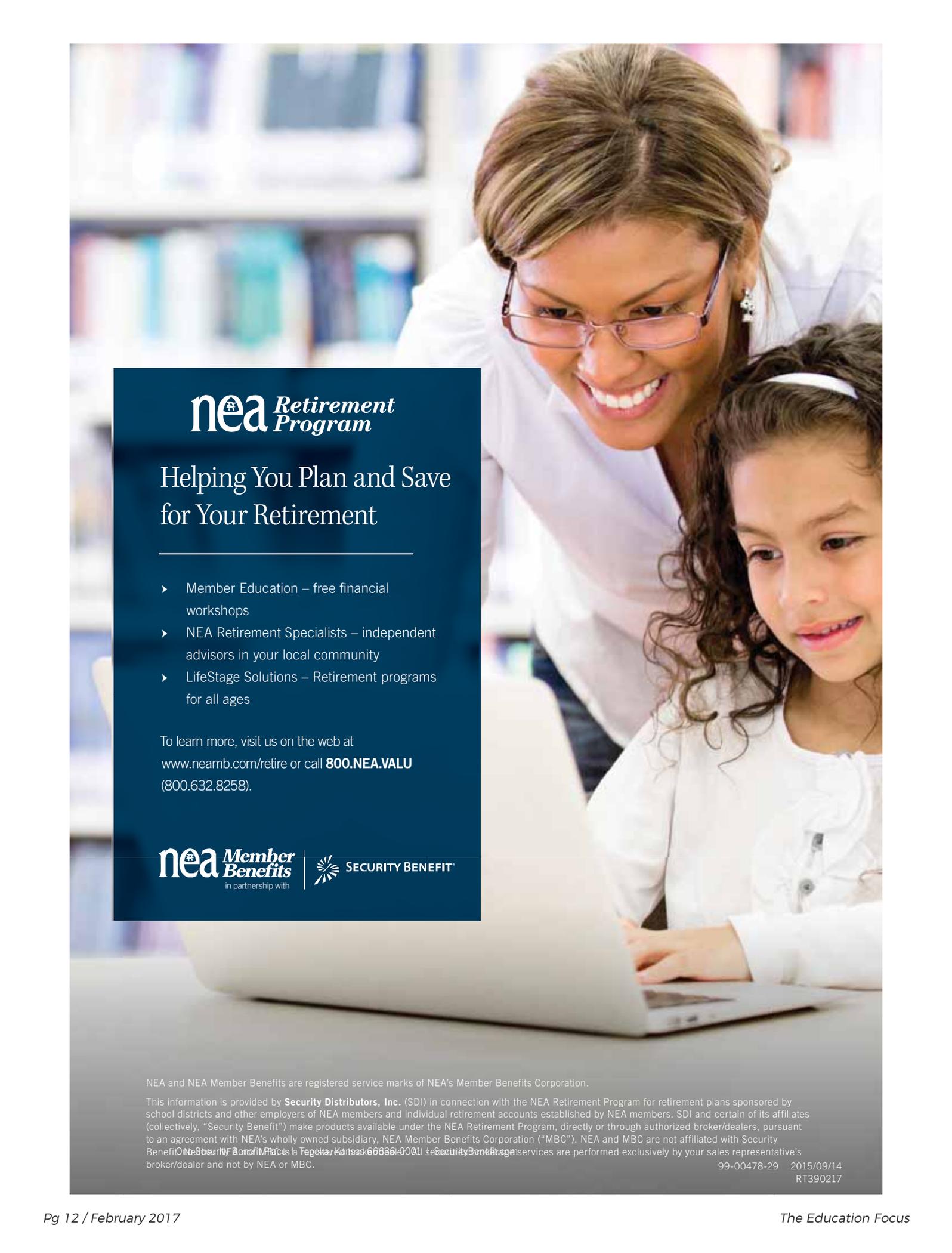
(Editor’s note: Our members requested that their names not be used in this article and the district is not named in fairness to the current administration and to further protect the identity of our members.)

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- 88 papers passed out
- 17 minutes for assembly
- 5 parent drop ins
- 3 tutoring sessions
- 1 standardized test given

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¹ Interest rates for the Fixed and Deferred Repayment Options are higher than interest rates for the Interest Repayment Option. Variable rates may increase after consummation. Interest is charged while you are in school and during the 6-month separation period. Unpaid Interest will be added to the Current Principal when you enter principal and interest repayment.

² Sallie Mae reserves the right to approve a lower loan amount than the school certified amount.

³ The special NEA on-time payment 0.25 percentage point interest rate reduction applies only if the loan is current and after you pay the Current Amount Due by the Current Amount Due Date each month during the initial 12 months of principal and interest repayment. If you miss or are late with any of the initial 12 payments, the benefit will not be earned. If you earn the benefit, then miss any payment, the benefit will be suspended until after you bring the loan current and pay the Current Amount Due by the Current Amount Due Date for three consecutive months. The benefit is suspended during periods of forbearances and certain deferments.

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