



# **Should Colorado School Districts Stop Collecting Political Funds?**

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## **Executive Summary**

In most Colorado public school districts a teacher who wants to become a union member completes a payroll withholding form that authorizes the school district to withhold money for the teacher's union membership costs. In essence, the school districts are providing a middleman service: collecting from teachers and giving to the union, even though part of the money collected by the districts is used for political purposes.

More than a decade ago, the Colorado Education Association (CEA) adopted a political fundraising structure to safeguard its use of public school district payroll systems for the collection of union funds. That structure included the creation of the Every Member Option (EMO) program to raise money devoted exclusively to the CEA's political activities.

Although most school districts do not acknowledge withholding funds for political activities, the CEA active full-time membership includes a \$24.00 per year fee from each teacher to fund its EMO. This refundable contribution is used to support partisan candidates, school board candidates, mill levy and bond elections, and to pass or defeat ballot issues. In addition, many local affiliates deduct funds for their own local EMO, and the National Education Association has a nonrefundable assessment used to support or defeat ballot initiatives.

While teachers in Colorado are not required to belong to a teachers' union, five school districts deduct an amount equivalent to union dues out of every teacher's check, whether she joins the union or not. The burden is placed on the teacher to opt out every year during a window of time. If the teacher misses the deadline, the funds are taken out of the check every month and will not be refunded. This is claimed to be a "voluntary" authorization.

In recent years, banks have made their services increasingly convenient through electronic banking. Teachers today—who want to be

members of the union—could use electronic transfers to automatically pay their membership fees directly to the teachers' union, and school districts would no longer be the middleman.

**The following reforms should be considered:**

1. School districts should be prohibited from making payroll deductions for union membership fees. A prohibition would ensure that school districts are not collecting political contributions and would protect non-member teachers who currently are having fees equivalent to union dues deducted from their paychecks without their written authorization.
2. If payroll deductions for union fees are allowed, school districts should be prohibited from withholding any funds from an employee's paycheck that are used for political purposes.
3. If school districts are allowed to continue making payroll deductions for union political contributions, school districts should require any withholding form to include a breakdown of the amount of funds directed to the local, regional, state, and national organizations. This breakdown should include the amount of any funds used to support political activities. The form should include the written authorization of the employee and be valid for only one year.

## **Introduction**

Colorado's public school districts are in the dark about their role in assisting the teachers' union in the collection of hard-earned dollars from unsuspecting teachers for political activities. Many teachers do not receive adequate notice that a portion of their payroll withholding by the districts is used by teachers' unions to support political candidates and to support or defeat ballot initiatives.

This Issue Paper examines the payroll withholding practices of Colorado's largest public school districts in relationship to dues and fees deducted for teachers' unions. Teachers in Colorado do not have to join a union, but most do.<sup>1</sup> The Colorado Education Association (CEA) claims 36,000 members—mostly K-12 teachers—who pay the costs associated with their membership.<sup>2</sup> According to the CEA, its “members belong to all three levels—local, state and national,” so a teacher who joins the local affiliate, also must pay membership costs to the CEA and National Education Association (NEA).<sup>3</sup>

For purposes of this study, the 20 largest school districts in the state (see Appendix A) and each district's respective teachers' association was queried about payroll withholding practices of the districts for the teachers' unions. Of these 20 districts, 19 have teachers' unions affiliated with the CEA-NEA; the other association is affiliated with the American Federation of Teachers (AFT). It should be noted that these unions represent not just members who are teachers, but also include education support personnel, retired teachers, and others. This study focuses on the 19 districts whose teacher associations are affiliated with the NEA. The fourth largest school district in the state, Douglas County School District, is affiliated with the AFT.

## **The Search for Information**

Five methods were used to gather information for this study:

- A review of each district's collective bargaining agreement or school board policies with regard to payroll deduction of funds for the union.
- A survey of each district: contacts were made with the communications or public relations professional of each district and those individuals were provided questions specific to the contract language and practices in their district. (See Appendix B for list of questions.) Districts also were requested to provide withholding authorization forms.
- Information gathered from union publications and websites.
- Conversations with teachers.
- A survey of each of the 19 local education association chapters. An association officer (usually the association president) of each local was contacted by phone/voice-mail and the questions were delivered via e-mail. (See Appendix B for list of questions.) In addition, a certified letter was mailed to each association asking for a copy of any document(s) that informed the union's members of money withheld for "Every Member Option."<sup>4</sup>

## **Is it Really Every Member's Option?**

More than a decade ago, the CEA adopted a political fundraising structure to safeguard its use of public school district payroll systems for the collection of union funds. That structure included the creation of the Every Member Option (EMO) program to raise money devoted exclusively for political activities.<sup>5</sup>

Though the unions and school districts still use the term PAC (Political Action Committee), when discussing political contributions, this type of committee no longer exists under Colorado law. Rather political committees, small donor committees, and issue

committees are organized and filed with the Secretary of State's office.

Fifteen districts provided some type of payroll deduction authorization form in this research. Some districts provided two-page or two-sided forms, while others provided a single page. Only 3 of the 15 forms collected in the study mentioned the EMO. A teacher must sign such a form to authorize a school district to withhold a portion of the teacher's pay for union membership costs. These salary withholding authorization forms are created by the unions—not by the districts—and 12 of the 15 forms provided fail to disclose that part of the funds collected will be used for political activities. Only the forms provided by the Cherry Creek School District, Boulder Valley School District, and the Adams County School District 12 mentioned that the withholding authorized by the teacher would include political contributions.<sup>6</sup>

Two of the payroll deduction authorization forms also revealed information about the 2003-04 CEA-NEA dues structure. The forms show that in the 2003-04 school year, each full-time member teacher pays \$318 to the CEA and \$134 to the NEA. Importantly, these same forms show that the basic CEA active full-time membership includes \$24 for Every Member Option, and that the NEA membership includes a \$5 special assessment to defeat anti-public education ballot initiatives and to expand NEA's national media campaign.<sup>7</sup>

*...the basic CEA active full-time membership includes \$24 for Every Member Option, and... the NEA membership includes a \$5 special assessment to defeat anti-public education ballot initiatives...*

In addition to the CEA's Every Member Option funds, some local affiliates (such as the Jefferson County Education Association (JCEA), the District Twelve Educators' Association, and the Denver Classroom Teachers Association) have deductions for their own EMO programs. Jefferson County's association in its newsletter, *Insight*, tells its members, "Your Every Member Option

(EMO) dollars (\$24 per year) go into JCEA-PAC's account and are distributed at the direction of JCEA-PAC."<sup>8</sup> So, members of the JCEA are paying \$24 for the local-PAC, \$24 for the CEA-PAC, and \$5 for the NEA special assessment.

The JCEA website identifies funds for EMO as "*a voluntary member contribution to PAC through payroll deduction.*"<sup>9</sup> It must be noted, however, that this voluntary, optional contribution is with-

held from *every* union members' salary. Also, the NEA's \$5 assessment is an *obligation* for all NEA members.<sup>10</sup> Nothing is *voluntary* about this *obligation* for union members—and it obligates each member to provide funds related to election "bal-lot" issues.

The EMO contribution is considered voluntary because it is refundable. For a teacher to get an EMO refund, he or she must make the request *in writing* by a particular deadline. Most teachers who were queried have said they were not aware a portion of their membership money was being used for

political activities—nor were they aware they could have that portion of their membership costs refunded.

One Jefferson County teacher, who has taught for 26 years, commented that in the past the JCEA sent her a form, every year, to make her refund request. She no longer receives the form and has to remember annually to send a letter. This same teacher had no idea that she was contributing to the CEA's EMO and that she could also be refunded for her contribution to the CEA's EMO.<sup>11</sup>

Under federal law the practice of withholding federal PAC funds that are refundable is illegal.<sup>12</sup> However, Colorado law allows school districts to use the public payroll systems to collect money from teachers who may be unaware that their money is being fun-

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neled into political committees. Through this practice, millions of dollars are provided to Colorado's teachers' unions for politics.

## **Hiding the Politics from Members—and Districts!**

In addition to teachers being inadequately informed about collection of political funds for the union, many school districts also have bought the union's line that the districts are collecting "only dues" from their teachers. In fact, while districts are collecting union dues, they also are collecting political money to support partisan candidates, political money to support school board candidates, and political money to support or defeat ballot issues.

Whether or not the unions are collecting funds for political purposes through district payroll systems is a secret to some school district officials who responded to the study. For the most part, responses from the districts to inquiries about collection of PAC funds were: "You'll have to ask the union." And, not surprisingly, the union was not inclined to disclose that information.

- When the **Adams County School District 50** (Westminster) was asked if any money from payroll deduction allowed under Article 32-1 of its teacher contract is used by the Association for political action committees or other political activities, the district responded saying, "You will need to contact the Association for this information."<sup>13</sup>
- When the **St. Vrain Valley School District** (Longmont) was asked about withholdings for Every Member Option and whether that withholding appears on a separate line from dues on the teacher's pay stub, the district stated, "The paycheck displays an amount for SVVEA [St. Vrain Valley Education Association] and does not display a separate line for the Every Member Option."<sup>14</sup>
- When the **Mesa County Valley School District** (Grand Junction) was asked if there was a separate place on the payroll deduction form for teachers to elect to contribute



to the political action committee, as allowed by Section 24.1 of its teacher Agreement, the district stated, “Don’t know—we don’t have the forms.”<sup>15</sup>

- And, while the **Poudre School District** (Ft. Collins) did acknowledge salary withholding from teachers’ pay for the Poudre Education Association, the district did not respond to repeated inquiries about its payroll withholding practices—including whether or not any of the withholdings were being used by the association for political activities. The district also acknowledged that a “form” is used to determine which teachers want union dues withheld, but the district did not comply with a specific request for a copy of that form. (**Weld County School District 6** was the only other district not to provide some type of form.)

Officials of the 19 CEA-NEA affiliated associations were queried about their collection of political funds, but 17 of the 19 did not respond to the e-mail. One association that did respond said, “Thank you for the e-mail and phone message. However, JCEA respectfully declines to respond to your questions.”<sup>16</sup>

*Taxpayer-supported public school districts should not be involved in collecting money for the unions’ political activities.*

The other association to respond, Thompson Education Association, answered only one of the five questions.<sup>17</sup> While it was clear the local associations did not want to provide information for the study, a final certified letter was sent Jan. 12, 2004, to each association asking for a copy of any document(s) that informed the union’s members of money withheld for EMO.<sup>18</sup> No responses were received.

It appears that some district officials would prefer to wear blinders when it comes to the unions’ use of money that is withheld by the districts. Taxpayer-supported public school districts should not be involved in collecting money for the unions’ political activities. As illustrated, some districts do not seem to be aware that they are a mechanism being used to support political candidates and

to support or defeat ballot initiatives. This may be legal, but it is improper.<sup>19</sup>

## **A Thin Line Separates Funds for Dues and Funds for Political Contributions**

The union attempts to draw a line between membership money collected for dues and money collected for political contributions through such programs as EMO. The JCEA website says, “No member dues are used to fund the Association’s PAC. Support for such programs comes from the ‘Every Member Option’ program, a voluntary member contribution to PAC *through payroll deduction*.”<sup>20</sup> When asked about the collection of PAC money by the district, a Jefferson County School District official echoed the exact JCEA line, stating that in the contributions for PACs “no member dues are used...”<sup>21</sup>

However, the line between dues and political funds is an awfully fine line, indeed, when the funds are withheld under a single line item salary withholding by the participating districts. The point is: *both* dues for operations of the union *and* contributions for EMO funds are being withheld by public agencies (school districts) for the unions through payroll deduction.

Here are five specific examples demonstrating that some districts may intend *only* to collect money from teachers for union *dues*, but that these districts in fact also are withholding for political funds.

- **Cherry Creek School District’s** official response to the question of whether or not the district withholds for political action committees was, “The district does not direct or transmit contribution [sic] for PACs.”<sup>22</sup> However, the reverse side of the two-sided Cherry Creek Education Association Authorization for Payroll Deduction form shows “the basic CEA active full-time membership for teachers...includes \$24 for Every Member Option” and \$5 for the NEA’s assessment to defeat anti-public educa-

tion ballot issues.<sup>23</sup> Again, the district's official position is that the district *does not withhold* for union political activities—yet the *authorization form used in the district refutes that statement*.

- And, in **Jefferson County School District**, the Jefferson County Education Association Authorization for Salary Deduction 2003-2004 form available on its website does not show any deduction for Every Member Option. But, as established previously, the JCEA website and the district have stated that support for PAC programs “comes from the Every Member Option program, a *voluntary member contribution to PAC through payroll deduction*.”<sup>24</sup> Yet, when the district was asked how it knows which teachers want *only dues* withheld and which teachers *also want a voluntary contribution* for Every Member Option, the district's official response stated, “The district does not have any knowledge nor is it involved in the Every Member Option PAC deduction. The latter is handled by JCEA and we are not privy to the process or how much, if any, monies are deducted for the PAC on an individual member basis.”<sup>25</sup>

*“The district does not have any knowledge nor is it involved in the Every Member Option PAC deduction....”*

So, a follow-up question was asked:

In light of the fact the EMO deduction is made through payroll deduction, how can the district say “it does not have any knowledge nor is it involved in the Every Member Option PAC deduction?” The district's response said, “We handle the payroll deductions for teachers, period. Once we receive the (payroll authorization) form, the appropriate amount is taken out of the employee's paycheck. We do not take any more than is allowed by contract.”<sup>26</sup>

- When **Poudre School District** was asked if the district uses payroll deduction to collect anything other than dues for the union, the official response was: “No.”<sup>27</sup>
- When **Widfield School District** was asked if the district

withholds funds for any association PAC, the official response was: “No.”<sup>28</sup>

- And, when **Harrison School District** was asked if the district performed any withholding of PAC funds, the official response was: “No.”<sup>29</sup>

Since every local association member is a CEA member, the CEA’s EMO money is being withheld from all teachers who join their local affiliate. These districts apparently do not know the funds they withhold include EMO money. Clearly, districts like these need to get a much better handle on their payroll withholding practices for union funds.

*In 14 of the districts surveyed, it is the unions that create and maintain these payroll authorization forms.*

Interestingly, Jefferson County School District has a publication on its website informing district employees of their “Rights and Responsibilities for Compliance with the Colorado Fair Campaign Practices Act.” The list of activities not permitted includes, “Employees may not solicit or accept cash or other campaign contributions during work time.”<sup>30</sup> Yet districts withhold any amount from their teachers that the union directs them to withhold—without regard to whether the withholding is “dues only” or also includes money to fund political activities.

## **Teachers Jump Through Hoops to Revoke Their Payroll Withholding**

Not only do the districts collect the money and give it to the unions—but for the most part the school districts allow the teachers’ unions *to establish the rules* for the payroll withholding performed by the district.

In order to authorize school districts to withhold part of teachers’ salaries for the unions, teachers must complete some type of payroll withholding authorization form to direct the deductions. In 14 of the districts surveyed, it is the unions that create and main-

tain these payroll authorization forms. School districts do not ask their employees to sign a new authorization each year. Once an employee signs the form the deduction continues from year to year until the teacher revokes membership.

In several of the largest school districts—including **Aurora Public Schools**, **Boulder Valley Schools**, **Littleton School District 6**, **Mesa County Valley School District** and **Thompson School District**—the teachers’ associations provide *lists* that instruct the districts on the amount of money to be withheld from each member teacher. These districts do not even receive a *signed payroll authorization form* from the teacher before withholding from teacher’s salary. These original signed forms are collected and retained by the associations.

And any teacher deciding he or she no longer wants to be a member of the union does not have an easy time stopping the deduction. In most districts surveyed, a teacher who wants to revoke payment must contact the union’s office, not the district’s payroll office. And, in the district-negotiated teacher contracts, some of those teacher associations are given the right to make revocations difficult—including rigid deadlines:

- The **Denver Public Schools** contract states that teachers who want to revoke dues deductions may do so “only during November 1 through November 15 of each school year. Only association revocation forms will be honored by the District.”<sup>31</sup>
- According to the agreement in **Thompson School District**, the contract language says that a teacher’s revocation of payroll deduction after Oct. 10 must be “*endorsed*” by the teacher association before being honored by the district.<sup>32</sup>
- In **Harrison School District** there is no specific language in its Agreement of Trust and Understanding that addresses the district’s payroll withholding of union fees and dues, but the district reported that teachers can only revoke

payroll withholding “*per authorization from the association president.*”<sup>33</sup>

Teachers ought to have a simple means of informing districts—their employers—that they no longer want a salary deduction made from their paycheck.

## **“Representation Fees” or “Dues Equivalency”**

Five districts in the state (**Alamosa School District, Colorado Springs School District 11, Pueblo School District 60, Pueblo County School District 70** and **South Conejos School District**) have teacher contract language that obligates even non-union member teachers to pay “representation fees” or “dues equivalency” fees to the union, unless a revocation form is filed annually. For example:

- In **Pueblo County School District 70**, a teacher not wanting to pay a representation fee must “between September 1 and September 15 of each year, sign a letter of revocation at the association’s office or notify the association by certified letter.”<sup>34</sup>
- In **Pueblo School District 60**, “A non-member teacher not wishing to pay the representation fee ...may so indicate by obtaining a revocation form provided by the Pueblo Education Association (PEA). Revocation forms can be obtained only on request, in person, at the PEA office. The revocation form must be signed and returned to the PEA office by September 15... No other forms or letters will be honored by the district.”<sup>35</sup>
- When **Colorado Springs School District 11** was asked about education association dues, the district’s official response stated, “In District 11, payment of CSEA dues is an opt out vs. opt in. All teachers automatically have

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dues withheld from their payroll unless they sign and turn in to CSEA” a revocation request form.<sup>36</sup> The District 11 contract states, “The district agrees to deduct from the salaries of teachers who are not members of the association an amount equal to the annual association dues.... *Voluntary authorization on the part of such teachers shall be deemed to have occurred unless proper written notice to the contrary is provided to the district and the association on a jointly approved form.*”<sup>37</sup>

To be valid, revocations such as described above must be submitted by the teachers before certain calendar deadlines each year. A teacher employed by **Colorado Springs School District 11**, because of unfortunate circumstances, missed the deadline in September 2003. This particular teacher had filed the annual revocation for the previous seven years. But during the summer of 2003, he was providing intense care to a relative living with his family. One evening, two days before the September 16 deadline to revoke his “dues equivalency,” he and his family experienced the tragic death of their loved one.

In weeks to come, and after a second death in the family, he realized the school district was deducting \$56.48 monthly from his paycheck (\$677.77 for the year). Told that he had to take the matter to the union he followed the appropriate procedures. The union’s Dues Equivalency Committee denied his request to revoke the association’s dues outside the normal “revocation” time. He appealed the decision and lost again. After inquiring about the use of his funds he discovered that his non-member deductions are being funneled into the local and state EMO to support the unions’ political activities.<sup>38</sup>

Clearly contract clauses like these—approved by the districts in collective bargaining—are a boon for the unions, but a bust for any teacher who has to jump through hoops in order *not to pay* union fees.

## Related Services Provided by Districts Free of Charge to the Union

Not only do the public school districts serve as the collection agent for money provided to the unions, they also provide reporting services. Districts provide the associations with monthly reports of the amount of money withheld from the teachers—along with the payment. (See question #3 in Appendix B.)

Only one of the 20 districts in the study (**Denver Public Schools**) receives any compensation for the administrative service of payroll withholding. The district collects five cents for each monthly withholding for each teacher. In a district with about 4,500 teachers, this amounts to more than \$2,700 annually. Interestingly, the teachers' association does not even pay this minimal cost, but has a clause in its Denver Classroom Teachers Association (DCTA) membership authorization form that passes the payment directly to the individual teachers as part of their withholding.<sup>39</sup>

*Not only do the public school districts serve as the collection agent for money provided to the unions, they also provide reporting services.*

In recent years, banks have made their services increasingly convenient through electronic banking. Teachers today—who want to be members of the union—could use electronic transfers to automatically pay their membership fees directly to the teachers' union. School districts should not be providing financial transaction services for the union.

## Recommendations

This Issue Paper has discussed several practices that should be of concern to taxpayers, school districts, and teachers. The following reforms should be considered:

1. School districts should be prohibited from making payroll deductions for union membership fees. A prohibition would ensure that school districts are not collecting politi-



cal contributions and would protect non-member teachers who currently are having fees equivalent to union dues deducted from their paychecks without their written authorization.

2. If payroll deductions for union fees are allowed, school districts should be prohibited from withholding any funds from an employee's paycheck that are used for political purposes.
3. If school districts are allowed to continue making payroll deductions for union political contributions, school districts should require any withholding form to include a breakdown of the amount of funds directed to the local, regional, state, and national organizations. This breakdown should include the amount of any funds used to support political activities. The form should include the written authorization of the employee and be valid for only one year. The public school district should keep a copy of the each employee's written authorization.

## **Conclusion**

Colorado school districts, unbeknownst to many teachers, are allowing district personnel and systems to collect political contributions for local and state labor organizations. If a teacher wants to stop payroll withholding for union membership costs, teachers can face a difficult process doing so.

Five Colorado school districts withhold a "representation fee" or "dues equivalency" from non-member teachers unless the teacher annually files a revocation form by the deadline. If a teacher misses the deadline there is no refund. In a state where teachers are legally protected from forced union membership, there should be protection for teachers from school districts and unions making agreements to withhold such fees.

Reforms should remove school district personnel and systems from collecting union membership costs. The teachers' union will con-

tinue to exist and to represent its members, but it must begin to bear the burden of collecting its membership costs from its members. No school district personnel—and no school district payroll system—should be used for the benefit of the teachers’ unions’ political activities. For a quick look at the contributions of the CEA’s political committee in 2002, see Appendix C.

In the future, teachers wanting to join the teachers’ union should make their personal arrangements for paying the costs of union membership. Teachers could choose to make cash payments or to establish electronic fund transfers from their personal bank or credit card accounts. Removing districts from withholding union dues also would stop school districts from forcing non-member teachers to annually revoke “representation fees” or “dues equivalency.” The government would no longer be the middleman for the teachers’ union.

*In the future, teachers wanting to join the teachers’ union should make their personal arrangements for paying the costs of union membership.*

# **Appendix A**

## **School Districts and Education Associations Surveyed in the Study**

<b>School District</b>	<b>Teacher Association</b>	<b>Copy of Authorization or Revocation Form Provided</b>
Jefferson County R-1	Jefferson County Education Association	Yes
Denver County 1	Denver Classroom Teachers' Association	Yes
Cherry Creek 5	Cherry Creek Education Association	Yes
Douglas County RE1	Douglas County Federation of Teachers	Yes
Adams County 12 (Northglenn/Thornton)	District Twelve Educators' Association	Yes (revocation*)
Colorado Springs 11	Colorado Springs Education Association	Yes
Adams-Arapahoe 28J (Aurora)	Aurora Education Association	No
Boulder Valley RE2	Boulder Valley Education Association	No
Poudre R1 (Ft. Collins)	Poudre Education Association	Yes
St. Vrain Valley RE1J (Longmont)	St. Vrain Valley Education Association	Yes
Mesa County Valley 51 (Grand Junction)	Mesa Valley Education Association	Yes
Academy 20 (Colorado Springs)	Pikes Peak Education Association	Yes
Pueblo 60	Pueblo Education Association	(revocation*)
Weld County 6 (Greeley)	Greeley Education Association	No
Littleton 6	Littleton Education Association	Yes
Thompson R-2J	Thompson Education Association	Yes
Westminster 50	Westminster Education Association	Yes
Harrison 2	Pikes Peak Education Association	Yes
Widefield 3	Pikes Peak Education Association	Yes
Pueblo 70	Pueblo County Teachers' Association	(revocation*)

\* Revocation: These districts have a provision in their collective bargaining contract that requires the district to deduct from non-union member teacher's paycheck a representation fee equivalent to union dues. A teacher may revoke this deduction by filing a revocation form.

## **Appendix B**

### **Research Methodology**

Collective bargaining agreements, and/or board policies were reviewed for the 20 largest school districts in Colorado based on 2001 student enrollment. Specifically the research looked at contract provisions or district agreements regarding teacher “association rights.” While each district received about 10-12 questions specific to its agreement, in general the questions asked were:

1. Does the District perform payroll withholding for association dues?
2. If so, how does the individual teacher inform the district of his or her desire to have dues withheld? [If a form is used by a teacher to authorize payroll withholding of dues, please provide a copy of the form.]
3. Does the District provide any reports of dues paying membership to the association? [If so, how often and what do the reports contain?]
4. In return for the District’s collection of dues and submission of any related reports—does the association pay a fee to the District for these services? [If so, how much?]
5. Does the District perform payroll withholding of “representation fees” or “agency fees” for teachers who have chosen not to become members of the teacher association?
6. What must a teacher do to revoke his or her election to have dues withheld?
7. Is there a limited time window when a teacher can revoke dues deduction?
8. Does a teacher submit a dues deduction authorization each year, or does the initial authorization remain in effect until revoked by the teacher?
9. For Districts whose contract language specified payroll withholding for Political Action Committees (PACs) or for “contributions” other than dues, those Districts were asked

how a teacher indicates his or her desire to contribute to the PAC or to make other “contributions.”

10. Are there any changes you would like to see in regard to the District’s dues deduction practices/policies?

Of the 20 Districts contacted, complete or partial responses were obtained from all the districts.

In addition to surveying each of the 20 districts, these five questions were asked of representatives of the 20 teacher associations.

1. Does your association have a political action committee?
2. If so, does your dues authorization form have a separate place for teachers to indicate they wish to contribute to your political action committee?
3. Do your association executives, directors, officers or staff use any of their on-duty time to promote legislation, political candidates or political issues of interest to the association and its members?
4. Approximately what percentage of the association’s annual operating revenue is from member dues?
5. Are any dues funds used to finance the association’s political activities or to finance the use of association facilities in political activities?

## Appendix C

The table below shows the distribution of 2002 contributions to partisan organizations by the Colorado Fund for Children and Public Education, a political committee organized by the Colorado Education Association.

**2002 Contributions from the  
Colorado Fund for Children and Public Education**

Democratic Party Committees/campaign	\$25,000
Republican Party Committees/campaign	\$430
Democratic Candidates (66)	\$40,000
Republican Candidates (10)	\$11,600
Independent Candidate (1)	\$100
Democratic Party Fund	\$78,010
Republican Party Fund	\$0
Democratic PAC Contribution	\$8,000
Republican PAC Contribution	\$200
<b>Total Contributions to Democrats</b>	<b>\$151,010</b>
<b>Total Contributions to Republicans</b>	<b>\$12,230</b>
<b>Total Contributions to Independents</b>	<b>\$100</b>
<b>TOTAL CONTRIBUTIONS</b>	<b>\$163,340</b>

Source: Secretary of State Elections Center, 2002 Expenditures in Quarters 1-4, <http://www.sos.state.co.us/pubs/elections/main.htm>

## Endnotes

<sup>1</sup> Colorado Revised Statutes § 22-61-102.

<sup>2</sup> Colorado Education Association webpage, <http://www.coloradoea.org/aboutus/default.cfm>.

<sup>3</sup> Colorado Education Association webpage, <http://www.coloradoea.org/aboutus/membership.cfm>.

<sup>4</sup> January 12, 2004 letter from Mark W. Salley to presidents of local teachers' associations.

<sup>5</sup> Colorado Attorney General Opinion 10/12/93, <http://www.ago.state.co.us/AGO/ago93/ago93-9.htm>.

<sup>6</sup> Cherry Creek Education Association Membership Form: Authorization for Payroll Deduction, 2003-04 SY; District Twelve Educators' Association Salary Deduction Authorization Form, 2003-2004 school year; Colorado Education Association: Membership & Salary Deduction Authorization Form, September 1, 2003-August 31, 2003, provided by Boulder Valley School District.

<sup>7</sup> Cherry Creek Education Association Membership Form: Authorization for Payroll Deduction, 2003-04 SY; Colorado Education Association: Membership & Salary Deduction Authorization Form, September 1, 2003-August 31, 2003, provided by Boulder Valley School District.

<sup>8</sup> *The JCEA Insight*, Jefferson County Education Association, cover story, October 1, 2003.

<sup>9</sup> Jefferson County Education Association webpage <http://www.jcea-cea.org/join.html> [Emphasis added].

<sup>10</sup> Cherry Creek Education Association Membership Form: Authorization for Payroll Deduction, 2003-04 SY.

<sup>11</sup> Conversation between Jefferson County teacher and Pamela Benigno, Jan. 10, 2004.

<sup>12</sup> "Federal Election Commission Advisory Opinion Number 1977-37," 1978, <http://herndon3.sdrdc.com/ao/ao/770037.html>.

<sup>13</sup> Letter from Adams County School District 50, executive director, human resources, to Salley, Dec. 4, 2003.

<sup>14</sup> E-mail from St. Vrain Valley School District, assistant superintendent, human resources, to Salley, Dec. 17, 2003.

<sup>15</sup> Faxed copy of memo from Mesa County Valley School District 51, executive director, human resources, received by Salley, Nov. 18, 2003.

<sup>16</sup> E-mail from Jefferson County Education Association, director of communications and field services, to Salley, Nov. 10, 2003.

<sup>17</sup> E-mail from Thompson Education Association, December 2, 2003.

<sup>18</sup> January 12, 2004 letter from Salley to presidents of local teachers' associations.

<sup>19</sup> *Mountain States v Secretary of State*, 946 P2d 586 (Colo. App. 1997).

<sup>20</sup> Jefferson County Education Association website, <http://www.jcea-cea.org/join.html> [Emphasis added].

<sup>21</sup> Faxed letter from Jeffco Public Schools, executive director, public engagement and communications services, received by Salley, Nov. 3, 2003.

<sup>22</sup> E-mail attachment from Cherry Creek Schools, assistant superintendent, human resources, to Salley, Nov. 4, 2003.

<sup>23</sup> Cherry Creek Education Association Membership Form: Authorization for Payroll Deduction, 2003-04 SY.

<sup>24</sup> Jefferson County Education Association webpage, <http://www.jcea-cea.org/join.html> [Emphasis added].

- <sup>25</sup> E-mail from Jeffco Public Schools, executive director, public engagement and communications services, to Salley, Dec. 10, 2003.
- <sup>26</sup> E-mail from Jeffco Public Schools, executive director, public engagement and communications services, to Salley, Dec. 15, 2003.
- <sup>27</sup> E-mail and attachment from Poudre School District, director, certified employment, to Salley, Nov. 21, 2003.
- <sup>28</sup> E-mail and attachment from Widefield School District, executive director, human resources, to Salley, Nov. 21, 2003.
- <sup>29</sup> Letter and attachments from Harrison School District, supervisor, community engagement, to Salley, Dec. 10, 2003.
- <sup>30</sup> Jefferson County School District website, <http://jeffcoweb.jeffco.k12.co.us/communications/election/campaignregs.html>.
- <sup>31</sup> *Agreement and Partnership Between School District No. 1 in the City and County of Denver and Denver Classroom Teachers' Association*, September 1, 2002-August 31, 2005, Article 23-3.
- <sup>32</sup> *2003-2004 Memorandum of Understanding between the Thompson Education Association and the Thompson School District R2-J Board of Education*, Article 5-1-2a, Payroll Deductions [emphasis added].
- <sup>33</sup> Letter and attachments from Harrison School District, supervisor, community engagement, to Salley, Dec. 10, 2003.
- <sup>34</sup> *2003-2004 Agreement between the Pueblo County School District No. 70 and the Pueblo County Teachers' Association*, Article 4-1-1.1, Dues Deduction.
- <sup>35</sup> *2003-2004 Agreement between the Pueblo School District No. 60 and the Pueblo Education Association Incorporated*, Article 4-1-3, Payroll Deduction.
- <sup>36</sup> Faxed letter to Salley from Colorado Springs School District 11, custodian of records, Nov. 12, 2003.
- <sup>37</sup> *July 1, 2002-June 30, 2004 Master Agreement between the Colorado Springs Education Association and the Board of Education School District 11*, Article III D., Dues Equivalency [Emphasis added].
- <sup>38</sup> Conversation between Colorado Springs School District 11 teacher and Benigno, Jan. 17, 2004.
- <sup>39</sup> DCTA Membership/Payroll Deduction Form, school year 2003-2004.



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