

CONSTITUTIONAL AMENDMENT 1

TITLE: To insert in the preamble language specifying that NEA serves as the national voice for education managed by and for the public good.

Preamble

We, the members of the National Education Association of the United States, in order that the Association may serve as the national voice for education managed by and for the public good, advance the cause of public education for all individuals, promote the health and welfare of children and/or students, promote professional excellence among educators, gain recognition of the basic importance of the educator in the learning process, protect the rights of educational and other public employees and advance their interests and welfare, secure professional autonomy, promote, support and defend public employees' right to collective bargaining, unite educational employees for effective citizenship, promote and protect human and civil rights, and obtain for its members the benefits of an independent, united education profession, do hereby adopt this Constitution.

IMPACT STATEMENT:

The preamble to the NEA constitution sets out the purposes of the National Education Association as an entity dedicated to the advancement and protection of public education. If adopted, the amendment would add the phrase "managed by and for the public good" following the statement that the Association serves as the national voice for education.

The Committee on Constitution, Bylaws, and Rules interprets this amendment as intending to clarify that NEA is the voice and advocate for public education, as opposed to any privately-run education entities or systems, and that the Association believes that public dollars should be used for the benefit of the public good. The Committee further interprets the amendment as intending to differentiate between the Association's support for public charter schools that meet certain standards, and opposition to the use of public funds for private charter schools.

The Committee on Constitution, Bylaws, and Rules believes the amendment would have no impact on the Association's policies, advocacy, or priorities, as NEA is already focused on promoting, strengthening, and protecting public education, and opposing the use of public funds for privately-run schools. This focus is outlined in all of NEA's governing documents, including the Constitution and Bylaws, Resolutions, Policy Statements, and Legislative Program.

Submitted by: 50 Delegates

Contact Person: Jim Mordecai, California

BYLAW AMENDMENT 1

TITLE: To increase the minimum budget appropriation for contingencies from one million to two million dollars and the maximum from one percent to two percent of the budget.

11.9 Budget

c. The budget shall include an appropriation for contingencies of no less than two ~~one~~-million dollars (~~\$2~~ ~~\$1~~ million) and no more than two (2) ~~one (1)~~ percent of the budget.

IMPACT STATEMENT:

NEA Bylaw 11.9 sets forth the requirements for setting aside a contingency fund as part of the NEA budget. Specifically, the Bylaw requires an allocation of no less than one million dollars and no more than one percent of the budget for contingencies. The requirement of no less than one million dollars serves as a minimum floor for the contingency fund, while the requirement of no more than one percent of the budget serves as ceiling the contingency fund cannot exceed.

In practice, NEA generally budgets more than the floor established by the Bylaw, with a contingency fund much closer to the one percent ceiling. For example, the most recent contingency allocations are as follows:

2012-2013 -- \$3 million (approximately .9% of \$346,945,700 budget)
2013-2014 -- \$3 million (approximately .9% of \$345,582,900 budget)
2014-2015 -- \$3 million (approximately .9% of \$354,938,200 budget)
2015-2016 -- \$3 million (approximately .9% of \$357,608,800 budget)
2016-2017 -- \$3 million (approximately .9% of \$365,254,400 budget)
2017-2018 -- \$3 million (approximately .9% of \$366,700,000 budget)
2018-2019 -- \$3 million (approximately .9% of \$338,482,400 budget)
2019-2020 -- \$3 million (approximately .9% of \$350,385,175 budget)
2020-2021 -- \$3 million (approximately .9% of \$357,790,775 budget)
2021-2022 -- \$3 million (approximately .9% of \$370,833,475 budget)
2022-2023 (proposed) -- \$3 million (% of budget not available yet)

These funds have been used primarily for implementation of new business items adopted by the NEA Representative Assembly. The most recent costs of such implementation are as follows:

2012 - \$98,824
2013 - \$196,849
2014 -- \$821,797
2015 -- \$1,400,000
2016 -- \$1,049,925
2017 -- \$1,103,281
2018 -- \$350,955
2019 -- \$1,500,025
2020 – N/A (no NBIs this year)
2021 -- \$1,309,277

If adopted, the amendment would increase both the floor and ceiling for the contingency fund, raising the floor no less than two million and the ceiling to no more than two percent of the budget. The practical impact, however, would be negligible, as NEA consistently budgets more than both the current and proposed floor for contingencies.

Submitted by: 50 Delegates

Contact Person: Mireille Ellison, Hawaii, ellsworthhsta@gmail.com

BYLAW AMENDMENT 2

TITLE: To provide that the Board of Directors may determine if the Annual meeting shall be conducted in person, virtually, or a combination of both, and further to provide that secret ballot elections can be conducted via secure electronic means protecting the secrecy of any individual vote.

3. Representative Assembly

New Subsection 3-16

In any year, the NEA Board may determine that the Annual Meeting may be conducted in person, virtually, or a combination of both.

All secret ballot elections in which delegates vote may be conducted in person, on a voting machine, or on a secure electronic system that protects the secrecy of an individual's vote from any NEA or affiliate officer, delegate or staff member.

IMPACT STATEMENT

Bylaw 3 sets out the parameters and processes around the NEA Annual Meeting and Representative Assembly. If adopted, the amendment would add a new subsection explicitly stating that the NEA Board has the authority to determine in any given year whether the Annual Meeting and RA would be conducted in person, virtually, or a combination of both.

In 2020 and 2021, circumstances surrounding the COVID-19 pandemic necessitated that the NEA Board take action to approve a fully virtual Annual Meeting and Representative Assembly. The Board took into account the relevant health and safety guidelines and determined that a virtual meeting was appropriate in both years.

If the amendment is adopted, the NEA Board will have the explicit authority to determine if circumstances warrant moving from an in person event to a virtual or combination event. The Board will take action as early as possible to allow for planning of the appropriate event format.

If adopted, the amendment would also specify that votes requiring a secret ballot can be conducted in person, on a voting machine, or via a secure electronic system that protects the secrecy of an individual's vote from any NEA or affiliate office, delegate or staff member. Such votes include all officer and at-large Board elections conducted at the RA and votes on amendments to the NEA constitution and bylaws. In 2020 and 2021, all voting in officer elections was conducted via mail paper ballot, while votes on amendment to the constitution and bylaws in 2021 were conducted via a secure electronic system. This amendment would provide NEA with authority under its governing documents to conduct officer elections via a secure electronic system that protects the secrecy of any delegate's vote from any NEA or affiliate officer, employee or delegate.

Submitted by: Committee on Constitution, Bylaws, and Rules

Contact person: Tom Brenner, Michigan, Thomasw.brenner@gmail.com

STANDING RULE AMENDMENT 1

TITLE: To require the chair to ask whether a delegate making a request of information has sought assistance at the RA Information Area, and, if not, to require the delegate to do so before speaking.

Rule 3. Order of Business and Debate

F. Delegate Recognition and Speaking Time

Any delegate who is recognized by the chair shall provide name and state before speaking to a point under discussion. No member shall speak and/or be recognized in debate more than twice to the same question during the same meeting, nor longer than two (2) minutes at one time, unless permission is granted by majority vote of the Representative Assembly. Any delegate placing a request for information must be asked by the chair whether they have first asked their question at the provided NEA information area, referred to as "World of Information." Any delegate who answers no will be required to do so before speaking. Delegates who have done so may speak. Delegates with physical limitations may be exempt.

With the consent of the Representative Assembly, an NEA member who is not a delegate may address the Assembly.

IMPACT STATEMENT:

NEA Standing Rule 3.B states that "The annual session of the Representative Assembly shall be conducted in accordance with provisions of the NEA Constitution, Bylaws, and these Standing Rules. Matters not specifically governed in these documents shall be governed by *Robert's Rules of Order Newly Revised*." As the NEA governing documents do not address consideration of requests for information, *Robert's Rules* governs current practice.

Under *Roberts Rules of Order*, a request for information is a request directed to the chair, or through the chair to another person, for information relevant to the business at hand. The request takes precedence and must be addressed before the chair recognizes speakers in favor of or in opposition to the motion at hand. Requests for information called in during debate immediately move to the front of the speaking order. Once all requests for information and parliamentary inquiries are addressed, the chair turns to speakers for and against, rotating one speaker in favor and one in opposition.

If adopted, the amendment would require delegates to first seek information at the information area in the delegate assistance area before calling in a request for information from the floor. Requests for information called in at microphones would continue to move to the top of the speaking queue. The chair would ask delegates calling in on requests for information whether they had attempted to secure the information from the delegate assistance area. Delegates who followed the required procedure but were not able to obtain the needed information would be permitted to make their request from the floor. Delegates who had not first visited the information booth would be directed to do so and would not be permitted to make the request from the floor.

The amendment would allow exceptions for delegates with physical limitations unable to visit the delegate assistance area to secure the needed information prior to debate.

Submitted by: State Delegation

Contact person: Ben Melick, Kansas, bmelick92@gmail.com

STANDING RULE AMENDMENT 2

TITLE: To require three speakers in favor and three against a motion before closing debate.

Rule 3. Order of Business and Debate

H. Delegate Recognition and Speaking Time

No member speaking on a question may move to close debate.

A motion to close debate shall apply to no more than the single question immediately before the Representative Assembly.

Before a motion to close debate will be considered, the chair will recognize at least ~~one~~ three speakers in support and ~~one~~ three speakers in opposition if speakers have called in on the motion on the floor.

IMPACT STATEMENT:

Standing Rule 3.H requires the chair to recognize at least one speaker in support and one speaker in opposition to a motion before closing debate, if such speakers have called in. After at least one speaker in support and one in opposition, any delegate may move to close debate or “call the question.” Closing debate requires a two-thirds vote, although the chair may ask the body if they wish to close debate without objection.

If adopted, the amendment would require that the chair recognize at least three speakers in favor and three against any motion before allowing a motion to close debate. Thus, delegates could not move to close debate until at least three speakers had spoken on either side of a motion, unless fewer than three speakers had called in to speak on one side. If three or more speakers had called in on one side, the chair would have to recognize three to speak, even if no speakers had called in on the opposite side. After three speakers on one side, the chair could call the question if nobody had called in on the opposing side.

The motion to close debate would still require a two-thirds vote.

Submitted by: 50 Delegates

Contact person: Daniel Solkowitz, California

STANDING RULE AMENDMENT 3

TITLE: To require an opportunity to speak for two minutes for any delegates subject to a censure motion by the body.

Rule 3. Order of Business and Debate **New Section Q. Censure**

Whenever a Representative Assembly Censure Action is proposed or moved, the affected delegate(s) will have the opportunity to respond for two minutes prior to the vote.

IMPACT STATEMENT: NEA Standing Rule 3.B states that “The annual session of the Representative Assembly shall be conducted in accordance with provisions of the NEA Constitution, Bylaws, and these Standing Rules. Matters not specifically governed in these documents shall be governed by *Robert’s Rules of Order Newly Revised.*” As the NEA governing documents do not address motions to censure, *Robert’s Rules* governs current practice.

The Committee on Constitution, Bylaws, and Rules interprets the term “censure” to mean expressing the strong disapproval of the assembly. Under *Robert’s Rules*, the motion to censure is typically a main motion, needing a second. It is amendable, debatable, and requires a majority vote for passage.

The Committee on Constitution, Bylaws, and Rules interprets this amendment to apply to censure of a delegate or group of delegates to the Representative Assembly, and not to outside individuals or entities. Censure of non-delegates would be accomplished through submission of a New Business Item.

The committee is aware of only one recent instance in which the body took action to censure delegates, specifically a motion to censure a caucus at the 2019 Representative Assembly. This censure action was presented as a single motion to suspend the rules and censure the caucus. As such, it was not debatable, and required a two-thirds vote for passage.

If adopted, the amendment would have no impact on the type of motion that was brought in 2019 to suspend the rules in order to censure a caucus. That is because a motion to suspend the rules could suspend all the rules, including any rule adopted by way of this amendment.

If a motion to censure were brought separate from a motion to suspend the rules, the amendment would require that any impacted delegates have two minutes to respond. The maker of the motion would still speak first. If the motion were to censure an individual delegate, that delegate would have two minutes to speak prior to any motion to close debate. If the motion were to censure a group of delegates, such as a caucus, the amendment could be interpreted to require allowing all members of the caucus to speak, as each member could be considered an “affected delegate” under the amendment language.

Submitted by: 50 Delegates

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STANDING RULE AMENDMENT 4

TITLE: To strike language requiring state, At-Large, or Retired members of the Resolutions Committee to relinquish their Committee positions if no longer delegates to the Representative Assembly.

Rule 7. Resolutions Committee and Procedure

Section B.4. Resolutions Committee Term of Office

The terms of members of the Resolutions Committee shall commence September 1. The terms of state, at-large, and retired members of the Resolutions Committee shall be for one (1) year, two (2) years, or three (3) years, and no person shall serve more than six (6) years as a state member, as an at-large member, or as a retired member. The terms of aspiring educator members of the Resolutions Committee shall be for one (1) year, and no person shall serve more than two (2) terms as an aspiring educator member. Service as a Resolutions Committee member prior to September 1, 2008, shall count toward the six (6) year and two (2) year term limits. ~~A state, at-large, or retired member of the Resolutions Committee shall immediately relinquish the Resolutions position when such member ceases to be a delegate to the NEA Representative Assembly.~~

IMPACT STATEMENT:

The NEA Resolutions Committee is one of five committees of the Representative Assembly. Standing Rule 7.B.4 provides the option to establish Resolutions Committee member terms for one year, two years, or three years. This option may be exercised at the discretion of state affiliates with respect to state-allocated positions, NEA-Retired with respect to Retired positions, and the NEA President with respect to at-large appointments in ESP, higher education, and administrator positions to ensure proportional representation in these categories. The option for multi-year Resolutions Committee terms was adopted by the 2007 Representative Assembly, and is similar in structure to the NEA policy that provides the option of establishing one, two, or three-year terms for NEA delegates. Prior to its adoption, all Resolutions Committee terms were for one year, and – under Standing Rule 7.B.3 – the eligibility for a committee member to be nominated and elected to an additional one-year term was contingent on the member’s corresponding election to a one-year or multi-year term as an NEA delegate. In the interest of extending this eligibility requirement to multi-year committee terms, the adopted 2007 amendment included the stipulation that a state, at-large, or Retired member of the committee shall immediately relinquish the position when such a member ceases to be an elected NEA delegate.

Currently, approximately 25 percent of state affiliates have transitioned to multi-year terms on the Resolutions Committee. Retired and at-large terms remain one year. If the proposed amendment is adopted, any delegate elected to a multi-year Resolutions term would no longer be required to relinquish their elected position if they ceased to be an elected NEA delegate. Standing Rule 7.B.3 would continue to require state and retired committee members to be delegates in order to be nominated and elected to succeeding terms.

The current provision, and its removal under this proposed amendment, does not impact the 75 percent of state affiliates or NEA-Retired that have maintained one-year terms because a committee member elected by these bodies must – under Standing Rule 7.B.3 – be re-elected to a delegate term in order to be eligible for nomination and election to an additional one-year term on the Resolutions Committee.

Submitted by: State Delegation

Contact person: Chuck Ronco, Virginia