

FLIPPING SCHOOL BOARD ELECTIONS



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EDUCATION  **VOTES**

Contents:

Item:	Includes:
NEA's School Board Toolkit	• Link and instructions to access toolkit • Information on what is in the toolkit
EdActivist Training Resources	• Links to member activist training modules • Explanation of each module
National Opposition Groups	• Information on opposition groups that are organizing in the school board space around the country
School Board Campaign Planning Template	• Template to help an affiliate walk through important campaign considerations
Election Message Guidance	• Tips for navigating the political environment on education issues
See Educators Run Flyer	• Information on how to apply to See Educators Run, NEA's training program for educators running for office up and down the ballot
Flipping School Board Examples	• Articles with examples on school board successes in Orange County, VA
Year Round Organizing Manual	• NEA's guide to list acquisition
Ladder of Engagement	• Visual representation of different levels of engagement with the union

NEA's School Board Toolkit

We created a toolkit designed to be your one-stop-shop for all things school boards.

To find the toolkit, you just have to:

1. Sign up for [NEAe3](#) (NEA's professional excellence portal)
2. Once your account is created, [go to this link](#) to take you to the NEA School Board Toolkit (or feel free to search the Catalog)
3. Enroll in the course
4. Select "Start"
5. Play around with the toolkit!

School Board Toolkit includes:

- Getting Ready
 - Developing a realistic campaign plan and budget
 - Building coalitions
 - Calculating a win number
 - Considerations for finding, recruiting, and recommending candidates
- Tools
 - Field operations, including GOTV program and election day planning
 - Direct mail samples
 - Messaging guidance, including a MAPV, ID, and Persuadable script
 - Telemarketing, Robo calls
 - Organizing locals
- Extras
 - Digital – organic versus paid
 - Legal checklist
 - PAC fundraising considerations
 - Election authority links
- Troubleshooting
 - When and who to call for help
 - Handling problems locally

EdActivist trainings: Online resources for member volunteers

Use these modules to train member volunteers on basic skills for activism. The trainings cover both interpersonal skills, like how to be a better communicator online and how to be a more persuasive activists, and technical skills around how to use key campaign platforms, like EdActivist app and MobilizeAmerica.

<u>How to be a Digital Activist</u>	Learn how to tell your story in a digital space and use relational organizing to build relationships that can create real-world change.
<u>How to Make an Ask</u>	Learn the strategies and tactics to effectively reach out to your network and ask them to get involved while empowering and compelling them to take action.
<u>Calling from a Virtual Phone Bank</u>	Learn how to access a virtual phone bank, properly record conversations, and feel confident and comfortable while delivering a message to fellow members.
<u>Using the EdActivist App</u>	EdActivist is NEA's new relational organizing platform and our digital campaign headquarters. It will help make your experience as a member activist as smooth and effective as possible and give us new capabilities around member-to-member outreach and social media content sharing.
<u>Using Mobilize America</u>	Learn how to find and sign up for events & actions that interest you, and then share them with your network.

In Your Community: National Opposition Groups to be Aware of

In addition to your home-grown groups, there are many national groups focused on spreading disinformation, shouting about CRT and claiming to advance the interests of parents and students. Many of these groups will have a local presence in your communities, portraying themselves as a “grassroots” effort.

1776 Project PAC	Promoting Patriotism and Pride in American History
Moms for Liberty	Standing up for parental rights at all levels of government.
America First Policy Institute	Promoting Trump agenda
Parents Defending Education	Fighting “indoctrination” in the classroom
Foundation For Individual Rights in Education	“Protecting” free speech in higher education
BEST – Building Education for Students	- Training program for parents to run for school board FreedomWorks partnership with BEST
State Policy Network Affiliates	- Directory of affiliates associated with SPN – promotes negative propaganda on public schools and government - Good to see if a potential candidate has ties to these organizations

School Board Campaign Planning Template

*Internal planning document for Staff

Mapping your School Board:

District/Seat	Term Expires	School Board Member Name	Ally, Neutral, or Opponent?	Other relevant information

Electoral Priorities: What seats/districts will you focus on? What seats will help you build or strengthen your majority?

Association Readiness:

- Organization Capacity

Building/Committee	Rep/Chair	% Active	% PAC	% Cell	% Email

- Communication Channels

Tool	Administrator(s)	# of Subscribers/Likes/etc.

- Engaging Your Leadership
 - How will we engage the candidate on our policy priorities and the campaign work we are doing? Who will be the primary point of contact?
 - What roles for member leaders will we have on the campaign?
 - What is our ladder of engagement?
 - How will we communicate/update each other?
 - How will we celebrate and create community?

- **How are decisions made? Is it spelled out in our constitution & bylaws?**
 - Who is on the interview team? How are they chosen?
 - How are recommendations approved?
 - How are budget decisions made?
- **Legal: Consult with your Government Relations Department ASAP**
 - How can we use dues money? How can we use PAC money?
 - Do we have PAC money? How do we access it? How can we spend it? What are the contribution limits? Who does the reporting?
 - Do we have dues money committed for member communication? If not, is there a crisis fund or re-appropriation of budget line item we can use?
 - What are the coordination rules?
 - What authority lines do we need to use?
 - Do we need a lawyer to approve items/literature we create?
 - Are there certain vendors we have to use?

Election Data & Win Number: Make sure to use data from the past 3 elections cycles for similar electoral years. For example, if the election is taking place during a Presidential election cycle, you want to pull data from other Presidential Election years.

Formulas to calculate your Win Number:

1. Election Year Turnout % = Total Votes Cast / Total Voter Registration
2. Average Turnout Pct % = (Sum of Previous Election Year Turnout %) / Number of Elections
3. Expected Voter Turnout= current registration x Average Turnout Pct%
4. Win Number= Expected Voter Turnout x .52

Year	Turnout	Registration	Turnout %

- **Win number:**
 - Candidate X
 - Candidate Y

Goals:

- _____ new volunteers
- _____% of members voting

- Increase PAC fundraising by_____

Strategy & Tactics: How will we talk to voters? How will we talk to our members?

Message: Why does this election matter to voters? Why does this election matter to members? *these may not be the same messages

Budget:

Item	Description	Cost

Task, Timeline, Audience:

Action or Task	Date	Target Audience	What is being communicated?	When is it being communicated?	Who is responsible?



Message Guidance: Navigating the Political Environment on Education Issues

Background: Political Environment on Education Issues

Public education has become an increasingly high-profile political issue. As we saw in the 2022 elections where the vast majority of pro-public education candidates won up and down the ballot, , pro-public education candidates must be clear and firm about their values and proactively run on a positive, solutions-oriented vision for our public schools and students, which addresses the real challenges facing students, educators, parents, and schools.

As extensive opinion research has shown, parents and voters are focused on the real issues facing students and public schools, not the rightwing culture wars that some politicians have tried to elevate over the past months and years.

That is why pro-public education candidates should proactively communicate with parents and voters about strengthening public schools, addressing educator shortages, getting students the one-on-one attention they deserve, expanding school-based mental health services to support students, and keeping our students safe in the classroom.

In this memo, we offer both responsive and proactive message guidance to help neutralize false attacks and communicate a positive message about meeting the challenges facing our students.

Message Guidance:

Do: Lead with solutions: Parents and voters understand the biggest challenges facing America's students and our public schools are: 1) getting students the one-on-one support they need, 2) addressing educator shortages, 3) ensuring students have the mental health services they need, and 4) keeping students safe from gun violence in schools. They want candidates to address these issues, and when they do, they reject the politicians trying to bring political culture wars into schools.

Do: Directly respond before pivoting: Opinion research shows that right-wing attacks on public schools are only effective in a vacuum and that most parents and voters disagree with these extreme attacks, especially after they've heard a positive vision for education. It is most effective to directly respond to the attack in the manner laid out below, forcefully and with clear values, before pivoting to the actual, top-priority issues facing our students and the solutions that parents and voters are looking for.

Do: Be clear and specific about the right-wing radical agenda: Name specific books or subjects that they have sought to ban. It is incredibly powerful to cite how some want to stop students from learning about slavery, the Trail of Tears, and important figures like Martin Luther King Jr., Rosa Parks, and Anne Frank, when that is spelled out clearly and explicitly.

Do: Remind people that parents and educators are united for student success: While some politicians try to drive a wedge between parents and educators, voters understand that parents and educators are united in their desire to see every student succeed. In every community across the nation, parents and educators are working together to build stronger public schools and create opportunities for students.

Research consistently shows that educators (teachers and education support professionals) are among the most trusted and respected people in every community.

Don't: Use their terms: Avoid repeating or using terms like “critical race theory,” “CRT,” or “grooming” which have been co-opted and distorted by the far-right as catch-all, culture war dog whistles. Don't try to debate what CRT is or is not or whether it is or is not taught in K-12 schools. Instead of debating the terms, say what you are for and against plainly and clearly, without jargon.

Don't: Be afraid of this debate: While there is no need to directly debate or elevate the political operatives or astroturf groups pushing the right-wing culture wars, extensive opinion research has shown that the way pro-public education candidates can lose this debate is by ignoring it. The right-wing talking points on these issues only work in a vacuum. For parents and voters, silence on education issues is taken as indifference to students' well-being and future. That is why pro-public education candidates should proactively lay out their vision on education, and – if attacked – directly and forcefully respond before pivoting to the solutions for the real issues facing public schools.

Key Talking Points:

Positive Top Line:

- Most of us want the same thing – strong, quality, welcoming public schools that give every student the freedom to reach their potential. All students - Black and white, Native and newcomer, Hispanic and Asian from rural, suburban and urban communities alike – should have the opportunity to learn and succeed.
- In every community across [America/State], parents and educators are coming together to support students and schools. Their goal is to make sure that our schools have the necessary resources and staff to provide students with safe, healthy environments and the individualized attention that they need.
- [Candidate name] is focused on getting all students the support they need to thrive.
 - o [He/She/They] are partnering with parents and educators to expand learning opportunities for students,
 - o Ensuring that students have access to the mental health supports they need, and
 - o Addressing educator shortages by demanding that there are enough talented and dedicated staff in schools so that students have the support that they need to learn and thrive.
- [Candidate name] knows that there are too many mass shootings in our schools, which is why [He/She/They] prioritize the safety of students and [are/is] working to keep weapons of war out of our schools and off our streets.
- And [Candidate name] knows that our public school educators are some of the most trusted and respected people in every community. [He/She/They] knows that to attract and retain the best teachers and education support professionals to support students, we need to pay our educators like the professionals they are and give them the respect they deserve.
- [He/She/They] trust parents and educators to work together to make education decisions rather than politicians who have never set foot in a classroom and who mandate one-size-fits-all approaches.

- [He/She/They] are working to strengthen our public schools to ensure our students are learning the skills they need to be successful in their careers, college, and lives. That means expanding instruction in practical skills and technical training. And it means investing in our community colleges and higher education institutions to ensure all students can learn the skills they need to enter the career field of their dreams.

Contrast Top Line:

- As Americans, most of us want the same thing – strong public schools that give every student the freedom to reach their potential. All students - Black and white, Native and newcomer, Hispanic and Asian, rural, suburban and urban alike – should have the opportunity to succeed.
- Sadly, rather than working to strengthen our public schools or helping educators and parents get our students the support they need, [Opponent name/“some power-hungry politicians”] is/are attacking our public schools, taking away opportunities for students to learn, and even trying to discriminate against some children in our community.
- We won’t let a handful of extremists divide and distract us from what our students need to reach their full potential: an inspiring and age-appropriate curriculum that prepares each and every one of them for their future.
- [He/she/they] ignore the needs of students, parents, and educators and instead try to distract voters by dragging right-wing culture wars into our community’s classrooms, just when our students need our support the most.
- [He/She/They] are using our most vulnerable students as political pawns and attacking our educators as they try to privatize our public schools.
 - o Rather than working to keep our students and educators safe, [he/she/they] have fought to ban books about MLK and the Holocaust and whitewash our history,
 - o Rather than keeping weapons of war out of our classrooms and off our streets, [he/she/they] are driving passionate educators out of the profession, and
 - o Rather than working to solve the educator shortages, [he/she/they] are attacking LGBTQ+ students and educators.
- Students, parents, and educators deserve better. They need partners, not partisans. They need solutions, not strife.

Response to Right-wing Attacks:

- There are some things every student should learn about, like the Trail of Tears, slavery, and important figures like Martin Luther King Jr., Rosa Parks, and Anne Frank.
- Our children deserve to learn accurate, age-appropriate lessons about America, from our greatest triumphs to our darkest moments. That includes slavery and how racism affects us today.
- Parents and educators agree that all our students deserve to learn the good and the bad about our history so we can learn from the past and come together for a better future. Students miss out when we allow politicians like [opponent’s name] to whitewash our history.
- Instead of addressing the real issues our students and schools are facing, [opponent name/“some politicians”] is pushing their extreme political agenda into our public schools.
- [Opponent name/“some politicians”] wants to ban books and punish teachers, allowing them to be sued or fined, just for doing their job.

- Unlike some politicians, [candidate name] has listened to parents and educators, and understands the real issues that our students are facing. [He/She/They] knows that our local public schools work best when parents and teachers come together to collaborate on what children need.
- That is why [Candidate name] is focused on getting all students the support they need to thrive. [He/She/They] has partnered with parents and educators to expand learning opportunities for students. [Candidate name] is working to help solve the educator shortages with full-time, passionate teachers and education support professionals, while also expanding mental health support for students. This will help make sure that every student can have the individualized attention that they need to learn and thrive in school.

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SEE *Educators* RUN

Learn how to run for office and win.



You don't need to be a political mastermind to get elected. Our See Educators Run program trains educators to create and promote a pro-public education platform and connect with voters who share our passion for strong public schools. Participants will learn from NEA experts and top political consultants to help develop the confidence and skills needed to run a successful campaign.

Members will learn:

- How to prepare to become a candidate for office
- How to communicate effectively with voters
- Policy talking points to use on the campaign trail
- Fundraising basics
- Tips for recruiting volunteers and running a field operation
- The nuts and bolts of running a campaign

APPLY TODAY BY VISITING [NEA.ORG/SER](https://nea.org/ser)



"I was able to win my election for school board against an anti-LGBTQ, Moms for Liberty backed candidate with the skills I learned from the See Educators Run training program. We need more NEA members stepping up to run for office to advocate for our students and educators. Our future depends on it."

Dan Gutmann, Urbandale School Board
Iowa State Education Association



LOCAL EDUCATION

Va. school board proposes telling parents how students self-identify

Some fear that teachers will be required to 'out' LGBTQ students to their parents



By [Hannah Natanson](#)

May 7, 2022 at 8:15 a.m. EDT

A Virginia school board is considering a proposal that would require schools to notify parents of students' "self-identification" — spurring worries that teachers will be forced to reveal the gender identity or sexuality of LGBTQ students without their consent.

The resolution, slated for discussion by Orange County Public Schools at a board meeting Monday, was proposed by board member Chelsea Quintern in compliance with a [state law](#) signed by Gov. Glenn Youngkin (R) in April that says Virginia school districts must notify parents whenever instructional materials include sexually explicit content and must provide alternative, non-explicit materials if requested.

Citing the law, the Orange County resolution says that "students shall not be subjected ... to curriculum, materials, and discussions relating to sexual orientation, gender identity, or any other sexually explicit subject without explicit consent from their parent(s)."

A second provision adds that "the Orange County Public School Board requires schools to notify parents of healthcare services and involvement in critical decisions affecting students' physical, mental and emotional well-being; including, but not limited to self-identification."

The latter statement is troubling to some teachers and students in Orange County and to LGBTQ advocates statewide. One teacher in the county, who spoke on the condition of anonymity for fear of professional retaliation, called the resolution "a clear instruction to 'out' students to their parents." He said many teachers and students in the district of about 5,000 are distraught.

FCPS Pride, an LGBTQ advocacy group based in Northern Virginia, wrote in a statement Friday: “The Orange County School Board is saying, loudly and clearly to queer people: ‘we count you as worth nothing, and we want you to pretend you don’t exist.’ ”

All five members of the Orange County School Board did not return requests for comment Friday evening.

At the most recent board meeting held last month, Quintern introduced the resolution on sexually explicit content, according to video of the meeting posted to Facebook by an attendee. Quintern also proposed a second resolution banning critical race theory from the school system’s “training program, curriculum [and] materials.”

She argued for her resolution on sexually explicit materials at the April 25 meeting by pointing to the state law on sexually explicit content. “I believe that this is going to encompass all of the requirements in the bill,” Quintern said, according to the video.

But the board appears to be going several steps beyond the Virginia law.

That law does not require schools to inform parents about students’ sexual orientation or gender identity; it does not directly discuss the issue. Under the law, the Virginia Department of Education is supposed to publish model guidelines for the handling of sexually explicit material — including a recommended process for notifying parents — by the end of July. All of Virginia’s 133 school districts must adopt versions of the guidelines by Jan. 1.

State Sen. Siobhan S. Dunnivant (R-Henrico), who sponsored the bill in the Senate, did not respond directly Friday to a question asking whether she supports the Orange County School Board’s resolution.

She wrote in a statement that her bill “is specific to instructional material alone. While school boards may have the prerogative to develop and adopt policies such as this, it is not something [the law] requires.”

Macaulay Porter, a spokeswoman for Youngkin, also did not respond directly Friday to a question asking whether the governor supports the Orange County resolution or resolutions like it.

She wrote in a statement that Youngkin signed the law on sexually explicit content “to empower parents, reaffirm parental rights, and provide parents a notification if their children were exposed to sexually explicit materials.”

It is unclear whether the Orange County board is going to vote on the two resolutions Monday. At the April 25 meeting, Quintern said she was eager to bring the measures to a vote, according to the Facebook video. But other members said they would like to wait.

Member Jim Hopkins said he wants to see the guidelines that the state Education Department is supposed to release at the end of July before taking action.

“I would just rather wait to see what they are going to recommend as policy before we do this,” he said, per the video. “But I do support what she’s trying to do.”

Hopkins also said he would like to give the public an opportunity to comment on the proposed resolutions before taking action.

Residents, families and teachers now know “where our board is looking to go,” Hopkins said, according to the video. “At least two of us have said publicly we are willing to go there, so if they have some objections, they have a chance to let us know about that.”

Board members Michael Jones and Sherrie Page said they, too, would like to hear from members of the public. No board member voiced opposition to either resolution, according to the video, and the group voted unanimously to include the resolutions for discussion at their next meeting, on Monday.

Meanwhile, the anonymous Orange County teacher said, emotions are running high among educators in the county, which is in Virginia’s central Piedmont region and is home to Montpelier, the 2,700-acre estate of President James Madison.

Particularly concerning, the teacher said, is that Quintern’s resolutions are broad and vaguely worded. He said educators are unsure what they will be allowed to talk about in classrooms should the resolutions pass. He added that some teachers are starting to make lists of what they expect will become forbidden topics.

As for the resolution that requires reporting students’ self-identification to parents, the teacher said it has left “students really enraged” and teachers feeling “rage and a deep sadness.” He said teachers in the district estimate that at least 80 percent of students who are members of the Gay-Straight Alliance club are “not out to their parents.”

“Counselors are looking up their ethical guidelines” in response to that resolution, he said. “Teachers are talking about civil disobedience.”

LOCAL EDUCATION

Va. school board delays vote on telling parents how students self-identify



By [Nicole Asbury](#)

May 10, 2022 at 6:00 a.m. EDT

Orange County School Board members delayed voting on a proposal Monday that would have required schools to disclose to parents their students' "self-identification," a policy LGBTQ advocates worried could be harmful for students.

While that resolution was delayed, board members in the Virginia district voted 3 to 2 to approve a second resolution to ban critical race theory from the school system's training program, curriculum and materials.

The self-identification provision was part of a resolution that also would have required that parents be notified whenever instructional materials include sexually explicit content.

The resolution was proposed by board member Chelsea Quintern in compliance with a new state law requiring school systems to notify parents of these materials and offer alternative, non-explicit materials if requested. The law does not require schools to inform parents about students' sexual orientation or gender identity.

Under the law, the Virginia Department of Education is supposed to publish guidelines for the handling of sexually explicit material — including a recommended process for notifying parents — by the end of July. Virginia school districts must adopt versions of the guidelines by Jan. 1.

The Orange County board voted to delay a decision on the resolution until the model guidelines are released by the state Education Department.

The proposals were met with pushback from a majority of people in the packed audience at Monday's board meeting. One of the attendees held up a sign that read "It's OK to say gay!" — an allusion to a bill signed by Florida Gov. Ron DeSantis (R) that regulates lessons about sexual orientation and gender identity. Some critics of the Orange County resolutions said the proposals were attempts to copy the Florida bill.

Quintern defended her support for the resolutions Monday. Prohibiting teaching of critical race theory — a decades-old academic framework that examines how policies and the law perpetuate systemic racism — would prevent further division of students by race or ethnicity, she said, adding that the policies she proposed would better protect LGBTQ students.

"This resolution would allow schools, parents and students to bridge the resources needed to assist the children in an equitable manner," Quintern said. "Under this resolution, these students could be better protected against discrimination, as the families would be more engaged with the upbringing of their child."

Quintern was heckled multiple times during her comments ahead of the board's vote. At one point, school board Chair Sherrie Page called for order and told audience members they would be escorted out if there were further outbursts.

Several students and parents spoke in opposition of the two resolutions during a public comment session that lasted nearly two hours. They pointed to statistics that LGBTQ youths are at higher risk of mental health challenges and of suicide and argued that the problem would worsen if Quintern's proposed self-identification policy were approved.

"Even if you pass this resolution, we will continue to talk about sexuality," said Juliet Daniel, a bisexual senior at Orange County High School. "We will continue to fight for the use of correct pronouns for every student."

They also argued that the resolution that would ban teaching critical race theory was unfounded, saying the school system doesn't have any curriculums incorporating it to begin with.

A few audience members spoke in favor of the proposals' passage. One speaker cited Romans 12:2 from the Bible and asked the board "not to heed to the patterns of the world." He compared teachers who conversed with students about their gender identity or sexual orientation with groomers, whether it was "grooming them to be social justice warriors or grooming them to be confused about their gender." He told the board that teachers should be focused instead on subjects like civics, math or English.

All five members of the board voted to delay a decision on the sexually explicit content resolution. Page and Michael Jones voted against the resolution banning critical race theory.

Hannah Natanson contributed to this report.

https://dailyprogress.com/orangenews/controversial-school-board-resolution-voted-down-to-little-fanfare-outside-orange/article_c1a4fe74-643c-11ed-a965-d7054d9e277c.html

Controversial School Board resolution voted down to little fanfare outside Orange

Andrew Hollins

Nov 14, 2022



Parents, students and people who wanted to be heard backed into the School Board meeting last month for the vote that had made headlines across the country, ending with Board Member Chelsea Quintern's controversial Sexually Explicit Material Resolution being voted down, 3 to 2.

ORANGE COUNTY REVIEW FILE PHOTOS

Andrew Hollins

In a standing-room only Orange County School Board meeting on Oct. 3, the controversial “Sexually Explicit Materials Resolution” met its end when it was voted down 3-2.

The resolution, which was proposed on Apr. 25 of this year, charged the schools with having to inform a student's parents if they talked about sexual or gender identity, including those who were yet to publicly come out as LGBTQ+. Many parents and students expressed concern, sometimes outrage, that this could effectively force the schools into “outing” students as LGBTQ+ to their parents. As the outrage grew, the story made national headlines and has brought sometimes dozens of public comments at almost every school board meeting since.

District 4's Chelsea Quintern, the vocal conservative who won her seat in a landslide one year ago, brought the proposal to the school board. The Board had previously passed the Divisive Content Resolution in May, which was also proposed by Quintern. Quintern said that her resolution was in line with what the state bill and the Supreme Court have deemed reasonable and acceptable policy.

People are also reading...

1 Charlottesville Wendy's undergoes \$550K renovation

2 A family wants its 132-year-old donation to the University of Richmond refunded**3 Virginia grandparents plead guilty in dog attack that killed 7-year-old****4 Spudnut or not? Local businesses revive doughnut thought dead.**

However, the nature of that policy has proved murky. While the online description of Virginia's State Bill 656 states that "the local school board policies shall be consistent with but may be more comprehensive than the model policies developed by the Department," the actual text of the bill signed into law does not appear to include text that makes this clear. The text of the bill signed into law is ten lines: short, for a piece of important legislation, and nowhere in them does it suggest that local school boards do anything other than inform parents of middle and elementary school students of "sexually explicit content" and offer an alternative.

Earlier this year, Governor Youngkin and the Virginia Department of Education drew from these 10 lines of text from the Code of Virginia and turned it into the much more comprehensive guideline document titled "Model Policies for the Privacy, Dignity and Respect for all Students and Parents in Virginia Public Schools," which was issued to schools of the Commonwealth. This document, much like the State Bill that spawned it, sparked controversy from the moment it was published. It replaced the 2021 "Model Policies on the Treatment of Transgender Students" that was currently in place, and many people saw it as an attack on the most vulnerable students. It was a concern shared by many in the room on October 3, when Orange County's School Board were to vote on their interpretation of what the intent of the bill and guidelines to be.

At the Oct. 3 meeting, 36 people took to the podium, which was a fraction of the people in attendance. The younger members of the audience carried signs and donned rainbow attire, and they were hard to miss. Of the 36 public commenters, 21 spoke against the proposal. Those who spoke out against the resolution also included a doctor who was concerned that outing students potentially could create a hostile home environment and lead to harm, which was the opposite of what a school system's expressed goal is and should be. A mental health professional expressed concern about alienating students who were already vulnerable, as did educators who were worried about losing teachers who didn't want to be put in the position of outing a LGBTQ+ student to their parents. Additionally, each of the four Orange County Public Schools students who spoke advocated against the proposal, saying they felt like the proposal was a huge invasion of their privacy and their human rights.

The 15 people who spoke out in favor of the resolution all varied in tone, subject and demeanor. Most were measured and intellectual, but a few were noticeably more hostile and even outright accusatory. Some of the more articulate arguments in support of the resolution stated that the voters had placed conservatives on the School Board for a reason, and that the majority of the people in the county have traditional values and beliefs, ostensibly such as Quintern's, thus supporting her as knowing what her constituents want. Mike Allers, an educator and administrator in Orange County Public Schools for 28 years and who is himself seeking a State Senate seat in the next election, also spoke in favor of the proposal. He argued that the goal of the resolution is transparency, and to bring parents into the discussion with their children about their identity and their sexuality.

Yet of all 15 speakers in favor, only one of them identified as the parent of a child in Orange County Public Schools. That person was a man named Larry Scott, who cited his deeply held religious beliefs as the reason for his support. During his speech, however, he did not mention

was his presence on Quintern's campaign website, where he praises her conviction and says, "It's an honor to know her and have her as a friend." In fact, many of the speakers were members of different conservative organizations associated with Quintern. These associations were not disclosed at the time; nor, in fairness, was it a requirement to do so.

After two hours of public comment, the resolution went before the school board. When the board passed the Divisive Content Resolution in May, the vote was 3-2, with Quintern, Michael Jones of District 3 and Melissa Anderson of District 1 all voting in favor of the resolution, with Sherrie Page and Jim Hopkins voting against it. With Quintern and Anderson both being vocal conservatives, and board members Page and Hopkins having voted against the other controversial resolution, many saw it as a matter of which way Jones was going to vote.

Jones, a former law enforcement officer, thanked the community for their conduct in discussing the highly poised issue. He spoke candidly, leaning into his words with his elbows together on the table and his hands lifted to his face. He began his opinion by reflecting on the many times he'd worked cases where children had been abused and people had taken their own lives.

"Not everyone wakes up winning the parent lottery," Jones said. "If you don't know what the parent lottery is, well... I won it. My mom was an educator for 38 years. I've got three kids in public schools, and I've also had the joy of living with an educator in this system. I've seen what she goes through every day. I don't want teacher's ears sewn to the carpet, where they have no room to navigate."

Moments later, the bill was voted down 3-2. Despite being a national story for months, it remained a quiet affair that was absent from television and national news. In Quintern's email, she said that the whole ordeal was disappointing, but she was going to continue to fight for what she believes in.

"My intent with the resolution was to charge administration and the School Board with passage of a formal policy to set a standard for each school to follow," Quintern wrote in an email. "In drafting this resolution, the intent was to focus classroom learning on state standards and requirements, which is more important than ever, after the state report was recently released by the Governor.

"As a board member who was elected during the wave of parental rights, it was very disheartening to know that as a collective, the Orange County School Board decided not to definitively stand up for them," she said. "The law is clear: a parent has a fundamental right to make decisions concerning the upbringing, education, and care of the parent's child. I vow to continue to fight for these rights during my tenure."

Quintern also requested that it be made clear that her comments are her own and do not reflect those of the Orange County School Board, who all seemed a bit more casual and relaxed at the School Board meeting the following month. During that meeting, the board fulfilled its duty of handing out a host of awards to teachers, staff and students in a room that finally, after almost 8 months, had a few empty seats in it.

Popular in the Community

NEA's Guide to Unit List Acquisition

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The National Education Association (NEA), the nation's largest professional employee organization, is committed to advancing the cause of public education. NEA's three million members work at every level of education – from pre-school to university graduate programs. NEA has affiliate organizations in every state and in more than 14,000 communities across the United States.

Who to Contact:

Year-Round Organizing: neweducator@nea.org
 Data and Analytics: datahelp@nea.org
 Collective Bargaining and Member Advocacy: collectivebargaining@nea.org

Our Leadership:

[Lily Eskelsen García](#), NEA President
[Rebecca Pringle](#), NEA Vice President
[Princess R. Moss](#), NEA Secretary-Treasurer
[Kim A. Anderson](#), NEA Executive Director

NEA Executive Committee:

[Eric R. Brown](#), Illinois
[Shelly Moore Krajacic](#), Wisconsin
[Robert Rodriguez](#), California
[Christine Sampson-Clark](#), New Jersey
[George Sheridan](#), California
[Hanna Vaandering](#), Oregon

Introduction: Why Is It Important to Have Good Lists?

Now more than ever, strong public sector unions depend on their members. It is essential to meet and organize prospective members as early as possible. Accessing and maintaining up-to-date information on all employees represented by the Local Association is an essential building block to a strong and effective organization.

There are a number of strategies used by affiliates across the country to access and maintain up-to-date contact and worksite information. The opportunities below are recommended in order of strength: The higher the recommendation, the more durable and secure your union's rights to effectively represent and organize your members and potential members.

1

Policy Change:

Policy change can be achieved at the state level through legislation or administrative/executive action, or at the local level through ordinances or school board policy changes. Many states have passed bills that require employers to provide union representatives with contact information for new hires and for all employees in the bargaining unit, and to grant access to new employee orientations. We can seek policy changes even in states or localities that do not allow full collective bargaining.

2

Negotiated Language:

Associations can and should negotiate contract language that requires every employer to provide contact information for new hires and for all employees in the bargaining unit. Even in states without collective bargaining, it is possible to secure language through the "meet and confer" process by writing these priorities into employee policy manuals and other formal documents.

3

Relational Information Request:

Many Associations have good working relationships with districts and can get employee contact information by submitting an information request to the district superintendent or human resources director. Where the Association has formal recognition as the exclusive representative, that status usually carries with it an obligation to represent the interests of everyone in the "unit" – whether they are Association members or not. Therefore, the Association has a right to know who that includes and how to contact them. Even in units without exclusive representation, employers should honor information requests. Nevertheless, relationships can change, so we recommend that the local push for policy changes or negotiated language whenever possible.

4

Utilize Publicly Available Data:

In many districts, it is possible to assemble worksite data on education employees by systematically culling information from publicly available school websites.

5

FOIA Request:

When a superintendent or school board is unwilling to voluntarily agree to share the necessary information, filing an official "Freedom of Information Act" or "Right to Know" request under your state law may provide access to some basic information on public employees. However, we should advocate in favor of limiting what information is available through FOIA; we have a legitimate need and purpose for this data, but others might use it to harass and invade the privacy of our members.

Which Data Fields Are Most Important?

Basic identification and contact information is essential. This should include:

- ▶ **First name**
- ▶ **Last name**
- ▶ **Employee ID number**
- ▶ **Home address**
- ▶ **Home telephone number**
- ▶ **Personal cell phone number**
- ▶ **Personal email address**

Basic worksite information is also essential. This can include:

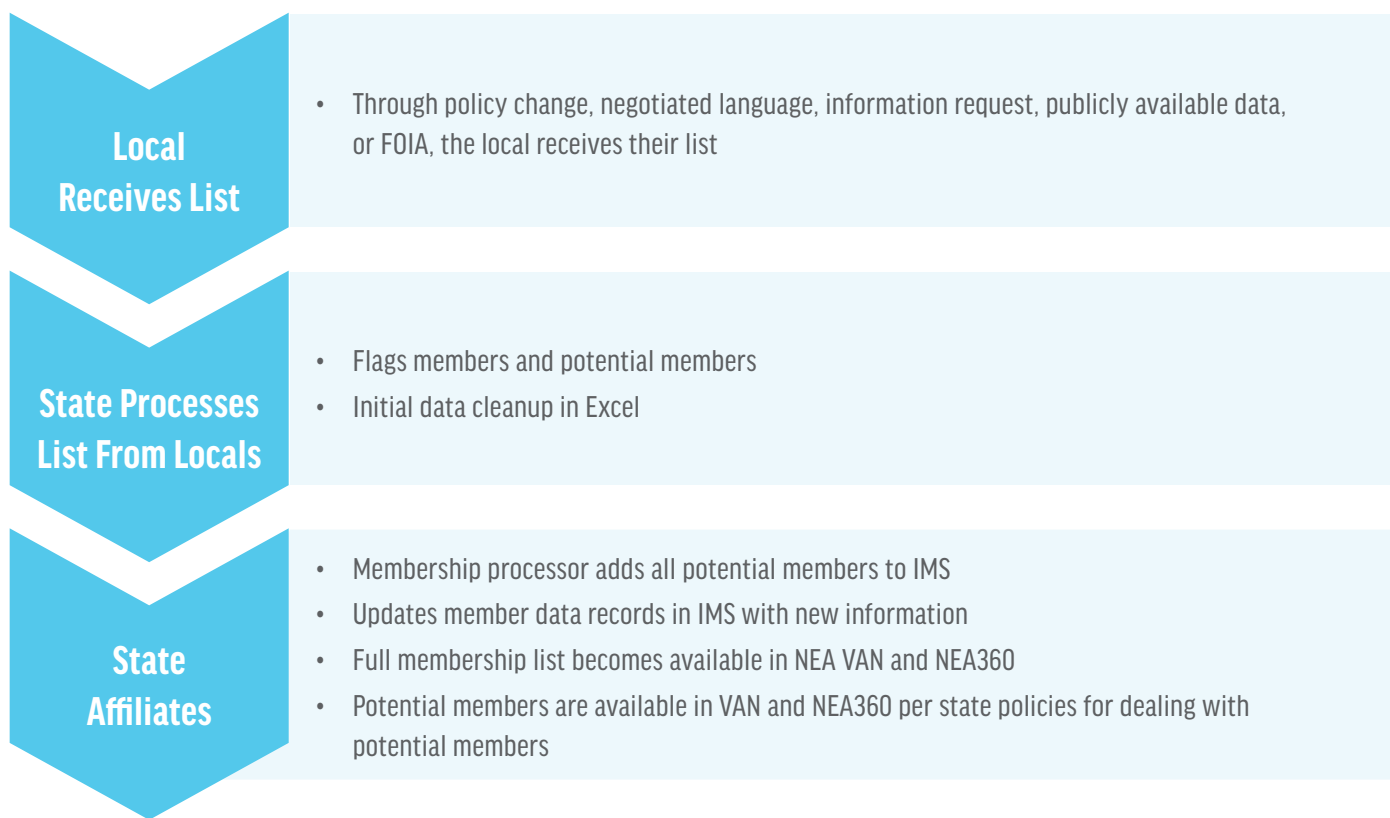
- ▶ **Job title**
- ▶ **Work location**
- ▶ **Current assignment**
- ▶ **Work phone number**
- ▶ **Work email address**
- ▶ **Date of hire**

Where appropriate for the membership unit, this can also include:

- ▶ **Part-time or full-time**
- ▶ **Work shift**



Model List Acquisition Processes



NEA membership data is stored within our “IMS System,” which was designed for storing membership information for processing dues. NEA360 is being built over IMS as a portal for members to maintain their contact information and allow more online interaction with their union. In addition to membership information being stored in IMS, the data is synced twice per month to bring the data into MyWorkers VAN and MiniVAN: software that is available for field staff and local affiliate leaders for organizing and engaging both current and potential members.

No action is needed for states to bring their membership information into VAN; however, potential member data, which is often not in IMS, can either be included within the regular IMS data entry coded as “Potential Members,” or the lists can be matched to the Catalyst voter file and uploaded to VAN.

The Catalyst data match may enhance the data with additional contact information (*phone number, address, and email*) that was not included in the source file. This provides additional options for contact, and the software provides tools for outreach through door-to-door canvass, phone calls, or worksite visits. The data can also be exported for mail vendors.

Bargaining unit lists – and new hire lists – can either be processed through IMS or they can be added to MyWorkers VAN. When imported to VAN, they are saved in a folder for direct access.

State Data Leads with moderate/advanced experience with formulas in Microsoft Excel can receive training and access to Catalyst’s Match tool by reaching out to the Center for Organizing Data Team.

Alternatively, the Data and Analytics team in NEA’s Center for Enterprise Strategy can process and upload the lists when you submit your files to datahelp@nea.org.

See Appendix A for a case study on Florida Education Association’s process for list acquisition that focuses on roles and responsibilities at the local and state level.

Opportunity 1: Policy Change

Policy change can be achieved at the state level through legislation or administrative/executive action, or at the local level through school board policy changes or local ordinances.

- ▶ **STATE LEGISLATION:** State legislation is an important way to secure access to data on the educators we represent. Armed with statutory language, we can bargain stronger contracts and secure regular access to information without frequent requests.
- ▶ **STATE ADMINISTRATIVE POLICY OR EXECUTIVE ACTION:** Working with the governor and within the relevant state departments (*ex. Education, Labor*), states have secured policy changes that support access to data on the educators we represent.
- ▶ **SCHOOL BOARD POLICY:** Without action taken at the statewide level through legislation or administrative action, Local Associations may secure policy at the school board level to secure access to data on the educators we represent.

Affiliates' efforts have focused on two main areas:

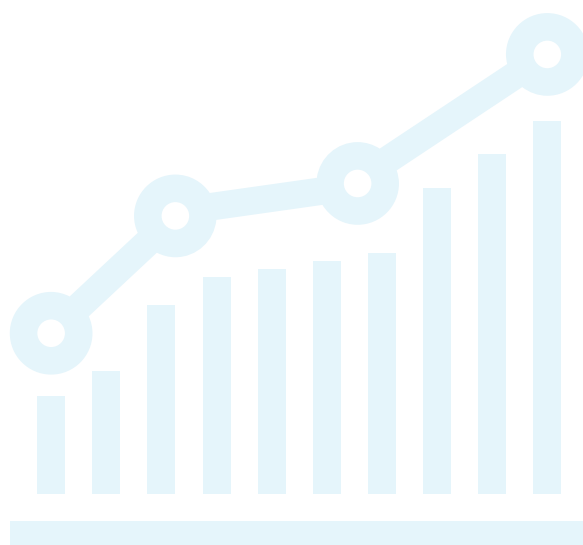
- Data and Lists: Securing Rights to Contact Information for New Hires and All Represented Employees
- New Employee Orientations (NEOs) and other access to New Employees

Data and Lists: Securing Rights to Contact Information for New Hires and All Represented Employees

In order to engage and sign up new bargaining unit members, we must know who they are as early as possible. In order to effectively represent everyone in the bargaining unit, and to recruit members at key times (*for example, during the contract process*), we need regular electronic delivery of bargaining unit lists. With rights to data and lists secured in statute, policy, or bargaining, we have the framework needed to negotiate for efficient, effective provision of employee data.

Whenever possible, we should ground our right to receive contact data on new employees in our status as democratically elected bargaining representatives that are charged with the duty of working on behalf of every employee in the bargaining unit. To get this information, we should not have to rely on "Right to Know" laws available to the general public, including our right-wing opponents; in fact, laws including the 2019 bill passed in Illinois, SB 1784, contain provisions to protect sensitive employee data from disclosure under freedom of information acts. Nor do we need to make information requests through bargaining.

In 2017, California passed a model statute mandating early and frequent delivery of new employee data in AB119. Hawaii, Illinois, Maine, Maryland, Massachusetts, New Jersey, New York, Oregon, and Rhode Island have passed similar provisions. Key points to look for in language are 1) limiting data access to the bargaining agent, and restricting access by third parties in order to protect our members from intrusive approaches from anti-worker, anti-union organizations; and 2) the delivery of data in electronic form. The language following this sentence, taken from the statute passed in New Jersey in 2018, provides a model; others are linked in Appendix B.



Model Legislative Language

- 
- ▶ Within 10 calendar days from the date of hire of negotiations unit employees, public employers shall provide the following contact information to an exclusive representative employee organization in an Excel file format or other format agreed to by the exclusive representative employee organization: name, job title, worksite location, home address, work telephone numbers, and any home and personal cellular telephone numbers on file with the public employer, date of hire, and work email address and any personal email address on file with the public employer. Every 120 calendar days beginning on January 1 following the effective date of this act, public employers shall provide exclusive representative employee organizations, in an Excel file or similar format agreed to by the employee organization, the following information for all negotiations unit employees: name, job title, worksite location, home address, work, home and personal cellular telephone numbers, date of hire, and work email address and personal email address on file with the public employer.

The home addresses, phone numbers, email addresses, dates of birth, and negotiation units and groupings of employees, and the emails or other communications between employee organizations and their members, prospective members, and non-members, are not government records and are exempt from any disclosure requirements of P.L.1963, c.73 (C.47:1A-1 et seq.).

Opportunity 2: Negotiated Language

Strong contract language not only specifies the data fields to be shared, but also guarantees that the employer provide the information in a regular, timely manner, preferably on a biweekly basis (*for example, with the regular transfer of payroll deductions*).

Further provisions can and should require that information on all new hires be provided immediately upon hiring, not simply after they begin working. The regular transfer of unit member information should also include clear listing of employees who have retired, resigned, been dismissed, gone on long-term unpaid leave, been promoted or re-assigned, or otherwise left active employment in the unit.

In addition to securing the union access to such information on an ongoing basis, affiliates should consider amendments to state FOIA and "Right to Know" laws that restrict the ability of third parties to access detailed employee information, or at the very least, give the union advance notice and an opportunity to respond when a third party has requested such information. We have uniquely legitimate reasons, and often a legal duty, to understand and contact the workers we represent. But as we know from experience, other organizations will use requests for public data to invade our members' privacy.

Model Contract Language for Unit Member Information

- ▶ **Section 1.** At the beginning of each contract year, and at least every 120 days thereafter, the Employer shall supply the Union with the following information for each employee:
 - name, home address, telephone number, cell phone number, and email address;
 - employee identification number;
 - most recent date of hire and seniority date(s), if different;
 - job title, current assignment, work location, work telephone number, and work email address; and
 - salary and/or any other form of compensation.
- ▶ **Section 2.** At the beginning of each contract year, and at least every 120 days thereafter, the Employer shall supply the Union with the following information for each employee:
 - new hires, resignations, retirements, long-term unpaid leaves of absence, dismissals, and/or any other separations from employment; and
 - any other changes in the information specified in Section 1 and the effective date of such changes.
- ▶ **Section 3.** The Employer shall furnish the Union with the information specified in Section 1 for each new employee within one week after his/her date of hire.

[NEA's Collective Bargaining and Member Advocacy Department](#) maintains a contract database from across the country and can provide samples of contract language guaranteeing access to unit member information. Specific examples include:

Example: United Faculty of North Orange County Community College District (CA)

INFORMATION REGARDING UNIT MEMBERS

The Association shall have the right to receive, within a reasonable time, upon request, names, job titles, and information regarding compensation of all unit members. If requested by the Association, and authorized by the employee, such listing shall include home addresses and telephone numbers.

Here is another sample of how the issue can be addressed in contract language:

ACCESS TO EMPLOYEE HOME ADDRESS AND TELEPHONE NUMBERS

On a monthly basis, the University shall provide the union with an electronic list via File Transfer Protocol (FTP) of all employees in the bargaining unit. The list will include the following data fields: name, title, title code, date of hire, annual salary rate, percentage appointment, appointment type, campus mailing address and hiring unit, email address, separation date and reason, leave of absence date and reason, and dues indicator. In addition, the list will include the home address and telephone number of bargaining unit members unless the employee has specifically requested that the home information not be released.

The University will provide a weekly list of changes (e.g. new hires, corrections, transfers, salary changes) via FTP that have occurred within the bargaining unit. The data fields provided via FTP are subject to change upon agreement of the parties...

Upon written request, the University will provide the undisclosed home addresses to a mutually agreed-upon mailing service firm through which [the union] can correspond with said individuals. The mailing service shall keep confidential the home address of the employees who have requested that their home information not be released. The union will bear all costs associated with this service.

Opportunity 3: Relational Information Request

Where the Association is recognized as the exclusive representative of the employees in the unit, it can make information requests for employee information as needed for the union to fulfill its statutory bargaining obligations. Such requests should be specifically grounded in the union's statutory bargaining obligations so as to indicate that lists should only be given to the union because of its special status as the bargaining representative.

Where the Association does not have recognition as the exclusive representative of the employees, an information request may still bear fruit. Exercise caution with this approach, however, as the employer may conclude that it must share similar information with other third parties who request it. Wherever possible, we should stress our uniquely legitimate need for the data, given our role as a representative of public workers.

See sample letters in Appendix D.

Opportunity 4: Utilize Publicly Available Data

This refers to the process of automated data collection from publicly available databases of information. Many universities post class schedules and faculty information on public facing websites that can be collected into Excel. Publicly available information on course schedules can be especially useful in finding and communicating with adjunct faculty.

Data mining services are available from the NEA Data Team for state and local affiliate organizers needing potential member lists. The requestor must identify the specific URL location of the data to be collected as well as the columns to be included.

The Center for Organizing Data Team relies on field staff and affiliates to identify areas where this data is available. Requests for scraped data can be submitted at any time, to datahelp@nea.org.

Opportunity 5: Freedom of Information Act (FOIA) Requests

Public information laws and privacy laws vary from state to state. In many states, NEA and affiliates have worked hard to protect member privacy by ensuring that detailed public employee personal information is not subject to disclosure to third parties under the state FOIA law. If the options above for obtaining employee information are not available or efforts are unsuccessful, you may be able to obtain some such information through your state's FOIA law. Check with your affiliate counsel before going this route, as you do not want to inadvertently open the door to disclosure of employee information to third parties if it does not currently exist in your state.

Where a FOIA request is available and makes sense to pursue, it can be submitted to the District Superintendent for information on district employees.

State and Local Associations can also submit FOIA requests to state retirement agencies and state certification agencies to gather information on members and prospective members who are either in state retirement plans and/or are certified by state agencies. This has proven a particularly insidious way for anti-worker organizations to gather lists of union employees; in some states, we have advocated to limit access to that information to secure the privacy of our members and retirees.

For a useful starting point in crafting such requests, see the model templates maintained by the National Freedom of Information Coalition (www.nfoic.org) for each state. As always, you should check with your affiliate counsel to confirm the reliability of the citations and models offered on that website.

<https://www.nfoic.org/organizations/state-sample-foia-request-letters>

APPENDIX A: Florida Education Association Model List Acquisition Process

Conditions in Florida:

- F.S. Chapter 447 Collective Bargaining Rights.
- Liberal public records laws, making public employees' names, addresses, salary, etc. public record unless exempt (*e.g. law enforcement and their family*).
- 2018 FL Legislature passed a law that forces each local teacher's union to report its density to the Public Employees Relations Commission. Locals not reporting 50% or higher density yearly would be decertified and forced to go through the card collection process and an election to recertify as the bargaining agent.



Results:

FEA developed a statewide process for acquisition and verification of potential member lists/bargaining unit lists in order to assist locals with complying with the new reporting requirements of the law.

Every teachers' local in the state reached the 50% or higher density threshold, as required, in 2018 and 2019.

How:

Organizing and Field Services worked with IT to **develop a master spreadsheet** that includes number in bargaining unit, number of members (based on IMS), density percentage, PERC recertification date, etc. for each local. The spreadsheet calculates density and highlights locals below 50%.

For **state option locals**, information for the spreadsheet is reported monthly by each state option local membership secretary to the Office of Organizing and Field Services. During the first year, information was reported weekly, but has now changed to monthly. Reports are due to the OFS office by the 15th of the month and must highlight any changes to the bargaining unit number. If a change has occurred to the overall bargaining unit number, the OFS office reports it to IT who then changes the spreadsheet to reflect the change (*so the density reflects actual bargaining unit numbers*). At the beginning of each month, IT runs a membership report that is reviewed by the FEA Vice President and the OFS Director. When approved, it is distributed to all state officers, OFS managers, NEA and AFT contacts. NEA's Tom Israel receives this report monthly. Reports are distributed to the FEA Governance Board quarterly.

For **local option locals**, affiliate field staff (*regional specialists, service unit directors, etc.*) are each assigned to a local for communication of important information, even if they are not actively working in that local. These personnel contact the staff or leaders in the local options quarterly to collect their bargaining unit data. The information is added to the spreadsheet and updated when changes occur.

For the infrequent cases where the district refuses or delays in providing the information needed, **FEA has developed several form letters** for locals to provide as a public records request or demand. Because of the public records laws and the collective bargaining provisions in the Florida Constitution and law, most school districts provide the information on a bargaining unit through a simple request made to their payroll or IT department by the local leader or local staff (if local option), or by the service unit or local membership secretary (*if state option*) without a formal demand.

Locals who have had repeated difficulty in receiving the information they need are encouraged to **bargain contract language** that outlines the information they would require for developing a time/experience grid for bargaining such as name, worksite, position title, years of experience, salary, address, etc.

Importance of Relationships:

Local leaders and membership secretaries develop relationships with their counterparts in the school district central office (sometimes they are our members) to maintain good data and information. In situations where there is a breakdown in that relationship, often a call between a staff attorney and the district's attorney can clarify the union's right to have the information they are requesting. In rare instances, a more formal response has been needed to get a district to comply, often as a result of complicated bargaining issues not related to the information being requested.

APPENDIX B: State Laws Supporting Effective Union Representation (As of 12/2019)

NEA Office of General Counsel

State	Year Passed	Bill No.	Key Provisions
 California	2017	AB 119	Data and Lists: Grants certified representative timely, regular access to information about new hires and represented employees; sets timelines for receiving lists. New Employee Orientations (NEOs): Provides certified representative mandatory access to NEOs, sets requirements for notice. Grants rights to bargain and arbitrate over the structure, time and manner of NEOs.
	2018	SB 866	NEOs: Expands coverage of NEO law, restricts access to information re: time and place of NEOs. Dues Deduction, Maintenance of Payment (MOP): Requires employer to honor the terms of the employee's deduction authorization and provides that employers shall rely on information from employee organization regarding whether to end or change deductions. Dues Deduction, Custodian of Record (COR): Requires employer to process deductions pursuant to the employee organization's certified list of individual employee deduction authorizations without requiring submission of a copy of those authorizations, unless a dispute arises. Provides that employee organization shall indemnify the employer for employee claims made in reliance on its certification. Neutrality: Strengthens employer neutrality policy; sets requirements for review of mass communications.
 Delaware	2018	HB 314	Dues Deduction, MOP: Requires employer to honor terms of dues authorization, including maintenance of dues payment. Further provides process to revoke where authorization silent.*
 Hawaii	2018	HB 1725	MOP: Seeks to establish timeframe and process for employee revocation of dues deduction authorization.*
	2019	HB 845	NEOs: Mandates new hire orientation for state employees; gives exclusive representative access.
	2019	HB 157	Data and Lists: Requires employers to disclose to exclusive representatives contact data on employees in bargaining unit, as well as data on new hires.
 Illinois	2018	SB 1784	Data and Lists: Requires employers to provide exclusive representatives with digital lists of employees in the bargaining unit, and new employees within 10 days of hire. Employee Data Protection: Protects some data and communications between union and employees from disclosure under state FOIA. Also protects data held by a pension fund or retirement system. Mandates employer disclosure to exclusive representatives any such FOIAs; creates right to file ULP if unwarranted disclosures.

NEA Office of General Counsel

State	Year Passed	Bill No.	Key Provisions
 Illinois (Continued)	2019	SB 1784	Access to New Employees: Grants right to one-on-one meetings with new employees at worksite and on paid time, for up to 1 hour, within 2 weeks of hire. Access: Grants access to employees at worksite for matters related to representation; grants access to bulletin boards, mailboxes, and email (<i>if bargained</i>). Dues Deduction, MOP: Requires employer to make deductions to exclusive representatives per terms of employee's written authorization, including electronic authorization; permits reasonable MOP provisions. Dues Deduction, COR: Employee requests to authorize, revoke, or change deductions directed to exclusive representatives, who shall provide to or notify employer of these requests. Employer shall make deductions pursuant to information provided by the exclusive representatives, who shall indemnify employer for claims in reliance on that information. Failure to comply shall be ULP; IPLB shall have jurisdiction, hold disputed deductions in escrow. Neutrality: Employer shall not discourage, deter, etc. public employees from joining, authorizing representation by, or making payments to labor organizations, nor permit third parties to use email to do so.
 Maine	2019	HP 1063 - LD 1451	Data and Lists: Requires employers to provide bargaining agent with information on employees in unit and new hires; restricts sharing of some data beyond bargaining agent. NEOs: Provides bargaining agent with right to meet with new hires during new employee orientations or in individual or group meetings. Access: Grants bargaining agent right to access members of unit at workplace, use employer email system for certain purposes
 Maryland	2018	SB 819	Data and Lists: Grants certified representative of school employees timely, regular access to information regarding new hires and all represented employees. NEOs: Requires public school employers to provide exclusive representatives with access to new employee processing, and establishes right to negotiate the structure, time, and manner of that access.
 Massachusetts	2019	H3854	Data and Lists: Establishes employee organization rights to contact data for public employees, protects information from general disclosure. Provides that employer must supply new hire information within 10 days after employee accepts an offer of employment. NEOs: Grants employee organization right to meet with new hires during NEOs or at individual or group meetings. Access: Grants employee organizations right to hold meetings at worksite, and access to employer email system and buildings, for certain purposes. Dues Deduction, MOP: Requires employer to make payroll deductions pursuant to the terms of the employee's written authorization, and provides that employers shall honor the revocation terms of that authorization provided it may be irrevocable for a period of no longer than 1 year.

NEA Office of General Counsel

State	Year Passed	Bill No.	Key Provisions
 Massachusetts <i>(Continued)</i>	2019	H3854	Representation Fees: Exclusive representatives may require non-member to pay for reasonable costs of grieving or arbitrating a matter arising under a CBA; limits DFR to negotiation and enforcement of CBA terms.
 New Jersey	2018	A3686	Data and Lists: Mandates timely provision of new hire lists and contact data (<i>10 days</i>) and regular provision of data regarding represented workers. Protects sensitive data from public release. NEOs: Provides exclusive representative with right to access NEOs. Access: Secures exclusive representative rights to access NEOs, employee contract data, employer email systems, and employer buildings; protects access rights pursuant to grievance and binding arbitration procedures. Dues Deduction, MOP: Strengthens existing law on payroll deduction; clarifies validity of electronic authorization. Creates a statutorily defined process for employees to revoke deduction authorization.* Neutrality: Establishes policy of public employer neutrality on union membership and support.
 New York	2018	S.7509-C (RRR)	Data and Lists: Mandates timely provision of data on new hires, transfers, and promotions into unit. NEOs: Grants union right to meet with new hires for specified amount of time (<i>not NEO-specific</i>). Dues Deduction, MOP: Provides obligation to deduct dues, and begin deductions in timely way; requires employer to honor terms of membership authorization to maintain dues payment. Representation: Clarifies that DFR does not reach beyond CBA. Permits negotiation to relieve union of obligation to represent non-members in certain cases.
 Nevada	2019	SB135- State EEs	Dues Deduction, MOP: Requires state to bargain provisions to deduct payments to the exclusive representative, and to revoke authorizations only in the manner prescribed in the authorization. (State) Employer Neutrality.
 Oregon	2019	HB2016	Data and Lists: Requires employer to provide employee contact data within 10 days for new hires, and every 120 days for employers in bargaining unit. NEOs: Provides right to meet with new employees on paid time during NEO, or if no NEO held, at individual or group meetings. Access: Mandates comprehensive access for exclusive representative, including access to new employees and to bargaining unit employees for specified purposes; permits use of employer property and email for defined purposes; grants release time to engage in activities on behalf of exclusive representative, including participating in NEOs or other new hire meetings, pursuant to negotiation.

NEA Office of General Counsel

State	Year Passed	Bill No.	Key Provisions
 Oregon <i>(Continued)</i>	2019	HB2016	Dues Deduction, MOP: Requires public employer to make payroll deductions authorized by employees; provides that deductions remain in effect until employee revokes pursuant to the terms of the authorization. Dues Deduction, COR: Labor organization shall provide to each employer a list of individual employees who have authorized deductions to the labor organization; public employer shall rely on the list to make deductions. Employer shall not be liable for unauthorized deductions made in reliance on the list; labor organization shall indemnify employer amount of any unauthorized deduction resulting from reliance on the list.
 Rhode Island	2019	H5259 - SUB A	Data and Lists: Requires state, teacher, and municipal employers to provide exclusive representative with information on new hires. Dues Deduction: Requires state employers to make deductions, and continue until employee files written notice to stop with bargaining representative. (State) Employer Neutrality. Representation Fees (Teachers, Local and State Employees): Permits labor organizations to charge fees to cover reasonable costs of grievance hearings and arbitration.
 Washington	2018	SB 6229	NEOs: Requires employer to provide exclusive bargaining representative with reasonable access to new employees, during an NEO provided by employer or at another mutually agreed time.
	2019	HB 1575	Dues Deduction, MOP, COR: Requires employer to deduct dues following employee's authorization to the exclusive bargaining representative. States that deductions shall begin upon notice of authorization from exclusive representative and shall remain in effect until revoked in accordance with terms of authorization, and following confirmation from the exclusive representative. Employer shall rely on information provided by the exclusive representative regarding authorization and revocation of deductions.

**Not best practice language.*

APPENDIX C: Sample FOIA Letter

Dear <DISTRICT SUPERINTENDENT/CONTACT>,

Pursuant to the Colorado Open Records Act § 24-72-201 et seq. and/or the Colorado Criminal Justice Records Act § 24-72-301 et seq., I request that you make available for inspection and copying the following public records: The names of all school employees, their worksite, and grade/subject assignments. This file should be in Excel format and include publicly available contact information on file with the employer. If you are not the custodian of records for this request, please forward this letter to the appropriate person or let me know which person(s) has custody of these records.

This information is not being sought for commercial purposes. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$__.

Please set a date and hour, within three working days following receipt of this letter, at which time the records will be made available for inspection. If access to these records will take longer, please cite the extenuating circumstances and let me know when I should expect copies or the ability to inspect the requested records.

I ask that records available in electronic format be transmitted by email to [Your Email Address].

If you deny any portion, or all, of this request, please provide me with a written explanation of the reason(s) for your denial, including a citation to each specific statutory exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

If you conclude that portions of the records that I request are exempt from disclosure, please release the remainder of such records for inspection and copying, redacting only the portion or portions that you claim are exempt.

Please contact me with any questions about my request. Thank you for your time.

Sincerely,

<Local President Name>

<Street Address>

<City, State ZIP Code>

<President's Phone Number>

<President's Email Address>

As we know from our experience in right-to-work states, having detailed information on prospective members is essential. And given the growing national onslaught against union rights, we cannot take our access to unit member information for granted. If you have questions or need assistance, please contact the Data and Analytics Department at datahelp@nea.org or the NEA Collective Bargaining and Member Advocacy Department at collectivebargaining@nea.org.

APPENDIX D: Sample Relational Request Letters

(Exclusive Representative & Not Exclusive Representative)

Letter 1:

Dear <DISTRICT SUPERINTENDENT/CONTACT>,

As the exclusive representative for the <INSERT UNIT DESCRIPTION > unit, the Association has an obligation to represent all the employees in the unit. Therefore, in order to fulfill that obligation, we are requesting the following information about the employees in the unit.

We are requesting that the data be provided electronically, in Excel format, with the following fields:

- | | |
|------------------------------|----------------------|
| • First name | • Job title |
| • Last name | • Work location |
| • Employee ID number | • Current assignment |
| • Home address | • Work phone number |
| • Home telephone number | • Work email address |
| • Personal cell phone number | • Date of hire |
| • Personal email address | |

I am sure you can appreciate why it is necessary for the Association to have comprehensive, up-to-date information on all the employees that we have an obligation to represent, so that we can both identify and communicate with them.

If you have any questions, please let me know. I look forward to working with you or your staff, both to fulfill this request, and in our continuing shared efforts to protect and improve our public schools.

Sincerely,

<Local President Name>

<Local Association Name>

Letter 2:

Dear <DISTRICT SUPERINTENDENT/CONTACT>,

As we move into the new school year, we hope to continue building on our partnership in the pursuit of excellent public education in <District Name>. We share with you a deep commitment to advocating for our schools and our students.

We are writing to request an electronic list of the employees in the <INSERT UNIT DESCRIPTION >, so that we may reach out to them to ensure that they continue to be informed and effective ambassadors and advocates for our schools and our students.

We are requesting that the data be provided electronically, in Excel format, with the following fields:

- | | |
|------------------------------|----------------------|
| • First name | • Job title |
| • Last name | • Work location |
| • Employee ID number | • Current assignment |
| • Home address | • Work phone number |
| • Home telephone number | • Work email address |
| • Personal cell phone number | • Date of hire |
| • Personal email address | |

We look forward to working with you on this, and on protecting and preserving our system of public education for years to come. Please let me know if there are any questions, along with what the next steps should be to make this happen.

Sincerely,

<Local President Name>

<Local Association Name>

Ladder of Engagement

Hahrie Han wrote that the Ladder of Engagement is “the difference between organizing events and organizing organizers” (2015).

When we’re bringing people into our unions we want to think about how we can constantly scale up our engagement from making them aware all the way up the ladder to planning the work of the union. Each step of the ladder allows more and more engagement and loyalty in the shared values and campaigns. It is this increased engagement that allows people to build their capacity to lead in more and more ways.

The most trusted and credible of union leaders are found at the top of the ladder. They are responsible for the continual recruitment of people to the ladder and the work of moving people up the ladder. Divvying up the important responsibility of recruitment and engagement building across leaders AND making it clear that their work is needed they’ll respond with their commitment to the Union. Ultimately, the Ladder of Engagement is about building leaders.

What are the kinds of invitations that are used at the various levels?

Note that the ladder reflects where the member/potential member is in their relationship/engagement with their union.

Planning	
Coaching	
Partnering	
Included	
Hooked	
Activated	
Intrigued	
Interested	
Aware	
Unaware	