



NEA Director Report

NEA Board Teleconference Meeting December 9, 2013

Websites of Interest:

OEA www.ohea.org

NEA www.nea.org

Education Votes
www.educationvotes.nea.org

Priority Schools
<http://neaprioritieschools.org>

Go.neafund.org (fundraising tool)

Neafund.org (educators for Obama)

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NEA's position on the Bipartisan Budget Act of 2013

In early December congress passed the Bipartisan Budget Act. While not perfect, this bill is a good first step toward fully replacing the reckless sequester cuts to education and other vital non-defense discretionary (NDD) programs and is an important divergence from the austerity approach Congress has taken.

The measure will replace \$63 billion in sequester cuts for FY14 NDD and Defense and FY15, and is split equally between. In the first year alone, this would restore roughly 87 percent of FY13 cuts to NDD programs, an important recognition that the deep cuts already made to programs like education have been shortsighted and harmful to students nationwide. Congress should build on this and work to fully replace the sequester in future years, including by closing corporate tax loopholes.

These cuts, which totaled roughly \$3 billion in FY13 alone, have taken federal education funding back to pre-2004 levels while our nation's schools are serving nearly 6 million more students since that time.

A disproportionate share of these harmful sequester cuts have impacted higher-poverty communities and students most in need - 57,000 children lost seats in Head Start classes, schools served by Impact Aid have seen drastic reductions in funding, and additional harmful impacts continue to be felt in classrooms nationwide. The Bipartisan Budget Act of 2013 begins to chart a different path, and, after its passage, we strongly urge the Appropriations Committees to craft a Labor-HHS-Education funding bill that prioritizes core formula grant programs like Title I and IDEA, which seek to level the playing field for students who are most in need, and should see increases to help mitigate the damage done by recent cuts.

We applaud the inclusion of a reserve fund for Early Childhood Education in the bipartisan plan, as it recognizes what educators have long known – that the first years of a child's life are a vital window of opportunity. Research shows that children who attend high-quality pre-kindergarten programs are less likely to drop out of school, repeat grades, need special education, and will have greater opportunity to succeed in life.

While overall the measure is a step in the right direction, we are dismayed that federal employees, such as educators at Department of Defense schools who serve the children of our men and

women in the military, are again being forced to contribute more to deficit reduction. In recent years they have already been forced to sacrifice in the form of furloughs, pay freezes and greater contributions to their retirement security. This agreement demands even more for those hired into public service after this year. It is wrong to continue demanding even more from these hardworking, middle-class Americans who play critical roles in keeping our nation safe and secure, while not closing even a single costly corporate tax loophole.

We are likewise disappointed that this proposal fails to extend benefits for workers unemployed longer than 26 weeks. The current program expires on Dec. 28, when payments will be cut off for an estimated 1.3 million individuals. For far too many of those workers and their families, those benefits are their only life-line. Protecting unemployment insurance is critical to ensuring family stability and, consequently, the well-being of thousands of children in our public schools. We urge congress to step forward with a solution for America's unemployed.

Overall, the Bipartisan Budget Act of 2013 lays a more solid foundation for moving forward. Congress is finally hearing what educators, parents and students have been saying: no more cuts to education.

In the current congress your NEA Directors have been assigned to lobby the Ohio Members of Congress:

CD-1 Steve Chabot (R) Gretchen Washington
CD-2 Brad Wenstrup (R) Gretchen Washington
CD-3 Joyce Beatty (D) Robin Jeffries
CD-4 Jim Jordan (R) Emily Osterling
CD-5 Bob Latta (R) Emily Osterling
CD-6 Bill Johnson (R) Robin Jeffries
CD-7 Bob Gibbs (R) Robin Jeffries
CD-8 John Boehner (R) Janifer Trowles
CD-9 Marcy Kaptur (D) Brian McConnell
CD-10 Michael Turner (R) Janifer Trowles
CD-11 Marcia Fudge (D) Brian McConnell
CD-12 Pat Tiberi (R) Janifer Trowles
CD-13 Tim Ryan (D) Andre Taylor
CD-14 David Joyce (R) Andre Taylor
CD-15 Steve Stivers (R) Emily Osterling
CD-16 Jim Renacci (R) Brian McConnell
Senator Rob Portman (R) Gretchen Washington
Senator Sherrod Brown (D) Andre Taylor

CONTINGENCY FUND EXPENDITURES 2013-2014 (As of December 6, 2013)

Amount	Governance Approval	Purpose
\$ 3,000,000		Beginning Balance
(196,849)	Approved at the September Board of Directors' Meeting	To fund the implementation of 2013 Rep. Assembly New Business Items
\$ 2,803,151		Available Balance

As of December 4, 2013 NEA membership is down by less than 1% over last year at the same time.

Governance Review

The Governance Review Project was begun in 2012 to get the best thinking on whether any changes to NEA's governance structure were necessary and/or appropriate. A wide array of data has been gathered, beginning with two nationwide surveys in the summer of 2012: one of 8,440 NEA leaders and one of 23,900 members. Discussion and information were generated at each subsequent Board of Directors meeting and presentations, forums and input sessions were held at NEA and constituency group conferences. This included soliciting comments and concerns from – among others – NEA State Affiliate Presidents and Executive Directors, the National Council of Urban Education Associations, the National Council for Education Support Professionals, the National Council for Higher Education, NEA-Retired, and various NEA Committees. Electronic follow-up questionnaires were distributed to each of these groups and to the Board of Directors. In May 2013, the Board engaged in small group discussions around potential changes to the RA, Executive Committee, Board, and Committees. In September 2013, the Board conducted small group discussions on coordination and alignment with affiliates. It is now appropriate to take a thorough and comprehensive look at data, opinions, and proposals garnered through this process. To this end, a committee of key decision makers and stakeholders will be charged with assessing data and making recommendations on any next steps.

REPORT OF THE NEA OFFICE OF GENERAL COUNSEL

Federal Litigation

Harris v. Quinn (U.S. Supreme Court, certiorari granted Oct. 1, 2013) — Working with other national unions to devise amicus briefing strategy to defend against a case that the U.S. Supreme Court will hear and decide this year, which raises the question of whether, and to what extent, the First Amendment permits a state to impose an agency fee requirement on public employees as a condition of employment. The unit in question is an SEIU unit

of home-care workers who are jointly employed by the individuals for whom they care and the state of Illinois.

Elliott v. Madison Consolidated Schools (S.D. Ind., filed Jan. 23, 2013) — NEA and ISTA continue to prosecute this lawsuit challenging the portion of Indiana's education "reform" statute that allows tenured teachers to be non-renewed without just cause and without regard to seniority in the event of a RIF. The lawsuit alleges that this feature of the statute violates teachers' contractual tenure rights and is therefore an unconstitutional impairment of contracts. NEA is preparing to file a motion on November 15, 2013 that will ask the court to enter judgment in favor of a teacher whose contract was non-renewed under this unconstitutional provision of the statute.

State Litigation

AEA v. Bentley, No. 11-11266 (Alabama Supreme Court): Received favorable decision on October 25, 2013 from the Alabama Supreme Court in the long running AEA challenge to Alabama's 2010 law prohibiting payroll deduction to organizations that engage in "political activity." In the underlying federal court challenge, NEA has argued on behalf of AEA that the law's definition of "political activity" is unconstitutionally vague. In response, the defendants have argued that the definition is limited, in that it only applies to "electioneering activity." On appeal from the district court's preliminary injunction against enforcement of the law, the 11th Circuit in December of 2011 decided to ask the Alabama Supreme Court to resolve the parties' disagreement as to the reach of "political activity" through the certified questions process, expressly signaling to the Alabama Supreme Court that if "political activity" reached more than mere "electioneering activity" the statute "may implicate First Amendment concerns." After more than a year, the Alabama Supreme Court has answered the certified question, finding that the law reaches beyond mere "electioneering." The case will now return to the 11th Circuit Court of Appeals for its decision. The Alabama Supreme Court's decision expanding upon what "political activity" means increases the likelihood that AEA's vagueness challenge will ultimately succeed.

Boyd v. Magee et al., No. 03-CV-2013-901470.00 (Circuit Court of Montgomery County, Alabama). Responding to motion to dismiss lawsuit challenging the Alabama Accountability Act, which creates two tax credits that will effectively redirect public funds to pay for the cost of sending children to private schools, including religious schools. The lawsuit asserts several different state constitutional challenges to the Act including violations of constitutional procedural requirements in its passage, violations of substantive constitutional requirements as to the form of legislation, prohibitions on the use of income tax revenue and against the creation of new debts, and the religion clauses of the state constitution.

STATE MERGER INTENT LETTER

Per state merger guidelines, On November 21, 2013 the Wisconsin Education Association Council (WEAC) transmitted a letter to NEA to share their intention to take a vote on April 26, 2014 to approve dual national affiliation.

If the merger is approved by vote the Wisconsin state affiliate will be affiliated with both NEA and AFT. By NEA policy up to six state affiliates are permitted to hold dual national affiliations. Wisconsin would be the sixth.

Submitted by your
Ohio NEA Directors