



OKLAHOMA STATE
DEPARTMENT *of* EDUCATION

To: Members of the State Board of Education
From: Superintendent Ryan Walters
Date: March 23, 2023
Re: *Janus* Notice to Teachers

The U.S. Supreme Court's 2018 *Janus* decision confirmed that the First Amendment protects freedom of association for all public sector employees, including teachers. *See Janus v. Am. Fed'n of State, Cnty., & Mun. Emps., Council 31*, 138 S. Ct. 2448, 2486 (2018). In the five years since that decision, I do not believe Oklahoma has yet implemented the decision within its education system. In particular, it has come to my attention that teachers are not adequately informed of their rights to refuse association with or dues payments to a public sector union.

This lack of information can expose teachers to undue coercion. If teachers are unaware of the full extent of their First Amendment rights as public employees, they can feel pressured into signing forms that omit any meaningful reference to their rights to refuse association. This omission is a significant concern to me and could directly impact the Constitutional rights of school employees by incorrectly implying that affiliation with a professional employee organization is mandatory.

For this reason, I intend to send a notice like the attached noticed to all certified teachers in the State, and I wanted to give the Board a preview of the notice for discussion. In addition to the notice, I also intend to draft administrative rules to formally implement the *Janus* decision in Oklahoma public schools. I welcome the Board's thoughts on that project and will circulate a draft rule for consideration. In the meantime, my hope is that this notice will start the process of ensuring hardworking teachers of Oklahoma are guaranteed their First Amendment rights.

Notice

You have a First Amendment right, as recognized by the U.S. Supreme Court, to refrain from joining and paying dues or making political contributions to a public-sector union. Any membership, payment of dues, or political contribution is completely voluntary. No school district may discriminate against you for refusal to join or financially support a professional employee organization. In addition, state law forbids public school districts from deducting any dues from your payroll. *See* 62 O.S. § 34.70.1. If you choose to join an organization, you cannot be compelled to pay dues through automatic deductions.