



February 24, 2021

Kansas Association of American Educators – Strong Proponent of House Bill 2354

Members of the Kansas Legislature,

The Kansas Association of American Educators (KANAAE), the largest national nonunion, professional educator organization, writes in **strong support** of House Bill 2354, providing public employees and professional employees certain rights with respect to withholding of public employee organization and professional employee organization dues. KANAAE would like this letter included as part of the public hearing record.

We believe teachers should be allowed to opt out of their association membership, including union membership, at any time. That is how we operate as a membership association serving thousands of members in Kansas and tens of thousands throughout the country. We respect our educators' autonomy and ability to make decisions about workplace representation. H.B. 2354 ensures all teachers in Kansas have this right, which empowers our educators and makes associations more responsive to their professional needs. Teachers agree—recent survey data shows that almost 85 percent of teachers believe they should be able to join or leave a union at any time.

In 2018, the Supreme Court ruled in *Janus v. American Federation of State, County, and Municipal Employees (AFSCME)* that public employees cannot be required to join a union or pay union dues as a condition of employment. However, many teachers unions still limit the period in which teachers can opt out if they decide they would no longer like to be a part of the union. These opt out windows make it extremely difficult for educators to leave their union. Many times, they are difficult to find. The window could be included on their membership form, in their collective bargaining agreement, or in another location entirely.

In Kansas, teachers in United Teachers of Wichita are only allowed to leave their union between August 1 and August 31. If a teacher misses this window and tries to opt out on September 1, their request will be denied, and they will have to resubmit their request the following August. This means months more of paying dues and belonging to an association they wish to leave.

Teachers that work in Olathe have a different opt out deadline. These teachers must opt out by August 10. These opt out dates can be difficult to find, unless a teacher has a copy of their membership form and knows to check the form for their opt out window. These practices are disrespectful to the highly educated professionals we entrust to educate our children.

These arbitrary opt out periods make it very difficult for teachers that would like to exercise their First Amendment right to leave their union. Furthermore, unless a teacher happens to make this decision and figures out how to opt out before the opt out window ends, that teacher must continue to pay hundreds of dollars in membership dues to an organization they do not wish to

be a part of; an organization that may be actively advocating for policies the member deeply opposes.

In addition to eliminating burdensome opt out windows and deadlines, the bill would also require payroll deductions to be re-authorized annually, and require the teacher to verify the authorization via email. These provisions are vital to ensuring each educator is making a decision on association membership that is active, informed, and, above all, voluntary.

Finally, this bill would not interfere with an educator's voluntary membership in a union, which we believe is just as much the right of each educator as their right to end membership. It would simply allow educators to exercise the right to leave the union when they wish, a right protected by *Janus v. AFSCME*.

The Kansas Association of American Educators (KANAAE) **strongly supports** H.B. 2354 and urges the Committee on Commerce, Labor and Economic Development to pass this important piece of legislation.

Best,

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The Association of American Educators (AAE) is the largest national nonunion, professional educator organization, advancing the profession by offering a modern approach to educator empowerment and advocacy—promoting professionalism, collaboration, and excellence without a partisan agenda. AAE is committed to a teaching profession that is student oriented, well respected, and personally fulfilling. AAE serves members in all fifty states and welcomes professionals from all education entities. Membership is \$16.50 per month and includes \$2 million professional liability insurance, employment rights coverage, professional resources, and many other benefits. Classroom teachers, paraprofessionals, administrators, student teachers, university professors, and supporters can learn more at aaeteachers.org.