

Organization of Rural Oklahoma Schools

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2010 Legislative Session Wrap-up

By: Megan Benn, OROS Legislative Consultant

The 2010 Legislative Session has come to an end and will be remembered as one of the most difficult sessions for everyone involved. I will outline many of the key bills we fought or supported below but please visit the legislation section of the OROS website to view all of the key education bills that passed this session.

With the state facing an almost 1 billion dollar budget shortfall, anxieties and tensions were high from February through the end of May. In the end, Legislative leaders and the Governor attempted to spare Education more than most agencies by agreeing to a 2.9% budget cut. This cut was on top of the cuts that schools had taken throughout the year as monthly revenues came in lower than expected. From the FY'10 appropriations level the actual decrease in FY'11's appropriations level is almost 9%.

In order to keep education at this funding level, the legislature and Governor had to make some difficult choices and find ways to raise revenues in ways other than increasing taxes. We worked through session to keep the focus on suspending some of the many special tax giveaways that have been granted to industries and interest groups over the years. By the end of session the legislature had increased a number of fees and put a moratorium on a number of tax credits. Because of these and other revenue raising measures, education was spared more than most agencies, so please take the time to thank your legislators and the Governor for everything they did for the public schoolchildren in our state.

At this time, we are still awaiting the Governor's action on many of the key bills we worked on this session. Two of these bills are very troubling to our schools so we are asking the Governor to veto these bills. HB 3393 creates a voucher program that any child on an IEP in the state can apply for. This Special Needs Scholarship program possibly leaves school districts liable for these students' educations without any way to track what type of services these students are actually getting in the private schools. It represents an

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abandonment of public education in Oklahoma. The debates in both the House and Senate on these bills were long and passionate and the votes were close, but this bill is still on the Governor's desk awaiting his action.

SB 1589 is also on the Governor's desk at this time. This bill would cut the ad valorem assessment for AT&T and other wireless companies in half for all of their new wireless investments. This could have an over \$15 million impact on counties, schools, and career techs at a time when state and school budgets are experiencing one of the worst financial crisis in history. This bill sets a bad precedent for other industry groups to also come to the legislature to ask for special tax treatment and continue to lower the revenue base available for essential government services.

The Legislature passed three bills which were used as part of Oklahoma's Race to the Top round 2 application. HB 2033 allows school districts to implement an incentive pay plan to reward teachers deemed effective at increasing student and school growth in achievement beginning with the 2012-2013 school year. The bill provides measures for determining teacher effectiveness and performance. It also modifies the Teacher Due Process Act of 1990, directing that a career teacher who has been rated "ineffective" under the evaluation system for two consecutive years shall be dismissed or not re-employed for instructional ineffectiveness, subject to due process. A teacher rated "needs improvement" or lower under the system for three consecutive school years is to be dismissed or not re-employed for instructional ineffectiveness, subject to due process. The measure also states that a career teacher who has not averaged at least an "effective" rating over a five-year period is to be dismissed or not re-employed, subject to due process. In addition to HB 2033, the Legislature passed two bills (HB 2753 and SB 1862) that amend the state's charter school law. At the beginning of session, these bills would have expanded Charter schools statewide. We can count it as a victory that the versions that passed only lifted the cap of three new charters per year in Tulsa and Oklahoma counties and allowed for charters in districts that are on the needs improvement list. Two other expansions also came through in these bills, one to allow the Office of Juvenile Affairs to have a Charter School for youth under their supervision and for Native American tribes to charter a language immersion school.

House Bill 3029, which exempts schools for two years from a number of state mandates, including the purchase of new textbooks and financial penalties for accreditation deficiencies is also awaiting the Governor's signature at this time. This bill is an attempt to provide some financial reprieve for school districts until revenues recover.

While it was a very difficult year for common education, we were still able to hold off many pieces of legislation that would have been detrimental to our schools such as more attempts to lower the cap on property taxes for another year. With the revenue situation for next year still very questionable and the federal stimulus funds now depleted, we know that next year will also be very challenging for our schools. Thanks to each of you for your involvement in the process and for communicating your support or concerns to your legislators. Your continued relationships and dialogues with them make our jobs easier.

ATTORNEY TALK

By Terri Thomas

ANSWER: FIVE DOGS, THREE DEER AND A TURTLE; A POSSUM, A SKUNK AND A FOX

The question: What did I almost run over on the late-night drive home from two RIF hearings this past week?

You know you're in a *seriously* rural area when (a) you're in way more danger of being in a wreck as a result of dodging wild animals in the road than you are from dodging other cars; and (b) it's so desolate and dark out there that you actually keep *track* of the wild animals you nearly run over—just to have something to do to stay awake!

It's been a really busy couple of months, primarily due to RIF issues. An especially high volume of calls and hearings occurred over the past two weeks as we approached the end of school and the new June notification deadline. For example, in the span of twenty-four hours I drove to the far southeast part of the state for a RIF hearing, got home at 3:00 a.m., then turned around the next day and drove to the far northwest corner for another RIF hearing and got home at 1:00 a.m.—and played catch-up on a non-stop stream of phone calls.

Late-May is usually a slow time of year for me in terms of calls and school-site travel. Generally the RIF recommendations and subsequent hearings have come and gone, staff has been rehired and schools are focused on graduation and closing their doors for two or three months. When students and faculty aren't present, my phone usually doesn't ring as much. In terms of call volume, this time of year has historically been akin to that time period between Thanksgiving and Christmas—dead. Not so *this* year! The combination of more RIFs statewide, coupled with the later notification deadline, has really changed things.

With respect to the RIFs themselves, I noticed a few things happening fairly frequently this year not seen nearly as much in previous years:

- More superintendents are taking over principal duties. At last count, three superintendents with whom I work made the tough decision to RIF a principal and take on those duties—for little or no additional pay—themselves. From what I hear, there are many more who are already doing that, or who are considering it. Plus driving a bus. And perhaps coaching, too.
- More superintendents are turning down their own pay raises. Some are even attempting to take pay *cuts*.
- More people subject to RIF are fighting for their jobs. Whether it is support staff, certified staff, or even retired part-time staff, many more of these folks have been asking for hearings. In years past, when the overall economy was better, people laid off in one community had a fairly high likelihood of quickly obtaining employment in a nearby area. Not so in the current economic climate. When just about every school in any given county is either laying off workers outright, utilizing natural attrition and/or making other significant cutbacks, those replacement jobs are few and far between. Thus, workers aren't going so quietly.
- More scrutiny at the hearings has been placed on following policy and procedure than on whether the cutbacks themselves are actually necessary. This is a no-brainer, but still worth mentioning. Each

previous year, in at least one RIF hearing I've been involved with, the employee's union rep or attorney has questioned—sometimes successfully, sometimes not—whether the district actually needed to RIF at all. This year, there hasn't been a single peep in that direction. Instead, the focus has been entirely on whether or not district policy and procedures were followed. It's hard to argue that money is plentiful when budget woes are front-page news just about every day.

- More complex and thought-provoking issues with respect to tenure/seniority have come up in RIF hearings this year than in years past. For example, does a contract that begins one week after teachers report to work for in-service, and two days after students begin classes, count as a "complete" school year for tenure purposes? The relevant AG opinion only tell us that "consecutive, complete school years refers to successive years for the designated number of days that school will be in session beginning with the day instruction is offered." After hours of agonizing, this board concluded that it was *not* a complete school year and that the teacher therefore did not have career status.

Another interesting RIF hearing involved the issue of whether a teacher taking retirement constitutes resignation as well—and therefore a loss of career status—when a board hires the retired teacher back the next school year. In this situation, the board had offered an early retirement incentive a few years ago. One teacher who took this incentive and retired was rehired the next school year, albeit half-time and in a different teaching capacity. Upon notice this year that he was to be RIFfed (as a second-year probationary teacher), he argued that he should bump someone else because he had kept his career status. According to this teacher, he didn't resign—he just "retired" (for TRS purposes) and went back to work after the summer break, thereby never surrendering his tenure. The board (three of whom were also on the board back when the teacher retired) disagreed, concluding after a long deliberation that the teacher's acceptance of the incentive amounted to not only a retirement but also a resignation from employment—the subsequent rehiring notwithstanding. This was a particularly dicey issue because the "break in service" for the teacher between pre-retirement and post-retirement employment occurred during the summer months as opposed to during the contract year. Several other factors—such as lack of clear documentation of the parties' intentions, some conflicting information communicated by the former superintendent, etc.—complicated the matter as well.

In the end, how did your district fare? Now that the budget has been agreed upon by the legislature, do you think you RIFfed too much? Not enough? Do you suppose we'll see this much cutting of staff next year? It has certainly been a wild ride. We're probably all ready for a little bit of a break!

2010-2011 OROS Officers and Directors

The officers and directors of OROS are gearing up for another great year for the organization. The new officers and directors are in place and plans are being made at this time for the coming events of the organization. Phillip Ratcliff, Superintendent of Davidson, will be the new president of OROS and brings a good deal of experience to the office of president. He has served many years on the OROS Board of Directors as well as serving on various other boards that involve the rural schools of Oklahoma. We look forward to his tenure as president of our organization. All the new officers and directors are as follows:

2010-2011 Officers & Directors

President	Phillip Ratcliff
President-Elect	Jim Lamer
Treasurer	Bob Bush
Past President	Don Ford
Executive Director	Perry Willis
OROS Attorney	Terri Thomas

BOARD OF DIRECTORS

Southeast

Jay McAdams	Kingston	2 yr term
Terry Grissom	Asher	3 yr term
Tony Potts	Pittsburg	1 yr term

Southwest

Kevin McKinley	Bray-Doyle	2 yr term
Donny Darrow	Elmore City-Pernell	3 yr term
Robert Trammell	Snyder	1 yr term

Northeast

Max Tanner	Central	2 yr term
Jerry Needham	Oktaha	3 yr term
Lawrence Barnes	Vian	1 yr term

Northwest

Jim Lamer	Garber	2 yr term
Scott Kinsey	Beaver	3 yr term
Dale Ross	Waynoka	1 yr term

At-Large

Open		1 yr term
Eddie Coleman	Kiamichi Tech Center.	1 yr term
David Lassiter	Allen	1 yr term

Associate Members

Stephen McDonald & Associates
 2200 McKown Drive
 Norman, OK 73072
 405-329-0123

Kerry Patten, CPA
 2101 N. Willow Ave.
 Broken Arrow, OK 74012
 918-250-8838

Sexton & Sexton School Supplies
 P.O. Box 346
 Apache, OK 73006
 1-800-657-7273

Mass Group Marketing
 HC 79 Box 459
 Hugo, OK 74743
 580-326-2705

Barlow Ed. & Manag. Services
 2801 N. Lincoln Blvd
 Oklahoma City, OK 73127
 405-495-1911

Pettyjohn Financial Group, Inc.
 5174 Silo Road
 Durant, OK 74701
 580-920-4572

Kellogg & Sovereign Consulting
1101 Stadium Drive
Ada, OK 74820
580-332-1444

The Learning System
3501 NW 63, Ste. 115
Oklahoma City, OK 73116
800-7363658

Chas. W. Carroll, P.A.
114 E. Broadway, Ste 805
Enid, OK 73701
580-234-5468

Municipal Accounting Systems
P.O. Box 1325
Shawnee, OK 74802
405-275-4349

OK Association for Pupil Transportation
P.O. Box 1626
Guthrie, OK 73044
405-514-4606

Oklahoma Schools Insurance Group
P.O. Box 3068
Tulsa, OK 74101
918-688-1056

Government Capitol Corp.
345 Miron Drive
Southlake, TX 76092
800-883-1199

Southern Financial Group, Inc.
301 West Main Street, Ste 520
Ardmore, OK 73401
580-490-9094

Lierman Graduate Services/Josten's
5829 N.W. 40th Street
Oklahoma City, OK 73122
405-789-2052

Service & Funding Group, Inc.
301 W Main, Ste 510
Ardmore, OK 73401
580-490-9094

Webmasters
882 Manini Way
Diamondhead, MS 39525
228-533-2121

Okla. Schools Risk Management
2801 N. Lincoln Blvd., Ste 219
Oklahoma City, OK 73105
800-973-3023

Okla. School Assurance Group
P.O. Box 18858
Oklahoma City, OK 73154
800-699-5905

ARBO Enterprises, Inc
5017 N. Rockwell
Bethany, OK 73008
405-787-3902

ADPC
P.O. Box 592
Ponca City, OK 74602
580-762-6376

Blunck Studios, Inc.
228 West Main
Moore, OK 73160
405-794-7748

Professional Oklahoma Educators
P.O. Box 667
Norman, OK 73070
405-321-3175

Twotrees Technologies
7701 E. Kellogg Drive, STE 610
Wichita, KS 67207
918-270-7122

J & J Educational Services
30742 S. Lona Valley
Kinta, OK 74552
918-469-2656

Boynton Williams & Assoc's., Inc
900-36th Ave. NW, Ste 100
Norman, OK 73072-4187
405-329-0423

BRB Roofing & Mfg.
1726 N. Green, Ste 900
Purcell, OK 73080
405-527-2726

American Bus Sales
8 S. Atlanta, Ste B
Owasso, OK 74055
866-574-9970

BYTESPEED, L.L.C.
3131 - 24TH Ave. S
Moorehead, MN 56560
877-553-0777

Parsons Commercial Roofing, Inc
P.O. Box 21835
Waco, TX 76702
254-881-1733

Midwest Bus Sales
P.O. Box 338
El Reno, OK 73036
405-262-1044

American Fidelity Assurance
7510 N. Broadway Ext. Ste 202
Oklahoma City, OK 73116
405-416-8810

Document Imaging Solutions
P.O. Box 470646
Tulsa, OK 74147
918-664-8800

Justin Walker, CPA
P.O. Box 7
Caney, OK 74533
580-889-3713

The Interlocal Purchasing System
P.O. Box 1894
Mt. Pleasant, TX 75456
866-839-8477

Treat's Solutions, Inc.
300 E. Arlington
Ada, OK 74820
580-332-8861

OASIS
4002 Eagle Crest Drive
Muskogee, OK 74401
918-465-7001

Ross Transportation, Inc
2500 South Meridian Avenue
Oklahoma City, OK 73108
405-681-6691

Primary Insurance for Education
P.O. Box 190
Paris, TX 75461
903-783-1400

Lifetouch National School Studios
7801 N. Robinson, Ste. DF
Oklahoma City, OK 73116
405-340-8363

Romaine Companies
132 Tomahawk Blvd
Cadiz, KY 42211
270-522-7818

Smart Technologies
20 S. Clark St., Ste 1950
Chicago, IL 60603
918-640-8477

CNET Security & Cable, Inc.
151 N. Cedar Branch Way, STE 107
Mustang, OK 73064
405-376-6644

Carrier Commercial Service
315 Hudiburg Drive
Okla. City, OK 73108
405-951-6700

Perry Willis Comments

Invoices have gone out for next year's membership renewal, so don't forget to renew your OROS membership. Our membership has remained very steady for several years, hovering around the 400 mark each year, making us a viable organization. It is very important to renew your membership in order to keep a strong voice for rural education. It could be more important now than ever to keep this organization strong as talk of consolidation and combining administrative positions get stronger each year. Our numbers have been an important part in our voice at the Capitol. If our numbers go down, we will lose our strength. I would encourage each of you to find a way to renew your membership and even encourage your non-member neighbors to join OROS next year. If you take advantage of the benefits offered by OROS over a school year, you will receive more than your membership dues. The school board policy book alone is worth more than your annual dues. The services of an attorney for our members has been another very successful endeavor of OROS and our increased presence at the Capitol during the legislative session has given better coverage of committee meetings and other legislative functions. We can remain a strong voice for rural education, if we will stay united in our efforts. If you have lost or misplaced your invoice and need another one, just give me a call or e-mail me at perryw@hughes.net and I will send you another one.

We just completed our second year of e-mailing the newsletter and it seems to have worked well with our member districts. Everything I heard was positive. We had better results of getting the e-mail addresses of our superintendents this year but still have some problem when superintendents change school districts. Be sure you fill out the information that was requested on the membership form that accompanied the invoice.

The OROS school board policy updates are in the process of being revised or developed as the case may be by our attorney. As soon as she has them completed they will be sent by e-mail to our member districts. It takes some time after each legislative session to determine what policy changes need to be made as a result of new or amended laws. At times a complete new policy must be developed to meet the demand of the law.

The OROS Fall Conference will be held on October 14-15 and will again be held at the Clarion Meridian Convention Center in Oklahoma City. The online registration worked real well last year and will be activated for this year in the near future. So be sure to mark your calendar for this event.

O.R.O.S. is pleased to sponsor a new Property & Casualty program to its membership. Our initial schools have already received their quotes, and have seen significant savings in their Property and Casualty coverage. The savings have ranged from approximately \$ 4000.00 to \$ 18,000.00. We anticipate that this trend will continue. For an opportunity to participate in this program, please forward the above information by fax as soon as possible. We will provide you with a quote as timely as we possibly can, as you consider your budgets for the upcoming year. Please send your Request for Proposal packet to:

Oklahoma Schools Property Casualty Cooperative
5030 N. May Avenue, Box 106
Oklahoma City, OK 73112
Or fax to: (903) 784-2895

OROS CALENDAR

THE BOARD DOES NOT MEET IN JULY

**OROS Board of Directors Meeting
August 18, 2010
OSSAA Building
Oklahoma City, OK
10:00 A. M.**

**OROS Board of Directors Meeting
September 22, 2010
OSSAA Building
Oklahoma City, OK
10:00 A. M.**

**OROS Fall Conference
October 14-15, 2010
Clarion Meridian Convention Center
Oklahoma City, OK**

**DON'T FORGET TO RENEW YOUR MEMBERSHIP. IF YOU NEED ANOTHER INVOICE,
JUST GIVE US A CALL AT 580-889-7172 OR E-MAIL ME AT perryw@hughes.net .**