

EDUCATION MATTERS

A publication of the Association of American Educators Foundation



TAKING YOUR PROFESSIONALISM
to **New Heights**
in the **New Year**

Happy New Year

from AAE



IN THIS ISSUE

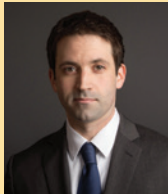
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FROM THE LEADERSHIP AND BOARD
OF AAE AND AAE FOUNDATION

End of Year Message

This has been another year of challenges facing educators, students, and families. Although many routines and rhythms throughout the school day have returned and schools remain open, the lasting impact of the pandemic and school closures is undeniable. Add to this the strain caused by staffing shortages and asking our educators to do more than ever before. Learning loss was demonstrated in dismal NAEP scores. It is certain there are years of hard work ahead to address learning loss and recover the gains in student achievement.

That all sounds like bad news, and it is, but there is good news, too. Educators are rising to the challenge. That is what educators do, they show up for their kids. Communities need to reevaluate how we support educators and what we ask of them, but we can never question their passion or commitment to students. We at AAE see members throughout the country showing up every day for their students. We see educator ingenuity in grant applications nationwide, educator devotion in our member's advocacy work, and educator resolve in legal matters we handle daily.



I am humbled and impressed by how our members continue to set the bar high as both educators and lifelong learners. They strive for excellence in themselves and in the best educational outcomes for their students. It is clear that the challenges schools face today and the pace of change in the future will require the greatest level of professionalism and the consistent support and protection of a professional association. We have and always will be that trusted partner in each member's educational journey.

Colin Sharkey, Executive Director, Association of American Educators and AAE Foundation

As we enter the second half of this school year and welcome in 2023, the work that lies ahead may appear daunting. Skilled professionals throughout our education system are committed to educating our children and preparing the next generations of our society. We are proud to stand with them.



I want to add my words of gratitude for our educators to those of parents and students across our beautiful country. I appreciate each educator who chooses to partner with parents to benefit students, who leverages education's promise to improve conditions for the next generation, and who patiently builds a legacy of optimism, hope, and triumph.

DeLaina Tonks, Ph.D., Chairman, Association of American Educators and AAE Foundation

We at the Association of American Educators look to this new year with anticipation and optimism. Year after year, your faith and trust in choosing us as your professional association mean more than you know. As we welcome thousands of new members in 2022, we look forward to providing enhanced benefits, even stronger protection, resources, and more, as well as listening to your needs to help you flourish in your profession and serve your educational community. We wish you a Happy New Year. ■

FOCUS ON FELLOWS

Meet the AAE Foundation Advocacy Fellows for 2022–23

The Association of American Educators Foundation is excited to welcome our newest cohort to the AAEF Advocacy Fellowship Program! AAE and AAE Foundation support educators in leveraging their voices and unique experiences to make lasting changes in our profession. During this school-year-long experience, AAE Foundation will foster our new fellows' advocacy skills and knowledge, amplifying the impact in their communities.

These individuals have committed to a student-oriented teaching profession that is well respected and personally fulfilling. Their choosing to participate in this program will position fellows as critical commentators and notable experts in the education policy and advocacy space. Fellows will write and publish articles, meet with legislators, organize their colleagues and communities for action, testify before decision-makers, and much more. Please join us in welcoming our 2022–2023 AAEF Advocacy Fellowship Cohort!



GA 

JASON ALLEN has been a teacher and leader serving students, families, and communities for more than fifteen years. He began as an ELA teacher and most recently served in school administration. The disproportionate number of Black boys in special education expelled from

school led him to return to the classroom as a special education teacher to make a bigger impact. He also blogs and speaks as an advocate for all students.



ID 

AUSTIN AMBROSE serves as a third grade teacher at Gem Prep: Nampa, Idaho. As a 2017 corps member of Teach for America Idaho, Austin entered Gem Prep: Nampa in its second year as a school. Prior to moving to Idaho, Austin studied journalism at Ohio University in their

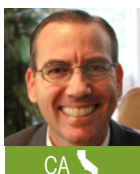
Honors Tutorial College.



GA 

TERRANCE ANFIELD is originally from Stockton, California, and is a graduate of Bethune-Cookman University's Psychology department. An educator for more than ten years, Cedric currently teaches kindergarten at Atlanta Unbound Academy, a charter school in College

Park, Georgia.



CA 

BRIAN BEZNER is a native of California. He began teaching in 2007, teaching seventh-grade world history and eighth-grade U.S. history. From 2010-2012, Brian was the Dean of Discipline and had a 54% and 58% drop in the suspension rate. Currently, Brian teaches high

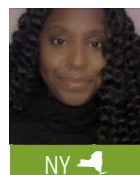
school and middle school geography, world history, AP world history, government, economics, and ethnic studies.



NC 

JAMIAL BLACK is a native of North Carolina and attended Wake Forest Rolesville High School, a school of distinction in the Wake County Public School System that he now advocates for and supports in his role as an educator. He graduated from East Carolina University (Class

of 2011) and has served in various educational roles across the country. Since his youth, Mr. Black has been passionate about facilitating change and addressing the growing plight at-risk and marginalized students face daily.



NY 

NIJHA BODDIE was born and raised in Queens, New York City. She is a first-generation college student who earned her Bachelor of Arts in liberal studies degree at CUNY-Medgar Evers College. She is pursuing a Master's Degree in educational studies while working in the

NYC DOE as an English Language Arts teacher. Nijha is a goal-oriented enthusiast who loves nurturing, inspiring, and encouraging her students to reach their fullest potential one step at a time.



AR 

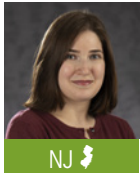
CRYSTAL CARRANCO resides in Central Arkansas. She is the Assistant Principal at Stagecoach Elementary in Cabot, Arkansas. In this role, Crystal is growing as a leader by supporting the principal in all areas while building relationships with all stakeholders

to maintain a positive culture with laser-like focus on student achievement. Among other things, she supports teachers with curriculum implementation and data decimation, co-facilitates team meetings, serves as the 504 coordinator, and provides instructional coaching based on student data.



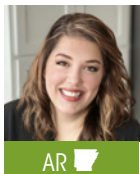
GA

SEMAJ COLLINS is a second-year educator in Clayton County, GA, where he also received the majority of his K-12 education. He teaches elementary level social studies and science. He received a Bachelor of Arts in political science degree with a minor in psychology in 2021 from Alabama Agricultural & Mechanical University. Semaj is actively pursuing a Master of Arts degree in teaching.



NJ

ASHLEY DELANEY is an art educator at Fair Lawn High School in New Jersey. In this role, she is responsible for teaching high school visual arts courses and celebrating students' creative exploration through art showcases. She also advises Fair Lawn's chapter of Future Business Leaders of America (FBLA) and co-advises the American Sign Language (ASL) Club. As an Alumna of Montclair State University's College of Education and Human Services, Ashley studied inclusive education approaches for students with disabilities through the application of Universal Design for Learning.



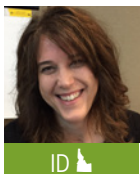
AR

KRISTINA EISENHOWER has been privileged to work with students and teachers in a variety of K-6 settings in her fifteen years as an Arkansas educator. She has worked as a classroom teacher, math interventionist, dyslexia interventionist, and PreK-4 instructional coach. Currently, Kristina works in the elementary setting as an instructional coach for PreK-4 teachers and students. Her goal is to create an academically engaging learning environment through innovative strategies, collaboration, and developing teacher capacity with student achievement at the forefront.



SC

MICHELLE FAUST spent fourteen years in the classroom before becoming a literacy coach. She taught grades ranging from second through fifth, but third grade will forever hold her heart strings. She was a former team leader, yearbook creator, and Girls on The Run coach. She has served her district as a science liaison as well as a public relations liaison.



ID

CHRISTINE IVIE has more than twenty-five years of experience in education and administration, focusing primarily on comprehensive reform, school improvement, and school choice with a particular emphasis on serving students from high poverty, rural communities. She previously served as chief of education for the National Aeronautics and Space Administration (NASA) Ames Research Center, deputy superintendent for the Idaho Department of Education, and chief elementary and secondary academic officer for the Idaho State Board of Education. Dr. Ivie has served as a teacher, counselor, principal, special education director, superintendent and board member in traditional public and public charter school districts.



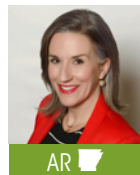
CO

STEPHEN PARCE is the principal at Denver Justice High School in Denver, Colorado. Stephen has worked at this alternative education public charter school for the past five years helping their students to complete their studies toward a high school diploma while planning for their post-secondary pathway. He is a Colorado native, a twenty-five year educator, and the fourth generation of educators in his family.



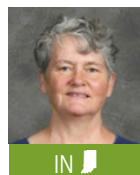
KS

KIM RING is a high school science educator at Eureka Jr/Sr High School in Eureka, Kansas. A veteran educator with more than twenty years of elementary and middle school experience, she is in her seventh year of teaching high school science at Eureka. Kim holds a Bachelor of Science in elementary education degree from Northwestern Oklahoma State University, a Masters in science education K-8 degree from Walden University and a Doctorate in organizational leadership.



AR

JESSICA SAUM is a native of Columbia, South Carolina but calls Sherwood, Arkansas home. Currently, she serves as Arkansas State Teacher of the Year. Prior to this role, she was a self-contained special education teacher at Stagecoach Elementary School in Cabot, Arkansas, teaching students in kindergarten through fourth grade. She graduated in 2011 with a Bachelor of Science in Education in Early Childhood and Special Education degree from Arkansas State University. She subsequently received her Master of Science in Education in 4-12 Special Education degree and completed the Special Education Director graduate certificate program in educational leadership also from ASU.



IN

JOAN WALDEN is a teacher in Hamilton County, Indiana. Working with and advocating for students and their families are what she values most. Joan works closely with families to ensure a viable home/school connection, and to better know and serve her students. Joan serves as a coach for Girls on the Run, Inc. This is Joan's second year as an AAEF fellow.

**INTERESTED IN ADVOCACY
but not ready yet for a Fellowship?**



LEAP program is coming soon!
Contact Kira Tookes at kira@aaeteachers.org

Copyright Law and the Classroom

A *AE members reach out to Legal Services for a variety of reasons. One particular member asked to share his experience with you in hopes that you could avoid the situation he unknowingly encountered...*

Who among us has downloaded a Google image for a PowerPoint presentation? Maybe you have copied and pasted a comic, funny picture, quote, or image to grab your students' or audience's attention. I certainly have, and my actions cost me. In 2007, I presented nationally on a healthcare topic, about which I am quite passionate. Being an educator, I proudly shared a PDF of this presentation on my website for the world to see.

This summer, I received a letter from a company representing two publishers. The letter claimed that four images in my presentation violated copyright law. The letter showed the photos and the exact file location where they were found. Not only did this company demand the immediate removal of the images from my website, they demanded approximately \$2,000 for using these images over time. I thought this was a fraud. A search of the web for PicRights.com and a free fifteen-minute consultation with a lawyer revealed that, although less than ethical, this is real, legitimate, and not to be ignored. This practice is known as copyright trolling.

Copyright trolls are companies that may contract with creators to find copyright infringements on the internet. Their "bots" comb the web for images and then attempt to reclaim fees from unauthorized users unless the user can produce proof of payment for the copyrighted material. These trolls retain legal counsel and threaten to escalate the violation if their fees are not paid (Eckhause, 2022). The trolling companies claim to protect the good guys, the copyright owners, and in some instances, they may. However, like most legal issues, the devil is in the detail, and their "shoot first, ask questions later" tactics are less than above board in many cases. When you ask if the image is registered, they will inform you that copyright is automatic and only needs to be registered before filing a lawsuit, which is true (Eckhause, 2022). Pay up or go to court and risk a hefty fine.

The Detail

Congress passed the Digital Millennium Copyright Act (DMCA) in 1998 to address the rapidly evolving digital world. The DMCA are laws regarding the use of copyrighted material on the web. This Act has a "no harm, no foul" specific takedown request procedure for removing copyrighted content. These procedures generally favor those who cannot afford the fees required to purchase content or are unfamiliar with copyright laws and made the mistake of posting copyrighted content. However, there will always be entities on the fringes of the legal system willing to profit off well-intended ignorance. With so much educational content on the web, temptations are too great. After all, who would sue a teacher with nothing but honorable intentions?

An actual copyright troll abuses the DMCA. Under the U.S. Copyright Law Title 17, § 512(f), should a copyright holder request a takedown in bad faith, specifically, "If the copyright holder does not consider 'Fair Use' before sending the takedown notification, then the copyright holder, according to the Ninth Circuit, (the copyright holder) may be liable for damages..." (Lenz, 815 F.3d 1151: 9th Cir. 2016).

"Fair Use" is the use of copyrighted material that does not violate copyright law. For example, "(1) performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work..." is fair use (17 U.S.C. § 110(1)). Of course, Title 17, the copyright law, is an expansive and detailed legal manuscript, yet it is generally accepted that the following uses of copyrighted material summarize fair use (copyright.columbia.edu):

1. Teaching
2. Scholarship and Research
3. Reporting
4. Criticism

Therefore, a copyright owner or representative needs to make "...a subjective good faith belief that (fair) use is not authorized" (Rossi, 391 F.3d 1000: 9th Cir. 2004)

before sending you a takedown notice, or in my case, legal extortion letter.

Should the laws mentioned above make educators feel better about that Google image found in your PDF on the web? Probably not. A copyright troll can legally extort anyone who uses copyrighted content, and fair use would have to be argued in court, which can be expensive. You have choices:

1. **Do nothing and hope they go away, but this could be a gamble.** If the troll does escalate your infringement to their law firm, your lawyer fees may exceed the amount requested by the troll. They may try to intimidate you with potential fines in the five to six digits, which are accurate, but only in the rarest and most egregious cases (Eckhause, 2022).
2. **Pay the troll, which is a tough pill to swallow.** Get some legal advice to ensure you are paying a legitimate company. If this is your selected path, some say attempt to bargain the troll down. A few episodes of *Pawn Stars* may prepare you for the haggle. The troll will make no guarantees about future or other images that may still be on the web, and now you are an identified payer.
3. **Get legal representation.** A lawyer may be expensive and make no guarantees about your eventual payout for the content or outcome should this become a lawsuit. It is reasonable to assume that this choice is the safest, although potentially costly, method for dealing with trolls.

Eckhause (2022) recently published a novel study regarding this very topic. This one-year analysis examined the demographics of copyright infringements. These data are promising in that very few lawsuits were filed against individuals. The overwhelming majority (97%) of copyright lawsuits were brought against businesses. Although this is only one study over one year, this encouraging research may put the trolls back under the bridge where they belong.

As an educator, I recommend doing your homework. Is your learning management system (Blackboard, Canvas, etc.) a protected space? Did the conference you presented at years ago ask you to share your presentation with the membership? As a healthcare provider, I also recommend prevention. Clean the web of anything questionable. Consider how much of a web presence is necessary for your happiness and success. Do not use an image that is not yours or pay for the content initially. Do not be a victim of a copyright troll like me.

Victor's experience is not as uncommon as you might think and we hope that the information he has shared with you will help you avoid copyright legal pitfalls in the future. As always, do not hesitate to reach out to the AAE Legal Services team for any reason. ■

Eckhause, Melissa, *Fighting Image Piracy or Copyright Trolling? An Empirical Study of Photography Copyright Infringement Lawsuits* (June 2, 2022). Albany Law Review, Vol. 86 (Forthcoming), Available at SSRN: <https://ssrn.com/abstract=4126676> or <http://dx.doi.org/10.2139/ssrn.4126676>



Sharon Nelson is the senior director of legal services for the Association of American Educators. In this capacity, Ms. Nelson oversees AAE's legal services team and works daily with members and panel counsel to address members' legal concerns. A passionate advocate for educators, Ms. Nelson has been a lawyer focusing on employee rights issues for more than twenty years.



Victor Liberi, MS, AT, ATC, CSCS, OPE-C, has been with Adrian College in their athletic training program since fall 2009. He earned his MS degree in Biomechanics at University of Delaware, Newark. In his thirty years as an athletic trainer, Professor Liberi has worked in every level of athletic training (pro, collegiate, and high school). He was even a member of the 1993 National League Champion Philadelphia Phillies as a minor league athletic trainer.

AAE LEGAL SERVICES

Receive caring, professional support and direct contact with our legal team for confidential advice with no conflicts of interest.

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AAE FOUNDATION SCHOLARSHIP WINNER PROFILE

Project-Based Learning Made Possible Through AAE Foundation Scholarship



Fifth-grade educator Lorna Maxwell received an AAE Foundation Scholarship to advance her knowledge and training in the practice of Project-Based Learning (PBL). As a veteran educator, she has long been interested in introducing PBL to her students and fully incorporating it across various subject lesson plans.

“I attended the three-day Open Online Workshop presented by PBLWorks (pblworks.org) on August 9th through 11th, 2022. The instructor for this course was Amal Giknis. This course provided a very thorough introduction to Project-Based Learning (PBL). During the course, I learned what PBL is, and how to design, assess, and manage effective standards-based projects in my classroom.

I have been interested in Project-Based Learning for many years. I thought I was using this methodology whenever I would have my students complete a project at the end of any given teaching unit. However, as I have learned through this course, PBL is much more than just a culminating activity. PBL is a learning process that engages students in problem solving and critical thinking. It allows students to become active learners as they engage in rigorous and challenging activities that utilize basic academic skills in cohesive and meaningful ways. It allows for student voice and choice, which is motivating and fun! My fifth graders will benefit extensively from this style of learning.

The funding spent on this professional development has been extremely worthwhile! I have learned how to implement this exciting and engaging technique

into my classroom, and I also have already created my first ready-to-use social studies project for my fifth-grade classroom that I will implement during the upcoming school year (with more to come!)

I highly recommend this workshop to anyone who is interested in Project-Based Learning. This course provides the basics and gets teachers up and running. I feel confident that I can go back and share my newly-acquired knowledge with my team at school and that we can implement this strategy during the upcoming school year.

I would like to thank the AAE Foundation for awarding me with the scholarship which made it possible for me to attend this outstanding workshop. I am excited to share Project-Based Learning with my students and my colleagues, and am especially looking forward to implementing the project that I created during my attendance.”

AAE Foundation awards tens of thousands of dollars in grants and scholarships twice a year through its National Teacher Scholarship and Classroom Grant Program. Several AAE state chapters also offer bi-annual scholarship and grant programs. Visit aae.org/awards for more information. ■



Lorna Maxwell teaches fifth grade at White Oak Elementary in Westlake Village, California. She also serves as the grade level lead and the school technology mentor. Ms. Maxwell has been teaching in the California public school system for thirty-four years. Her classroom webpage is The Jedi Academy, <https://bit.ly/3PcXwMO>.

Better Note Taking

Taking notes is a ubiquitous classroom exercise from the time a student first learns to write until that student walks across the graduation stage. Even in classes that pride themselves on inquiry or project-based learning, note taking still occupies at least some class time. Through note taking, we hope to encourage students to pay attention during direct instruction or reading and provide them with a tool they can use for studying or during assignments. The problem is that students seldom open their notes later and the very act of writing notes may distract students from absorbing information during a lecture.

In the book, *Building Thinking Classrooms in Mathematics*, the author Peter Liljedahl worked with hundreds of mathematics teachers across all grade levels. Using a systematic, iterative, and data-driven approach, he tweaked teaching strategies in those classrooms until he found the method that most positively impacted student performance. Much of his work is applicable mostly to mathematics classes, but some techniques have a broad application to all grades and classes. His findings on student note taking is one of the latter.

What the Research Says

Liljedahl found that most common methods of student note taking, such as copying off the board, filling in the blank, or guided reading notes did little to impact student learning and many times the activity of taking notes kept students from paying attention to the material. When copying from the board, about half of the students began lagging behind the teacher and had to choose between continuing to copy notes or to stop writing and pay attention. Using fill in the blanks or guided note sheets clued students in that so long as they got the key word or words, they didn't have to pay attention to anything else — so they didn't.

Liljedahl began by having teachers set aside ten minutes at the end of a lesson or activity to write notes to their “future forgetful selves.” This gives students ownership of the note taking process while at the same time providing a time to consolidate the material. They also pulled out the notes three weeks later for studying and adding information they thought was important. This method worked well but some students still needed more scaffolding, especially in middle school and ninth grade.

Surprisingly, more elementary students took to this practice than this older group.

Liljedahl then experimented with various graphic organizers to help students hone in on the types of notes they should be taking. These graphic organizers tried to guide students by limiting space (making them identify the most important information), providing subtopics they should be taking notes on, or providing a way for them to pull out the most important information from a lesson or unit.

Through the use of these graphic organizers along with setting aside time for individual note taking, nearly all students took and used notes during the learning process.

Teachers should focus on providing our students ownership of the note taking process.

How to Use This Information

As teachers, we very much want our students to take effective notes and worry about what will happen if they don't have a certain piece of information. This book seems to indicate that we should focus less on that and more on providing our students ownership of the note taking process. Even if their notes aren't perfect, the mere fact that they sat down and wrote them helps with the learning process.

To help build that ownership and to teach note taking skills, we can teach students to think of their future selves and what they will most need to remember. We can also use graphic organizers with limited writing space to help students identify important information in the note taking process. ■

Read More: *Building Thinking Classrooms in Mathematics, Grades K-12*, Peter Liljedahl, Corwin, 2021



Melissa Pratt is AAE's director of professional learning. She is responsible for creating and managing programs that help AAE members increase their professional capacity. Prior to AAE, Melissa taught science and social studies to middle school students in both public and private schools.



Wellness Priorities for the New Year

Mental Health Wellness Strategies

As a mental health therapist, I appreciate the concept of “mental health wellness.” The word “wellness” strikes me as hopeful and implies the focus is on well-being and striving for the maintenance of long-term healthy behaviors. There are so many strategies that can support a person in better managing their mental health.

Inspired by Psych Hub’s “Mental Health Wellness Tips” YouTube video (<https://bit.ly/3Y8OwMO>), let’s dig deeper into the following mental health wellness strategies!

Focus on the Positive

By focusing solely on the negative aspects of life, the positive emotions, thoughts, relationships, and experiences that exist can easily pass us by. Thus, acknowledge and show appreciation for the positive aspects of life as this can lead to more balanced thinking.

Here are some ways to think and behave in a more positive, optimistic way:

- Check your thoughts
 - » Frequently during the day, stop and evaluate what you’re thinking
 - » If your thoughts are mostly negative, try to find a way to put a positive spin on your thoughts
- Surround yourself with positive, supportive people
- Practice positive self-talk
 - » Don’t say anything to yourself that you wouldn’t say to someone else
 - » Be gentle and encouraging with yourself
 - » If a negative thought enters your mind, evaluate it rationally and respond with self-affirmations

The health benefits that positive thinking may provide include:

- Increased life span
- Lower rates of depression
- Lower levels of distress and pain
- Greater resistance to illnesses
- Better psychological and physical well-being
- Better cardiovascular health and reduced risk of death from cardiovascular disease and stroke
- Reduced risk of death from cancer, respiratory conditions, and infections
- Better coping skills during hardships and times of stress

Practice Gratitude

I have observed clients gain a sense of joy, comfort, and peace by acknowledging people or things they feel grateful for.

Gratitude is “a sense of thankfulness and happiness in response to receiving a gift, either a tangible benefit (e.g., a present, favor) given by someone or a

This article is not a substitute for professional mental health services.

If you or your loved one is struggling with mental health concerns, please contact a mental health provider for consultation.

fortunate happenstance (e.g., a beautiful day)” (APA Dictionary of Psychology).

There are various ways to cultivate gratitude:

- Express gratitude verbally or through writing and art
 - » Write a gratitude letter for yourself, a loved one, a family animal, etc.
 - » Keep a gratitude journal
 - » *Challenge yourself to come up with 3 things you are grateful for every day*
 - » Create or craft something that signifies who or what you are grateful for
- Engage in prayer or meditation
 - » People who are religious or spiritual can pray to cultivate gratitude
 - » Practice mindfulness meditation by shifting your focus from your thoughts to pleasant sensory experiences happening at the moment
 - » *Express gratitude for these sensory experiences*
 - » *Bring to mind people you are grateful for in your life*



- Notice what you feel holding these people in your awareness

less personal forms of communication such as text messaging and email

Connect with Others

There is so much healing that can happen by having and maintaining positive, warm relationships with others. In contrast, a lack of social connection can lead to feelings of loneliness and isolation. Loneliness is associated with a variety of mental health (e.g. depression) and physical health disorders (e.g. coronary heart disease, hypertension) (Mushtaq et al., 2014).

How can relationships with others be strengthened?

- Seek a more personal connection when possible
 - » Meet with people in person instead of through other

- Engage in mutually enjoyable activities together
 - » Walk together in the park, enjoy a tasty treat together, play a board or card game, or listen to a podcast together and discuss

Maintain Physical Health

Maintaining physical health is so important for your mental health and overall well-being. When thinking about how the mind and body are intertwined, consider the effects of stress. For example, stress can cause anxiety and overwhelmed feelings (impacts on the mind) and lead to headaches or muscle tension (effects on the body).

FOR MORE

Check out our new resource on the AAE PD Portal:

Recovery from Trauma Database
at <https://bit.ly/3uA0n9e>



Here are a few strategies to maintain or improve physical health:

- Eat wholesome, nutritious foods
- Hydrate
 - » Keep a water bottle nearby and drink water throughout the day
- Move your body
 - » Opt for the stairs instead of the elevator
 - » Take phone calls while walking
 - » Go for a walk, bike ride, or other enjoyable physical activity
- Prioritize sleep
 - » Develop and practice a bedtime routine or ritual
 - » *This may include disconnecting from electronics, taking a bath or shower, listening to relaxing music or meditation, etc.*

Apply Mental Health Wellness Strategies Today!

Thank you for taking the time and effort to dive deeper into various mental health strategies. This is a small, but important step towards prioritizing your most valuable asset — you! It is important to keep in mind that although mental health strategies are wonderful



tools, they are not a substitute for professional mental health services. Read on to learn more.

Seek Professional Mental Health Services

Mental health services such as counseling and psychiatry can help you or your loved one improve your well-being.

If you or your loved one are in crisis, 911 can be contacted for medical emergencies and 988 can be contacted for mental health emergencies.

For a non-emergency situation, it is best to seek professional medical and/or mental health care. If you have a positive relationship with your primary care physician or

other physicians, ask them for a referral for mental health services. If your child is seeing a pediatrician, ask them where they can go to receive mental health services. It may also be helpful to consult with your insurance provider to determine which mental health services they will provide coverage. ■



Melissa is a licensed mental health counselor (LMHC) with care delivery, volunteer, teaching, and research experience within the field of psychology. Melissa's

passion for aiding others first ignited when she began volunteer work at a domestic violence shelter during her undergraduate years at Indiana University. Since that time, Melissa has earned a master's in Clinical Psychology degree at the University of Indianapolis, gained clinical experience as a mental health therapist in both inpatient and outpatient settings, and taught introductory psychology courses at the community college level.

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YOU ARE THE INSURED



Understanding Your Professional Liability Insurance Policy

You already know that your membership offers you superior protection through a professional liability insurance policy in your name. Here are three key things you should also know about *your* professional liability policy.

1) What types of situations are covered?

Many situations can give rise to a claim that triggers liability benefits. Here are just a few examples of situations that may result in coverage from your liability policy:

- Injuries to students under your supervision — if you supervise a student who you know has threatened harm to other students or actually previously caused injuries to other students and that student injures other students in your care, you may have claims made against you by the parents or guardians of injured students. The liability policy may provide coverage for you in situations like this.
- Failure to educate — educators have faced lawsuits alleging they failed to follow curriculum, provide proper instruction, or SPED services. These types of claims may also trigger your liability policy.
- Violation of students' civil rights — many of you have heard of parents, guardians, or advocacy organizations filing a suit alleging a violation of civil rights. With claims such as these, the liability policy is usually impacted.
- Hiring unqualified persons - many states allow for lawsuits accusing an administrator or supervisor of failing to hire individuals who are not qualified. These types of lawsuits often allege nepotism, incomplete or non-existent background checks, or that the target of the lawsuit ignored information or warning signs indicating the person hired was not qualified. Allegations like these are harmful and hurtful. A personal liability policy can often provide you with significant support through the pendency of the lawsuit.

- Failure to promote students or grant credit — many of you have faced allegations where parents or guardians allege a grade was improper, discriminatory, or retaliatory. Most situations like this resolve pre-lawsuit, but when legal action is initiated and you are named in the lawsuit, your liability policy may help protect you.

2) What is the difference between the school/district insurance and the coverage included with AAE professional and student membership?

Your school district liability insurance policy is written in the name of the school district, which means it covers the district, not you. In certain situations, your district plan will not cover you, your attorney's fees, or the act that triggers a lawsuit. The district's policy must protect the district first and foremost. It is very prudent to have your own insurance policy naming you as the insured party. The peace of mind knowing that you are covered and protected is invaluable.

3) Why do I need another insurance policy?

A personal liability policy in YOUR name that protects YOU is vital. You insure your car, your health, your house and other personal assets acquired through years of investments and hard work. A professional insurance policy acts as a safeguard to protect your assets if you are sued as a result of an event arising out of your educational duties. The policy included with AAE professional and student membership protects your career, your livelihood, and you.

****DISCLAIMER:** Coverage decisions are made by the insurance company not AAE. While AAE does not make coverage decisions, it does assist members through the claims process, provides information, and documentation to the insurance company on the member's behalf and at all times advocates for the member.**



Welcome

NEW AAE STAFF



AMY JACKSON DOUGLAS
Director of Legal Services,
Arkansas State Teachers
Association (ASTA)

Pensions



Every educator deserves a retirement plan that allows them to retire from public service with security and peace of mind. However, it can be difficult to understand how the retirement savings plan you are enrolled in works, or the benefits and drawbacks of your plan.

There are two primary types of retirement savings plans: defined benefit and defined contribution.

A **defined contribution plan** is a retirement plan where employers and employees put money into a personal retirement investment account, and at retirement the balance of this account can be turned into guaranteed income, paid out as a lump sum, or distributed in payments. Examples of primary defined contribution plans are 401(k)s or 403(b)s.

Defined benefit plans, often referred to as **traditional pensions**, are retirement plans in which the employee is promised a fixed monthly retirement payment, based on their years of service, which is guaranteed for life.

What makes pensions unique is that the pension income amount stays the same even if the retirement system isn't keeping up with saving money to pay the benefit.

About 89% of educators have a defined benefit, or pension plan, so we will focus on those.

What makes pensions unique is that the pension income amount stays the same even if the retirement system isn't keeping up with saving money to pay the benefit.

Pension Benefit Formula

An employee with a pension plan is promised a guaranteed lifetime income at retirement, which is calculated by a formula.

Here is how the formula typically works:

$$\text{YOS} \times \text{Multiplier} \times \text{FAS}$$

Years of Service Number in % that the YOS are multiplied by Final Average Salary

In the formula, “**years of service**” is how many qualifying years a public worker has worked for their employer within the pension plan.

“**Final average salary**” is defined slightly differently from state to state, but always is a reference to the compensation amount that a pension will be based on. In most states, a final average salary is the average of the last five years of work, or the last three years. Other states use the three or five highest years of salary, rather than the years at the end of your career.

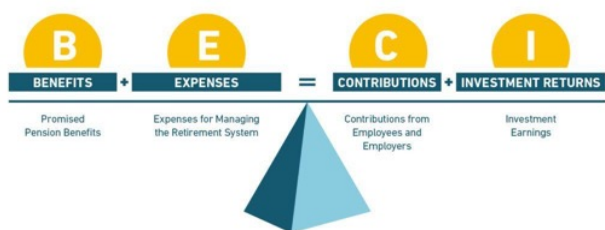
The “**multiplier**” in the formula is used to determine the percentage of final average salary that will be received as a retirement benefit.

A typical multiplier is 2%. So, if you work 30 years, and your final average salary is \$75,000, then your pension would be $30 \times 2\% \times \$75,000 = \$45,000$ a year. That \$45,000 becomes your guaranteed lifetime income.

In order to receive these pension benefits, the plans require vesting. A **vesting period** is the amount of time an employee must work until they qualify for pension benefits. If individuals enrolled in a pension plan leave employment before vesting, they are only entitled to receive back their own contributions.

How does a state, or the fund administering pension benefits, make sure it will be able to pay promised retirement income to public workers when they retire?

The answer can be boiled down into a simple idea: retirement systems work to make sure that contributions into the pension fund, plus investment returns on that money, match the value of benefits promised to public workers, plus expenses to run the pension plan in the first place. This is known as $B + E = C + I$, and it looks like this:



Funding a pension plan using this formula can be broken down into three basic steps.

Step 1 is estimating the value of all benefits earned for those receiving a pension. The result is the value of **Benefits**, and it is the first major component.

Of course, there are costs in running a pension fund that are separate from the benefits it's obligated to pay out. **Expenses** are usually a very small amount relative to assets the fund manages.

Step 2 in funding a pension plan is getting money into the pension fund. **Contributions** are the amount of money paid into a pension fund from public workers, employers, and other government sources. Actuaries make an assumption about how much these contributions will grow once they are invested.

Step 3 is simply earning Investment Returns. Once a contribution rate is set and that money is flowing into the pension fund, it is up to the pension board and investment managers to make sure that actual rates of return are at least as good as expectations.

When everything is working, the value of **Benefits** plus **Expenses** will be matched by the appropriate amount of **Contributions** plus **Investment Returns**. If any of these elements is out of balance, the pension system could be underfunded.

Pension plans are designed to collect contributions from active workers, invest that money to produce a return, and use those combined contributions and investment returns to pay promised benefits. This design means that when a pension plan is working as it should, the fund will hold assets equal to the estimated value of the benefits it has promised to pay.

When the value of assets fall below the value of benefits promised, then a pension fund has a funding shortfall, also called an unfunded liability.

Unfortunately, school employee pensions have a nationwide shortfall of more than \$875 billion (<https://bit.ly/3YeCLO7>). Interest must be paid on this shortfall, and those funds are dollars that are not going into the classroom. In some states, such as California (<https://bit.ly/3iPkmhw>), increasing pension costs have been cited as the reason for cuts to arts and music programs, delays in school building upgrades and technology purchases, and increases in class sizes.

School employee pensions have a nationwide shortfall of more than **\$875 billion**

Right now, 38 of the 71 pension or hybrid plans that serve educators are likely fragile, with another 5 possibly distressed. One or two asset shocks could send these plans into a downward spiral.

There are three primary strategies that states might take in seeking to ensure they can pay promised benefits to workers: increase contributions into their pension funds (sometimes by increasing the educator's contribution), pursue higher investment returns, or reduce the value of benefits.

If states are still unable to address the funding shortfall, states may also consider more drastic changes to their plans for new or current educators, including reducing the cost-of-living adjustment, increasing the retirement age, changing the multiplier to reduce benefits, or other ways of directly or indirectly reducing benefits. All of

these measures directly impact educators, either by reducing their take-home pay, reducing their retirement benefits, or increasing the amount of time they need to work to receive those benefits.

In an effort to restore balance to the formula, some states have already implemented some of these measures that affect school employees. As a result, the value of teacher pension benefits has declined significantly since 2005, and Equable estimates that a teacher hired in the 2023 school year will earn approximately \$100,000 less in retirement benefits compared to an educator hired in 2005.

It is important to note that not all educators are well-served by a traditional pension plan. Educators that do not teach long-term, or move to another state are particularly ill-served by the traditional pension system. This is because educators that leave their position before the vesting period ends will be unable to access their full pension.

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Opportunity for Reform

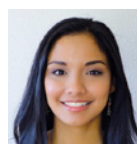
Pension reform is a very difficult topic, and many people get nervous when changes to pension programs are discussed. However, in many cases adjustments are necessary to ensure all educators receive the retirement benefits they deserve.

We've already discussed some of the potential drawbacks of traditional pension plans, but the other types of retirement systems also have some retirement security limitations.

Because each state and its retirement system is unique, there is no one-size-fits-all solution to fix issues with retirement savings programs. What works for one state will not necessarily work for all. While there are some general problems that persist across states, many states have challenges that are unique enough that they need customized solutions. Every state that is struggling with the benefit values or funded status of their teacher pension plans should go through a process that involves stakeholder discussion to find the right mix of policy solutions that supports the education system as a whole, and importantly, ensures all teachers have access to a path to retirement income security. ■

This article was written in partnership with Equable Institute, a bipartisan non-profit working to support sustainable public retirement systems without sacrificing income security.

This is a preview of AAE and Equable's primer on educator retirement plans. For more information on educator pensions, look for the full version of this primer, which will be available later this winter.



Noelani Kahapea serves as the director of policy and strategic partnerships for the Association of American Educators. Prior to joining AAE, Noelani served as the Senior Policy Staff on education and labor policy for the Republican Study Committee in the House of Representatives.

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- ✓ Abenity, the AAE benefit that saves you and your family money

Stay tuned — new topics every month!



WE WISH
YOU ^A
Merry
Christmas
HAPPY HOLIDAYS
AND
A VERY HAPPY NEW YEAR!

*from all of us at the
Association of American Educators*

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