

Judge blocks e-mail release

Organization looking for links between recalls, unions

By Lorie A. Shane, Tue., December 9, 2008 [Printer-Friendly](#) | [E-mail This Article](#) | [Comment On This Article](#)

How many school board recall drives in Michigan are shepherded along by teacher unions?

That's the question a school spending reform organization based in Muskegon says it is trying to answer, but a Wayne County judge has temporarily blocked the group's access to documents that could shed light on one case, an organization official said.

Circuit Court Judge Kathleen MacDonald ruled Dec. 3 that the Education Action Group may not have access to e-mail communications of Nancy Strachan, president of the Wayne-Westland Education Association. Kyle Olson, EAG vice president of strategy, had requested the school district to provide copies of Strachan's correspondence under the Freedom of Information Act, saying they are public record because she wrote them using a taxpayer-funded school e-mail account.

Olson told Michigan Education Report that he requested the correspondence as part of an effort to learn what role the local union has played in the current effort to recall two Wayne-Westland Board of Education members. The district has been in contentious contract negotiations with teachers for months. Olson's request covered the time period Aug. 1 through Nov. 11.

One day before Olson was to receive the documents, the union filed a motion to stop the school district from responding. MacDonald granted that request until another hearing on Jan. 12. MacDonald agreed with the union's claims that releasing the e-mails could cause "irreparable harm" to the Wayne-Westland Education Association, a Michigan Education Association affiliate. Delaying the release of the material would not harm the district, she wrote in her ruling.

The union argued that the e-mails could contain such things as personal information about association members or about contract negotiations that are protected from public release under FOIA. But Olson noted that the district could withhold any protected information. The district's written policy warns e-mail users that they have no reasonable expectation of privacy when using school-based accounts.

MacDonald in January will decide whether to make her temporary decision permanent, a decision that either side could appeal.

"It was not my intention ... to try to get bargaining information," Olson said. "I was trying to establish ... the link between the recall and the union."

Olson said his organization learned that a training session on recall procedures took place at WWEA headquarters. The parent who filed the recall petitions, Shawnn Maxwell of Wayne, told Michigan Education Report that she asked if the recall group could use union offices for the training because she did not have access to another facility.

"It's a parent-based recall," she said. Asked if the union has provided support or advice on the recall, she said, "We receive moral support from them."

It's no secret that teacher unions play a significant role in local school board elections, through financial contribution and candidate endorsements.

The state association also provides training on how to spearhead recalls. The MEA's 2009 Bargaining, Political Action & PR Conference, coming up in February at Cobo Hall in Detroit, will offer a session titled: "I Brought You into This World and I Can Take You Out! - How to Run a Successful Board Recall Campaign."

The description states, in part: " ... This session will give you tips and strategies for rallying the community for the necessary signatures, for managing the political and legal issues and for directing the media to your message. Make this session a requirement if you're thinking about taking out those school board members that you brought into your school district."

The EAG has been vocal in several Michigan school communities where recall efforts were launched this year, most recently in Southfield, Gladstone and Reed City.

In Southfield, the EAG paid for a billboard that criticized the union for an effort to recall four school board members. The board members had voted in favor of hiring private firms to provide support services to the district, a move estimated to save taxpayers \$21 million over three years.

The petitions were filed by a Michigan Education Association employee, but the drive never made it to the ballot. A union representative told local media that organizers let it drop because of a concurrent school millage request; Olson suggested the group failed to get enough signatures.

The EAG court case is similar to one recently decided in Livingston County Circuit Court. There, Judge Stanley J. Latreille ordered that about 5,500 e-mails written by Howell Public Schools union leaders on school computers are public record and should be released to Chetly Zarko, an Oakland County researcher who requested them. The union is appealing that decision.

Zarko has said he is researching teacher opinions on health benefits and pay increases that were debated during the latest round of contract negotiations there.

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Lorie Shane is the managing editor of the Michigan Education Report, the Mackinac Center's education policy journal. Permission to reprint in whole or in part is hereby granted, provided that Michigan Education Report is properly cited.

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