

**NEA Board of Directors' Report**  
**December 11, 12 & 13, 2008**  
**NEA Building- Washington, DC**  
**Tom Wellman and Ken Buhrmann**

**NSEA/NEA-Legislative Lobbying Day on Capitol Hill-(Thursday, December 11, 2008)**

Nevada's NEA Director's returned to Washington, DC on Wednesday, December 10, 2008 in order to attend a legislative briefing scheduled the next day. As we entered the room, there was a buzz of excitement. We prepared to discuss and celebrate our recent election victories and make plans for the new congress and the new president. One of the bigger issues that we did discuss was the President-elect's proposed economic stimulus package. There are some serious implications from this package for some relief to the states that are experiencing economic difficulty. It is evident that there exists a growing need for this package as we continue to see a rising rate in unemployment, escalating costs of basic necessities, an alarming rate in state budget gaps, which among other things are creating harmful cuts in health care and education. This package would also help families by extending unemployment benefits, increase food stamps/nutrition assistance, and would close shortfalls to Pell Grants by assisting students in meeting financial obligations.

We spent a great deal of time on potential issues that face the 111<sup>th</sup> Congress. It is believed that House Speaker Nancy Pelosi will work closely with the Obama administration to set the agenda. There are 435 members and a simple majority (218) is needed to pass legislation. Democrats have 257 members but are not a unified voting block. On the Senate side, the early agenda includes Cabinet secretaries and other appointments, financial services regulation, energy, budget and tax cuts. The Senate needs 60 votes to move legislation. Democrats have at least 56 seats plus two independents. The moderate Republicans will prove to be the key to moving legislation.

Some of the issues that face this Congress are:

1. 21<sup>st</sup> Century skills
2. Career and Technical Education
3. College Affordability
4. Educator Tax Deduction
5. ESEA Reauthorization
6. GPO/WEP
7. IDEA Reauthorization
8. Vouchers, and more

We were able to successfully schedule appointments with those members of our delegation that would be staying to represent our state. We went to Capitol Hill to meet with members of our delegation and to lobby on the following questions:

### **Question # 1 Economic Stimulus**

**Will the Member support passage of an economic stimulus package in January that:**

- 1. Provides fiscal relief for states**
- 2. Temporarily increases the federal Medicaid (FMAP) match**
- 3. Creates jobs through infrastructure investments like school construction**
- 4. Increases the federal share of IDEA funding**
- 5. Eliminates the Pell Grant shortfall**
- 6. Extends unemployment benefits**
- 7. Increases nutrition assistance**

Most members of our delegation were supportive of the ideas and concepts that were being presented in this package. They did want to wait and see exactly how the package was presented to see if they could support the legislation. When challenged on economic relief to the states Senator Reid's office felt that many of the items within the package would directly aid states and the education community.

### **Question # 2 FY 09 Education Funding**

**Will the Member support an FY 09 appropriations bill that reflects the right education priorities for our nation, including:**

- 1. Increasing Title I funding by at least \$1 billion**
- 2. Increasing the federal share of IDEA to at least 20 percent**
- 3. No continued funding for the DC voucher experiment**
- 4. No funding cuts for education programs or program eliminations**

As with the previous question our delegation was supportive of the package but wanted to see how the final package was put together. They all know that it will be a priority for the first days of the new President's term.

**NEA Board of Directors Meeting  
NEA Building  
Washington, DC  
December 12 & 13, 2008**

**Leadership Team Reports –**

**President:** President Van Roekel called the NEA Board of Directors together and spoke of his activities since our last meeting together. We started the meeting by viewing the new NEA video, “Yes We Did” which highlighted our members involvement in the past election cycle at the local, state, and national level. This video beautifully illustrated how working together, we were able to accomplish many positive victories. We were also presented a packet of information on the 60<sup>th</sup> anniversary of the International Human Rights Day.

President Van Roekel went on to share AFT President, Randi Weingarten’s, speech that was presented at the National Press Club. Members of the Board found the speech very powerful and moving, President Van Roekel was questioned as to why he did not make a similar presentation. President Van Roekel went on to explain that he wanted to continue to have conversations with our leaders and our members before he goes out to say what direction we are taking as an Association.

A special award was presented to John Lucas a Lifetime member of the NEA Board of Directors. Mr. Lucas was presented the President’s Award for his extraordinary level of service and valued contributions to the NEA Board of Directors.

It was also announced that the NEA Campaign Regulations committee would also present proposed changes at the February board meeting.

**Vice-President:** Vice President Lily Eskelsen reported on her activities since our last meeting. She went on to talk about the progress of the NEA Academy and that we will see the roll out of this program in February. At the February board meeting, a training on how to utilize the academy is planned for all directors. Lily talked about one of her scheduled presentations to the American Baptist Association: “Teaching the Whole Child: A Justice Issue.” She went on to talk about filling in for the President at the Education International Conference in Sweden. She was also attended the Organization for Economic Co-Operation and Development Conference (OECD). Topics presented at the conference were Climate Change, Global financial crisis, testing and pay.

**Secretary/ Treasurer:** Secretary/Treasurer Becky Pringle presented a report on her activities since the last meeting. Becky went on to report on membership and finance.

Total membership in the NEA stands at 3,223,065

Total membership active certified is up 16,602

Total membership active ESP is at 5,049

Total student membership Student Membership 44,135 (on track toward last membership of 60,000 +)

Gain over last year-7,132

Membership is being carefully monitored in all categories in an effort to avoid sudden decreases.

The audit of NEA's financial records has been completed by the firm of Pricewaterhouse Coopers and received an unqualified opinion, which is the highest opinion given by an audit. Comparing our assets to liabilities, the standard is 2:1 (\$2.00 in asset to every \$1.00 in liability). Our ratio is now 3.5 to 1 (we have \$3.50 in assets to every \$1.00 in liability). Good news for tough economic times.

**Executive Director:** Executive Director John Wilson told us about his activities since our last meeting. John reported on the center for Great Public Schools. Several ESP board members and certified board members addressed their concerns with this presentation, particularly the fact that the ESPQ Department was nowhere to be found in this presentation. At the conclusion of the presentation and discussion John agreed to make the necessary corrections.

John went on to talk about his meeting with the NGA (National Governors Association) and the CCSSO (Council of Chief State School Officers) to discuss plans for developing common core standards for states. Their plan is for initial standards in Math, English/Language Arts and eventually Science.

**General Counsel:** General Counsel for NEA Bob Channin reported to the board on his activities and the cases that we were involved with since our last meeting. The pending cases that NEA is currently involved in are discussed below:

1. Pontiac School District, et al. v. Spellings (NCLB Unfunded Mandates) In this lawsuit, the plaintiffs—9 school districts, NEA, and 10 NEA affiliates—challenge the “unfunded mandates” in the No Child Left Behind Act (“NCLB”). Specifically, the plaintiffs contend that states and school districts cannot be required to use their own funds to comply with the mandates in the NCLB when federal funding falls short.

On January 7, 2008, a three-judge panel of the U.S. Court of Appeals for the 6th Circuit ruled in the plaintiff's favor—the panel reversed the federal district court and denied the U.S. Department of Education's (“ED”) motion to dismiss. ED filed a motion asking the 6th Circuit to vacate the panel decision, and rehear the appeal *en banc*, which means by all 16 6th Circuit judges. The court granted ED's motion, and the *en banc* rehearing took place on December.

Although, it is somewhat unusual for federal courts of appeals to hold rehearings *en banc*. The rehearing *en banc* on December 10 was “spirited,” and the appeal is now under

advisement by the court. There is no way to predict when the 6th Circuit will issue its decision.

## 2. Colorado Ballot Initiative (“Sole-Source” Government Contracts)

NEA and its affiliates were successful in defeating many adverse ballot initiatives during the recent November 2008. Regrettably, a few were adopted including Amendment 54 to the Colorado Constitution. This Amendment prohibits contributions to candidates for state and local office and to certain ballot initiative campaigns by holders of “sole source” government contracts. These are contracts that are awarded by government officials other than through an opening bid process. The “alleged” purpose of Amendment 54 is to avoid impropriety, or at least the appearance of impropriety, when persons or entities contribute to the election of public officials who have the authority to award sole-source contracts, or to the adoption or defeat of ballot initiatives that relate to such contracts

NEA, The Colorado Education Association, and other unions are planning to file a challenge to Amendment 54. This challenge should be filed shortly after the first of the year and will be filed in conjunction with other interested stake holders. This is one lawsuit to watch as many similar initiatives were filed in numerous other states.

## 3. Sandra Tiffany v. Nevada State Education Association, et al.

Sandra Tiffany was a member of the Nevada State Senate, who had taken positions that were largely adverse to unions and public education. When Tiffany ran for re-election was 2006, NSEA actively worked to defeat her. And, in fact, Tiffany was not re-elected. At the time of the 2006 election, Tiffany was the subject of an investigation by the Nevada State Ethics Commission, having been accused of some 20 possible ethics violations. After the election, Tiffany admitted to two ethics violations, and the matter was closed.

In her recently filed lawsuit, Tiffany alleges that NSEA, NEA, and the other defendants publicly distributed materials asserting that she was accused of committing felonies, and, if found guilty, could be sent to prison. To drive that point home, the material allegedly included a picture of Tiffany in a prison cell. In her lawsuit, Tiffany states that the defendants knew, or should have known, that the investigation by the State Ethics Commission was a civil—not a criminal—proceeding, and claims that the references to felonies and prison unlawfully defamed her, and contributed to her election defeat.

## 4. Oregonians For Honest Elections v. Oregon Education Association, et al.

In his lawsuit, Sizemore alleges that, in campaigning against his ballot initiatives, the defendants, including OEA and NEA, stated that he is a “convicted racketeer.” According to Sizemore, this statement is untrue. Although certain of Sizemore’s political action committees have been convicted of racketeering, Sizemore contends that he himself was never personally convicted. Because of this distinction, Sizemore alleges that the defendants unlawfully damaged his personal and professional reputations.

## 5. NEA, et al. v. Chao (Labor Management Reporting and Disclosure Act)

The primary purpose of this lawsuit is to obtain a judicial declaration that Department Of Labor's revised coverage interpretation is invalid—and that may or may not ultimately happen. But there is a secondary purpose—to at least delay a court ruling that could require “pure” public sector NEA state affiliates to comply with the Labor Management Reporting and Disclosure Act until we have an opportunity to resolve the problem legislatively through Congress or politically through the Department Of Labor. As a result of the November 2008 elections, we now have that opportunity: (1) NEA has prepared an editorial amendment to the Labor Management Reporting and Disclosure Act, that we will be pursuing in Congress; and (2) NEA has met with President-elect Obama's Department Of Labor transition team to discuss restoring the pre-2003 interpretation of the Labor Management Reporting and Disclosure Act coverage provision.

**Executive Committee:** All members of the Executive Committee provided members of the Board of Directors a written report detailing their activities since our last meeting.

### **Action Items of the NEA Board of Directors':**

#### **1. POLICY ON ROLL CALL VOTES (ESKELSEN- PAOLILLO)**

**RECOMMEND** for Board of Directors approval the following editorial change (stricken- through language to be deleted):

A roll-call vote shall be taken upon approval of 20 percent of the Board present and voting {with the exception of action setting new policy or dealing with financial matters, which shall be by roll call; further, the judgment of whether an action is new policy or financial matter shall be made by the presiding officer}. Roll-call votes shall be published in the NEA Today after the meeting at which the roll-call votes occurred. The record of roll –call votes shall indicate any director who is not present for the vote because he/she on official NEA business. **Bracketed, underlined material to be deleted.**

If approved this would bring policies for the Board and the Executive Committee into alignment.

Motion was postponed until Saturday in order to have current practice presented to the Board. Motion passed by voice vote

#### **2. CONTINGENCY FUND REQUEST FOR COMMUNITIES FOR QUALITY EDUCATION (CQE) (CROWDER – MOSS)**

**Recommend** for Board of Directors approval an allocation of up to \$1 million to assist with issue of advocacy work in public education Passed – YES – 132; NO – 7; ABSTAIN - 1

### **3. CONTINGENCY FUND ALLOCATION FOR US PRESIDENTIAL INAUGURATION (CEBULSKI – MONROE)**

**Recommend** for Board of Directors approval an allocation of up to \$250,000 to fund NEA Inaugural activities and related advocacy efforts. Passed by voice vote

### **4. CONTINGENCY FUND ALLOCATION FOR THE NATIONAL COALITION ON HEALTH CARE (MONROE – PAOLILLO)**

Recommend for Board of Directors approval an allocation of up to \$250,000 to the National Coalition on Health Care (NCHC) to assist in achieving mutual health care reform goals. Passed by voice vote

### **Proposed Amendments to NEA Standing Rules**

Four amendments have been presented to amend the Standing Rules.

1. Standing Rule Amendment 1: To encourage the submission of new business items prior to June 15, and to require that new business items submitted prior to June 15 be sent via email to state affiliate presidents and executive directors for distribution to Representative Assembly delegates from their state. Board moved to oppose

2. Standing Rule Amendment 2: To require that new business items be submitted to the Committee on Constitution, Bylaws, and Rules no later than 5:00 PM on the first day of the Representative Assembly. Board moved to oppose

3. Standing Rule Amendment 3: To require a majority vote of the delegates in order for amendments to existing resolutions that are submitted to the Committee on Constitution, Bylaws, Rules by 12:00 noon on the second day of the Representative Assembly. Board moved to oppose

4. Standing Rule Amendment 4: To require that proposed amendments to the NEA Constitution, Bylaws, and Standing Rules be published in the *RA Today*, together with pro and con arguments. Board moved to oppose

Governance Calendar: The 2009-2012 Governance meeting calendar was adopted by the Board of Directors.

### **Information Items**

1. Read Across America – The Board was presented with a report from the committee regarding this upcoming event. Information was also made available to all members to take home to their local affiliates.

2. NEA Reduced Dues Report – A report on the use of reduced dues by state and local affiliates. The information was informative and thought provoking and presented some possible implications for use here in Nevada.

3. NEA Representative Assembly – Information was presented on the upcoming Representative Assembly.

4. NEA Resolutions – Tony Crawford, chair of the Resolutions Committee, presented a report on the Resolutions acted on by the 2008 Representative Assembly.

5. NEA Ballot Measure/Legislative Crisis Fund – Karen White, Director of Campaigns and Elections, reported on the activities of her department during the past elections and the “behind the wall” activities. Karen’s report was helpful in showing how we are all in this together and that working together can produce the results we want.

Saturday, December 13, 2008 members of the Board participated in the Hispanic Observance. Justice Cruz Reynoso, the first Chicano to serve on the California Supreme Court and currently Professor-Emeritus at the University of California – Davis Law School. The Justice spoke of his experiences with segregated schools as a student in California and his career as a champion of civil rights for students of all nationalities and backgrounds.

The December NEA Board of Directors meeting was adjourned Saturday, December 13, 2008 at approximately 4:45 PM.

The next meeting of the NEA Board of Directors is scheduled for February 6 & 7, 2009 at NEA Building.

#### Special Activities of the NEA Directors

1. NEA Director, Ken Buhrmann attended the NCUEA Fall conference December 4-6, 2008.

2. NEA Director, Tom Wellman assisted NSEA Vice President, Doug Bache in presenting opening remarks at the California Teachers Association, Rural Issues conference January 17, 2009.

3. NEA Director, Tom Wellman attended the January 23, 2009 meeting of the UCN in Fallon, Nevada.