

Re: Executive Committee Recommendation to hold a limited 2020 Virtual RA

Dear Colleagues,

At our meeting on April 20th, I will ask you to do something no Board has ever done before. This report is to give you the background on the exhaustive investigation we undertook in the past few months to explore all our options and what convinced us to recommend to you that we change the venue of the 2020 NEA Representative Assembly to virtual and postpone all business except those items we can put on a mail ballot directly to RA delegates.

Through all our considerations, we looked through a primary health and safety lens: **What is our responsibility to protect the safety and lives of our delegates during this national health crisis and our responsibility as an organization to help stop the spread of this deadly virus?**

The decision is in your hands, colleagues. Our Constitution and Bylaws are clear: The Board of Directors is the only body authorized to debate and act on cancelling or postponing the RA and selecting the RA site. In this written report, I want you to know the questions asked and the answers received that compel me and the Executive Committee to act to bring this recommendation to you, the NEA Board of Directors.

ARE DELEGATES IN DANGER IF WE MEET IN PERSON?

The coronavirus global pandemic upon us is deadly. It's real. It's growing. Donald Trump failed to take the advice of the Centers for Disease Control and to act in a timely manner to check the spread of the virus, even claiming at one point that there was no pandemic but only a hoax by his political adversaries. His delay in acting will inevitably prolong this crisis.

We applaud the governors of America – there are courageous examples of both Republicans and Democrats in this crisis – who filled the vacuum of leadership on the national level. The Stay-at-Home orders issued by the vast majority of state governors will save lives. Social Distancing (staying at least 6 feet away from others) has closed our schools, workplaces and public spaces. It is helping to check the spread of infection, but much damage had already been done, and the casualties and deaths are multiplying, including among our members. The advisories change by the hour. Medical experts have moved the timeline they believe will require social distancing further and further into the future several times. There is no current definitive answer as to the date social distancing orders might ease or when public gatherings of large groups will be allowed.

The director of the Los Angeles Department of Public Health said this week about social distance restrictions, “We do know that we will be lifting some of the restrictions and we do hope that we’re able to take a hard look this summer at what makes sense for us to be *relaxing*, in terms of some of the closures right now that are making it impossible, for *some people to get back to work*. But it really does depend on the data.” She believes that staying at the *current levels* of physical distancing *would still result in 29.8% of LA residents being infected by August 1st*.

The most optimistic outlooks we could find move us into August. But even in August, should social distancing be relaxed, the scientific community warns that it must be done gradually, with smaller groups being able to go back to work or public places or we risk a return to infection spikes. The Centers for Disease Control's head of Infectious Diseases division, Dr. Anthony Fauci, interviewed with the Wall St. Journal (April 7, 2020) and explained it won't be like turning on a light switch.

“When you gradually come back, you don't jump into it with both feet. ... Depending upon your status, the possibility that when you are in a group of people that you can't avoid with the six-foot limit that you might want to wear a cloth face protection.”

We imagined having to purchase daily protective masks, gowns and gloves for thousands of delegates and staff on the floor and the problems with close quarters on shuttle buses, elevators and restaurants. We pondered how to adequately protect delegates who are immune-compromised or in other high-risk categories for contracting COVID-19, the disease caused by coronavirus.

Remarking on the CDC's change of guidance extending social distancing into May, tech trade groups are issuing advisories of their own saying, “It's clear from this modification of its advice on the matter that the CDC anticipates greater impact for longer durations, at least when it comes to *high-risk situations like densely packed groups of many individuals* including conferences, concerts and trade shows...” (Darrell Etherington, 3/15/2020 Techcrunch.com)

As you already know, the International Olympic Committee has postponed the 2020 Summer Olympics to August of 2021 believing that August will still not be safe for a large gathering of sports fans or athletes. The National Democratic Convention has moved their nominating convention from mid-July to mid-August (it cannot be postponed past that time as they must officially nominate their candidate in time for the general election), but there are already contingency discussions of how to move to a virtual format anticipating continued social distancing for their 2,000 delegates.

And so, colleagues, the decision to move from an in-person RA to a virtual site was thoroughly investigated, but the decision to prioritize the safety of our delegates who would be asked to travel and meet in crowded conditions during this pandemic was not a difficult one for us. We believe that meeting in July would pose a substantial risk to the health and safety of our delegates and the communities to which they would return.

SHOULD WE POSTPONE AN IN-PERSON RA TO AUGUST?

Our investigation included the possibility of postponing the RA to later in the summer. First, there was the consideration mentioned above that no scientific or medical communities are suggesting that by the end of summer large groups of people could meet in close quarters without risk of infection and spreading the infection.

As of April 11th, the United States surpassed Italy for the greatest number of coronavirus-related deaths in the world. Dr. Fauci indicated that a relaxation of social distancing by the Fall might be possible, but then added, “There is always the possibility, *as we get into next fall, and the*

beginning of early winter, that we could see a rebound.” The public health officials in King County, Washington—the first major hotspot for coronavirus cases—also warned on Saturday against premature relaxation of social distancing orders.

We also considered financial complication of simply postponing an in-person RA. We have negotiated contracts for convention centers, hotels, events, production, shuttles, etc. Some contracts have not yet been signed, and, of course, we would not incur cancellation costs in those cases. But many other contracts have been signed. In these cases, we would negotiate with vendors to find ways to mitigate our fees and obligations on cancellation. But even in the best of circumstances, we believe we will incur millions in cancellation costs. Our affiliates, caucuses and councils who have signed contracts for events, hotels, etc. will likely also incur their own cancellation costs.

We investigated attempting to change the dates of our contracts in Atlanta to later in August. But the uncertainty grows. There are now 3,000 confirmed cases of coronavirus in Georgia and authorities are considering turning the Atlanta convention center into an emergency hospital. Should we have to look to a different city, the costs incurred in new contracts would be in addition to the millions lost to cancellation in Atlanta.

Further, we would have to subject our NEA staff and our state coordinators to having to travel, do site visits, find out if there would be enough restaurants, hotels, etc. open to accommodate delegates. The additional staff work would have to begin immediately, during this dangerous time of stay-home orders.

And NEA and our affiliates would be asked to pay deposits and sign new contracts... gambling on whether or not experts are correct that this national emergency and social distancing may last through the summer and into fall for large gatherings. Should we have to cancel again, it may double the losses to NEA and affiliates.

IF WE MUST HAVE A VIRTUAL RA, WHY CAN'T WE REPLICATE AN IN-PERSON RA ONLINE AND DO ALL OUR USUAL BUSINESS VIRTUALLY?

Many of our members are finding they cannot replicate exactly what they could do with in-person classes as they are forced to deliver instruction virtually. They've had to make major adjustments. The same holds true for our RA.

We could get no guarantees from several tech vendors that our in-person debate among thousands of delegates, complete with motions, substitutions, modifications, etc. could be replicated reliably with current technology. More important than that, we know that the digital divide among our members would leave some delegates without appropriate technology, WIFI access or even reliable cell phone coverage with which to participate and vote.

Therefore, we are proposing limiting the RA agenda to three items.

1. The timeliest business of the RA this year is the election of new officers, two Executive Committee members and at-large NEA Board members.

2. This is also an election year where RA delegates consider the recommendation of the NEA Fund for Children and Public Education, our PAC, for our official support of a candidate for President of the United States.
3. Finally, the delegates have the responsibility to approve the Strategic Plan and Budget. The extraordinary year-long engagement that is part of our process usually results in a high level of confidence and support for the Budget. We believe that we can present the details of the Strategic Plan and Budget in a virtual Open Hearing with delegates having the opportunity to review, ask questions and make final recommendations to the Budget Committee. The Budget Committee will review input from delegates and make their final recommendation to the NEA Board virtually. The Board will have the opportunity to review, debate and vote on bringing the Budget to the virtual RA with their recommendation. At the virtual RA, delegates would have the opportunity for limited debate and speeches “for” and “against” the budget. There would be no ability to debate amendments as we have no virtual ability to vote on the floor.

Presentations on this limited agenda can be made virtually with votes taken by mail ballot assuring access to all delegates and in compliance with our rules on secret ballot for NEA elections and the presidential endorsement.

WHAT WOULD HAVE TO BE POSTPONED TO THE NEXT RA?

All other business (the Legislative Program, Resolutions, NBIs, Policy Statement amendments) would be postponed to the next RA. The Constitution, Bylaw and Standing Rule amendments properly filed to be considered this year would automatically be postponed for consideration at the 2021 RA with no need to re-submit.

HOW WILL WE PROCEED WITH THIS DECISION?

Attached to this report are two motions.

MOTION #1: That the NEA Board of Directors approve the following recommendation to move the 2020 RA currently scheduled in Atlanta to a virtual convening with a limited agenda and votes taken by mail ballot, given the on-going global pandemic of coronavirus infections resulting in a growing number of COVID-19 illnesses and deaths and the medical advisory against large group gatherings and non-essential travel on commercial transportation.

This motion will come to the Board as a recommendation of the Executive Committee. Please review the entire recommendation and explanation that you will consider. We will have a full debate and vote. The Board must approve this motion by 2/3 vote. Only if the Board approves Motion #1 will we consider Motion #2.

MOTION #2: That the NEA Board of Directors suspend the Standing Rules of the NEA RA in their entirety for the duration of the 2020 virtual convening of the Representative Assembly and adopt the following temporary Rules of Procedure for the purpose of conducting business at the virtual convening of the 2020 NEA Representative Assembly being held on July 2-3, 2020.

Motion #2 defines the Rules of Procedure that the Board will approve to allow the virtual format to go forward since we will not have the technical capacity to take virtual floor votes of thousands of delegates to approve suspension of the standing rules. Our General Counsel and Parliamentarian have approved this procedure as the proper way to proceed. Motion #2, as a suspension of the standing rules, must pass the Board by a 2/3 vote.

To end this report, I want to thank you, NEA Board, for your attention to this difficult and historic decision that is before us. I know that you will study the proposal included in this email carefully and I invite you to email me directly if you have any questions or suggestions before our “Committee of the Whole” meeting on April 19th which will allow all Board members an open forum to clarify, ask questions and better understand the recommendation we are making before the full debate and vote on April 20th.

Finally, this information *is not* confidential. I invite you to share this memo and the Motions proposed with your constituencies so that they understand fully the decision you will be asked to make and the rationale behind the recommendation.

Stay safe and be well.

Lily Eskelsen Garcia