

**NEA Board of Directors' Report**  
**September 25, 26 & 27, 2008**  
**NEA Building- Washington, DC**  
**Tom Wellman and Ken Buhrmann**

**NSEA/NEA-Legislative Lobbying Day on Capitol Hill-(Thursday, September 25, 2008)**

Nevada's NEA Directors returned to Washington, DC on Wednesday, September 24, 2008 in order to attend a legislative briefing scheduled for the next day. There was a great deal of excitement in the room, we continued the discussion on the upcoming national, state, and local elections and the impact the results could have on how we do business as an Association at all three levels. We also spent a great deal of time talking about the proposed economic stimulus package and how important this issue was for our members, our students, their families, and, of course, our communities. The final pieces of the package were being crafted and negotiations were moving fast and furious behind the political scenes. We were all very well aware that things could change dramatically by the time we got to Capitol Hill. The stimulus package and all the political debate brought a wide variety of very concerned voters to Capitol Hill to lobby their congressional representatives. There was plenty of activity in the legislative buildings. We also discussed health care issues and its impact on our members. Some of the other hot issues discussed during the briefing and being closely tracked by NEA were; rural education, educator tax relief, education funding, and vouchers.

We did spend time on some of the other issues that NEA continues to monitor, that impact our members:

1. Elementary and Secondary Education Act (No Child Left Behind)
2. Social Security offsets
3. Class size reduction
4. School construction
5. Early Childhood Education
6. Property Taxes
7. Hate Crimes

These issues are important to NEA as they impact members and students. Many of these issues will pick up steam and hopefully move forward once the elections are over and we see how the political landscape is affected. NEA will continue to follow these issues until they are resolved to our satisfaction.

We were able to successfully schedule meetings with all members of our congressional delegation, although we did not meet directly with all members of the Nevada delegation. We were sent off to Capitol Hill to meet with the members of our congressional delegation and we were asked to lobby them on the following questions:

**Question # 1 Economic Stimulus: Will the member support passage of an economic stimulus package that provides fiscal relief for states (including Medicaid relief), helps low-income families and the unemployed, maintains needed public services, and boosts the economy before Congress adjourns?**

The primary message to Congress: Don't leave town without passing economic stimulus legislation that helps working families. It is just not enough to bail out Wall Street!

By the time we made it to Capitol Hill to start our appointments, the first vote was being taken in Congress. Berkley, Heller voted NO on the package and Porter voted YES. Congress went to work trying to salvage the package and bring it back for another vote. Needless to say this vote sent the Senate into a tail spin and they scrambled to try and fix their package. As usual, we were not able to meet with Senator Ensign as he was "busy and out of the office." His staff was waiting to see how the Senate package was crafted and delivered before they were willing to commit to any stand on the legislation. Senator Reid's office was busy with activity as they tried to manage negotiations and keep the stimulus package alive. They were hopeful that they could resolve many of the issues that had been presented as roadblocks to the passage of the bill.

**2. Question #2 Health Care: Will the member sign the "Which Side are you On?" statement, which calls for quality, affordable health care for all (or write a letter confirming his/her position on affordable health care)?**

As the issue of affordable health care is important to our members and their families, NEA sits on the steering committee of Health Care for America Now. This committee is looking at the comprehensive reform of our health care system. Such reform would make health care accessible to all, make quality health care from a provider available to everyone and help to promote a healthy economy. We were able to secure one signature from Congresswoman Berkley. Unfortunately, we did not meet directly with the rest of the members from our delegation. All of the staff members we were able to meet with, were receptive to the concept and to the issue, but would not commit to signing the document. As the cost of health care continues to rise at an alarming rate nationally, NEA will continue to work on this issue in an effort to provide a more efficient health care system for all.

During our time on Capitol Hill with our Congressional delegation, we also discussed the NSEA's interest and concerns with the School Land Trust issues. We presented them with an informational paper developed by Al Bellistere about the lack of funding that Nevada's educational system is experiencing as a result of our loss of these lands. All members of the delegation were open and receptive to this issue and wanted to hear more as we look to expand our position. We also spent time with our delegation discussing recent news stories in Nevada about the IRS and their plans for public pension accounts. If this IRS policy is enacted it would seriously altered many of our members' retirement. Director Ken Buhmann was able to convince Congressman Porter to send a letter to the IRS opposing their plan. Congresswoman Berkley and her staff were very concerned about this issue too, as they were hearing from many concerned local labor groups about

the potential impact this ruling could have for constituents. We also spent time with NEA GR staff to talk about this issue and to learn more about how it was being handled on the national level. They were well aware of the issue and had been working quickly and quietly behind the scenes to get this under control. We learned before leaving DC that the implementation of the rule had been put on indefinite hold. They felt that this issue may just slowly die with the upcoming elections and a new President.

It was during this time that NSEA released their endorsements for the upcoming Congressional elections. Congressman Porters' office called and was quite concerned that we had chosen to endorse another candidate. NEA Director, Ken Buhmann, went into a rather tense meeting with the Congressmen's staff. It was during this meeting that Ken was able to successful defuse the situation and make sure that the Congressman and his high ranking staff members understood that a large part of the reason we chose to endorse another candidate was because he had not gone through our process. Ken presented them an outline of our endorsement process and the fact that the Congressmen's office never responded to our letter and questionnaire. Ken is to be commended for his actions and taking control of the situation on behalf of NSEA and our members

**NEA Board of Directors Meeting  
NEA Building  
Washington, DC  
September 26 & 27, 2008**

**Leadership Team Reports-**

**President:** President Van Roekel called his first meeting of the NEA Board of Directors to order. During his remarks he talked of the importance of having an education system that delivers for all of America's students. He went on to explain that as leaders we must ask, support and demand the changes that provide for all of our students. He shared his perception that the upcoming elections could and would provide us the needed impetus for change in transforming public education.

The President went on to share his overview of the meeting and his anticipated outcomes:

1. Attain a common understanding of the NEA strategic intent to transform public education at the state level and the shared implications
2. Make informed decisions about issues of organization priorities
3. Consider their role in transforming public education and articulate what is needed to succeed as members of the NEA Board of Directors.

He made it clear that he wanted and expected all members of the board to engage in healthy discussions about the issue and priorities of the organization. These board discussions will prove to be an important part of how we do business as a body. They will also assist the board to reach decisions on issues that affect the direction this organization will move. The board also had the opportunity to meet with their region caucus groups to discuss issues and concerns that were standing in the way of the NEA Board's ability to operate effectively. The Pacific Region had lots of ideas and thoughts that they wanted to share on these concepts. It was a very spirited discussion that will continue into the months to come.

**Vice-President:** Vice-President Lily Eskelsen talked about her first days on the job and how exciting those days were. One of her first responsibilities was to attend both the Democratic and Republican National Conventions. Over 221 members of the NEA were in attendance at the Democratic Convention. NEA hosted and co-sponsored several events during the conventions – one for health care, one for labor and one recognizing and saluting Democratic Women Governors. These events and activities gave NEA some great publicity and visibility while at the convention. At the Republican convention we only had a handful of members in attendance (less the 20). A brunch was scheduled for those in attendance and NEA also co-sponsored an event for labor. This presentation just showed the power our organization can bring to the table.

**Secretary/Treasurer:** Becky Pringle gave the first report of her term as the new NEA Secretary/Treasurer. It's safe to say we are in very good shape! As a board there were some issues and concern that were expressed regarding the recent economic upheaval and financial crisis. It was good news to find out that there were no serious internal issues regarding the current economic state of affairs. NEA is working with their team of advisors evaluating our current position and exercising continued diligence to our fiduciary responsibility.

Over the past year:

Active certified membership is up 26,957 a 1.2% increase over last year

Active Education Support Professionals membership is up 14,025 a 2.9% increase over last year

Active Student membership is up 125 a 0.2% increase over last year

Active Retired membership is up 11,459 a 4.7% increase over last year

Active Higher Education is up 4,390 a 3.2% increase over last year

Total membership for the year end 2007-2008: 3,218, 299, up 51, 048, a net gain of 1.6 over the previous year. A positive ending!

**Executive Director:** Executive Director John Wilson reported on his activities and work since our last meeting and his participation in national Democratic and Republican conventions. He also reported that NEA has been in discussions with Marc Tucker, Chairman of the National Center for the Education and the Economy. These discussions would lead to NEA's supporting legislation that would allow for six demonstration

projects to test the framework from the book Tough Choices, Tough Times. This framework consists of components focused on early childhood education, recruitment of the top third of high school students into teaching, additional funding and support for disadvantaged students, teacher compensation, school leadership that is a partnership of teachers, and internationally benchmarked high quality tests that enhance early college. A state would design the framework in conjunction with NEA's guidance and the collective bargaining process.

This was a very controversial issue and brought forth a great deal of concern from state presidents and board members. Some state and local school boards are already actively working to adopt Mr. Tucker's program in an effort to "fix" their school problems. As a board we came to no real clear resolution on this issue but the President has assured us that we will be actively involved in any future discussions on this issue and a part of the decision process and future action regarding Tough Choices, Tough Times.

**General Counsel:** General Counsel Bob Chanin shared with the board the issues that he and his staff have been working on since our last meeting.

1. Ford, et al., v. Browning (Florida Supreme Court) - This lawsuit was sponsored by the Florida Education Association and NEA to prevent two ballot initiatives from being placed on the ballot for the November 2008 in Florida. The purpose of these ballot initiatives was to amend the Florida constitution to reverse that 2006 Florida court decision in Bush v. Holmes, which held that the statewide voucher program that had been enacted in 1999 was unconstitutional. On September 3, 2008, the Florida Supreme Court agreed with the plaintiffs, and issued an order preventing the ballot initiatives from being placed on the ballot. Another win for NEA and our members!

2. Pontiac School District, et al., v. Spellings (US Court of Appeals for the 6<sup>th</sup> Circuit) – This lawsuit was filed in federal district court in 2005. The plaintiffs- 9 school districts, NEA, and 10 NEA affiliates- challenge the "unfunded mandates" in the No Child Left Behind Act (NCLB). The plaintiffs contend that the US Department of Education is violating both the spending clause of the US Constitution and a provision in NCLB by requiring states and school districts to use their own funds to comply with the mandates of NCLB when federal funding falls short. In 2005, when the lawsuit was filed, the federal shortfall was in excess of \$40 billion, and today it is in excess of \$70 billion dollars.

The federal district court granted the US Department of Education motion to dismiss, and the plaintiffs appealed to the US Court of Appeals for the 6<sup>th</sup> Circuit. On January 7, 2008, a three- judge panel of the 6<sup>th</sup> Circuit reversed the trial court and ruled in favor of the plaintiffs. The Department of Education filed a motion asking the court to vacate the panel decision, and to rehear the appeal en banc-which means a hearing by all sixteen 6<sup>th</sup> Circuit judges. The hearing is scheduled for December 10, 2008.

3. Ysura v. Pocatello Education Association, et al. (US Supreme Court) - NEA, the Idaho Education Association, the Pocatello Education Association, and other Idaho unions, the US

Court of Appeals for the 10<sup>th</sup> Circuit struck down an Idaho statute that prohibits local governments, including school districts, from using their payroll deduction systems to allow employees to make voluntary contributions for political activities. The US Supreme Court granted the state's request for review, and the case will be argued on November 3, 2008.

The Supreme Court's decision will have broad ramifications. There are many similar "paycheck protection" initiatives on the ballots for the November 2008 election in several states. If any of these initiatives are adopted and the Supreme Court decision will largely determine in we can survive a constitutional challenge on this issue.

4. Locke v. Karass (US Supreme Court) - This is an agency fee lawsuit from the state of Maine involving the Service Employees International Union. This case will be heard by the US Supreme Court on October 6, 2008.

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

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

#### **1. CONTINGENCY FUND REQUEST: IMPLEMENTATION OF 2008 NEW BUSINESS ITEMS (PRINGLE –LEVINGS)**

Motion to recommend for Board of Directors approval the allocation of \$234,600 from the Contingency Fund for implementation of the 2008 New Business Items adopted by the NEA Representative Assembly. Passed by roll call vote

#### **2. BALLOT MEASURE/LEGISLATIVE CRISES FUND REQUEST (PAOLILLO-MOSS)**

Recommend for Board of Directors approval an allocation of \$750,000 from the Ballot Measure/Legislative Crises Fund to the Coalition for Our Communities to oppose Massachusetts Question 1. Passed by voice vote

Election to the NEA Program and Budget- four members of the NEA Board of Directors.

Election to the NEA Member Benefits Corp. Board of Directors- one member of the NEA Board of Directors.

Approved appointments to the NEA Review Board, Standing and Special Committees.

### **Information Items**

1. ESEA (Update) - Secretary/Treasurer Becky Pringle provided members of the Board an update on activities and action of the ESEA (Elementary/ Secondary Education Act) Advisory committee. At the present time they are waiting to see who is elected to the office of President and his direction for the reauthorization of this act. Senator Ted Kennedy's health is also a factor here. He still chairs the Senate committee and has control over the direction of the reauthorization.

2. Read Across America – The Board of Directors received information on the activities of this committee. More information will follow at the next board meeting.

3. Behind The Wall/Campaign Elections Update- Karen White, Director Campaigns and Elections discusses activities of her department and the impact that they were having on the upcoming election cycle. The information provided was informative and showed members of the board what happens when we come together for a common cause. Way to go team NEA!

4. NEA Ballot Measure/Legislative Crises Fund report – The NEA bylaws establish a dues assessment of \$10 per member the NEA Ballot Measure and Legislative Crises Fund. All recommendations to allocate \$500,000 or less to a state affiliate during a membership year are forwarded to the NEA President and NEA Executive Director for action. Recommendations to allocate more than \$500,000 to a state affiliate during a membership year are referred to both the NEA Executive Committee and the NEA Board of Directors for approval.

#### 2007-2008 summary

1. \$171,461 carried over to begin fiscal year 2007-2008
2. \$13,452,097 estimated dues collection
3. \$13,623, 558 estimated budget

As of August 29, 2008, NEA has provided \$4,086,940 in assistance to ten state affiliates for ballot measures and legislative crises.

\$7,339,000 was allocated to NEA staff working behind a “firewall” for public communications regarding ballot measures impacting state affiliates.

\$2,340,893 was the ending fund balance for this fund.

Friday, September 26, 2008 members of the Board participated in the Gay, Lesbian, Bisexual, and Transgender observance. This was presented in preparation for GLBT History month. Nationally recognized, Dan Guerrero an activist in and out of the entertainment industry was the featured speaker. Mr. Guerrero is passionate about GLBT and Latino issues. The observance and the speaker were phenomenal and both well received by the Board.

Saturday, September 27, members of the Board were treated to an observance of the American Indian/Alaskan Native Observance. Kalyn Free, from the Choctaw Nation of Oklahoma was the featured speaker. She spoke to the board about her experiences running for Congress and her work with the "INDN's List" (The Indigenous Democratic Network). This network is a grassroots political action organization designed to recruit, train, empower, and electing American Indian candidates to state and local offices here in America. This presentation was very impressive and made quite an impact on the audience.

The September NEA Board of Directors' meeting was adjourned on Saturday, September 27, 2008 at 4:35 PM. The next meeting is scheduled for Friday, December 10 and Saturday, December 11 at the NEA Building in Washington, DC.

#### Special Activities of NEA Directors'

1. NEA Director Ken Buhrmann was appointed by NEA President Dennis Van Roekle to serve on the Social Security Offsets Task Force. Ken attended his first meeting on Tuesday, September 24, 2008. This is a real honor for Nevada and our way of making sure that our thoughts and concerns regarding these offsets are heard by our elected leaders here in Washington, DC. Congratulations, Ken and keep making us proud!
2. NEA Director Tom Wellman was elected by members of the Board to serve on the NEA Fund for Children and Public Education council. This is the council that provides the recommendations to the Board for our political endorsements. Congratulations, Tom!
3. Both NEA Directors' attended the UCN meeting in Winnemucca, Nevada on October 25, 2008