

SUPREME COURT OF KANSAS

Unified School District No. 233, Johnson County, Kansas v. Kansas Association of American Educators, 275 Kan. 313

64 P.3d 372 (2003) · No. No. 87,898 · Decided March 7, 2003

SUMMARY

The Kansas Supreme Court held that the Kansas Association of American Educators (KANAAE) qualified as a professional employees' organization under the Kansas Professional Negotiations Act. Because the Olathe National Education Association had exclusive negotiated access to the school district's internal mail system for information related to professional negotiations, the district properly denied KANAAE comparable access. The court also rejected KANAAE's First Amendment freedom-of-association challenge, relying principally on *Perry Education Association v. Perry Local Educators' Association*.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Nuss, J.; David S. Knudson, J., assigned; Abbott, J., not participating
JURISDICTION	Kansas
DECIDED	March 7, 2003
DOCKET	No. 87,898
DISPOSITION	affirmed
PROCEDURAL POSTURE	The school district sought a declaratory judgment concerning whether KANAAE qualified as a professional employees' organization and whether the district could deny KANAAE access to the district's internal mail system. The district court ruled for the school district and ONEA. KANAAE appealed, and the Kansas Supreme Court transferred the appeal from the Court of Appeals.
STANDARD OF REVIEW	Legal conclusions are reviewed without limitation. When factual findings support those conclusions, the appellate court determines whether the findings are supported by substantial competent evidence and whether they support the legal conclusions. Constitutional questions are reviewed without limitation.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Kansas

PARTIES

Kansas Association of American Educators v. Unified School District No. 233, Johnson County, Kansas, Olathe National Education Association

TOPICS

labor law

collective bargaining

first amendment

statutory interpretation

free speech

PRACTICE AREAS

labor law

education law

constitutional law

public-sector employment

QUESTIONS PRESENTED

1. Whether KANAAE was a professional employees' organization under the Kansas Professional Negotiations Act.
2. Whether the school district properly denied KANAAE concurrent use of the district's internal mail system to distribute membership materials.
3. Whether denial of access to the internal mail system violated KANAAE members' First Amendment rights of association or their rights under the Kansas Constitution and the Professional Negotiations Act.

HOLDINGS

1. KANAAE was a professional employees' organization because professional employees participated in it and the evidence supported a finding that it existed, in whole or in part, for the purpose of engaging in professional negotiations with boards of education concerning terms and conditions of professional service.
2. The school district properly denied KANAAE access to the internal mail system because ONEA, as the recognized exclusive bargaining representative, possessed the exclusive statutory privilege to disseminate information concerning the professional negotiation process and related matters through that system.
3. The denial of access did not violate KANAAE members' First Amendment rights of association, Kansas constitutional rights, or the Professional Negotiations Act's protection against compelled union membership.

KEY QUOTATIONS

“Few matters are more related to the professional negotiation process, however, than the KANAAE brochures that openly encourage the dropping of membership in the recognized exclusive bargaining representative and increasing the membership in an alternative organization.” (at 324-325)

“We hold that the district court's legal conclusion — denying KANAAE access to the mail system because using it for disseminating negotiations information or related matters was the exclusive privilege of another PEO, the ONEA — is sufficiently supported by factual findings which are based upon substantial competent evidence.” (at 325)

“Use of school mail facilities enables PEA [union] to perform effectively its obligations as exclusive representative of all Perry Township teachers. Conversely, PLEA [rival union] does not have any official responsibility in connection with the school district and need not be entitled to the same rights of access to school mailboxes.” (at 326)

FACTUAL BACKGROUND

Olathe National Education Association had been recognized since 1970 as the exclusive bargaining representative for the district's teachers and had negotiated exclusive use of the district's internal mail system for information concerning the professional negotiation process. KANAAE, whose membership was 80 to 90 percent professional employees, sought to distribute materials encouraging teachers to leave ONEA and join KANAAE, while advocating changes involving teacher compensation and merit pay. Although KANAAE adopted a resolution stating that it would not engage in professional negotiations, its leaders had previously sought a role in negotiations, advocated replacing ONEA, and acknowledged that the organization might pursue collective bargaining in the future.

PROCEDURAL HISTORY

The school district filed a petition for declaratory judgment after refusing KANAAE's requests to distribute membership materials through the district's internal mail system. Following a two-day evidentiary hearing, the Johnson County District Court found that KANAAE was a professional employees' organization under the Professional Negotiations Act and that the district could deny it access to the mail system. The Kansas Supreme Court affirmed in all respects.

DISPOSITION

affirmed

CASES CITED

- State Bd. of Nursing v. Ruebke, 259 Kan. 599, 913 P.2d 142 (1996)
- Lindsey v. Miami County National Bank, 267 Kan. 685, 984 P.2d 719 (1999)
- Unrau v. Kidron Bethel Retirement Services, Inc., 271 Kan. 743, 27 P.3d 1 (2001)
- State ex rel. Stovall v. Meneley, 271 Kan. 355, 22 P.3d 124 (2001)
- National Education Ass'n v. Board of Education, 212 Kan. 741, 512 P.2d 426 (1973)
- U.S.D. 501 v. Secretary of Kansas Department of Human Resources, 235 Kan. 968, 685 P.2d 874 (1984)
- Graham v. State, 263 Kan. 742, 952 P.2d 1266 (1998)
- NEA-Wichita v. U.S.D. No. 259, 234 Kan. 512, 674 P.2d 478 (1983)
- Brown v. United Methodist Homes for the Aged, 249 Kan. 124, 815 P.2d 72 (1991)
- In re Tax Application of Lietz Construction Co., 273 Kan. 890, 47 P.3d 1275 (2002)
- In re D.D.P., Jr., 249 Kan. 529, 819 P.2d 1212 (1991)
- Perry Education Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 103 S. Ct. 948, 74 L. Ed. 2d 794 (1983)
- Healy v. James, 408 U.S. 169, 92 S. Ct. 2338, 33 L. Ed. 2d 266 (1972)

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