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What can you say? Guidelines for talking about politics

Election season is one of the most challenging periods for school communicators. The First Amendment right to free expression is not absolute, which can lead to misunderstandings about which political speech and activities are permissible and which can be regulated by school districts. School patrons sometimes get fired up and think some school employees are censoring speech, or alternatively, indoctrinating students with personal views.

Under the First Amendment, public schools face the same constitutional responsibility with political speech as with religion and many other civic issues: neutrality — to not exclude but neither to promote or encourage one belief or viewpoint over another. Many jurisdictions also have their own laws and regulations governing politically related conduct. For example, school district money can be used to explain a school levy or bond measure but not to promote, even subtly, passage of the measure.

School communicators have multiple roles in dealing with political speech. The most dramatic is crisis management when a school's handling of a situation draws public scrutiny. But if you've done your job well, you can help avert crises in the first place and handle them better if they do occur.

The following are paramount:

- Have clearly written, understandable, practical policies on political speech/activities by students, by teachers and other employees, and by school board members. Depending on the category of person involved — i.e., student or teacher or school board member — there are vast differences as to what is allowable under the First Amendment and other laws.
- Encourage district administrators, teacher representatives, and others to carefully review and discuss these policies, consider potential scenarios, and learn from past missteps, either locally or in other districts.
- Proactively explain these policies to teachers, principals, and other staff members through newsletters, briefings and other means; to the public through parent organizations, newsletters, and social media; and to the news media.
- Ensure you have immediate access to appropriate district decision-makers so you can get questions answered and respond regarding a situation before social media rumors take control of the narrative.

Know your district policies well

Legal cases under the First Amendment provide general guidance, but school districts should have their own policies. In general — and I'm not a lawyer and this is not legal advice —

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school districts have the right to control what happens in the classroom, including curriculum and teaching. Again, the First Amendment right to free speech is not unlimited.

Teachers, for example, generally have the right to speak about matters of public concern as private citizens when on their own time.

Many education groups have shared this guidance from the American Civil Liberties Union to teachers: “However, if you are speaking as part of the duties of your job, your speech will not necessarily have the same protection. What you say or communicate inside the classroom is considered speech on behalf of the school district and therefore is not entitled to First Amendment protection. Certain types of speech outside the school might also not be protected if the school can show that your speech created a substantial adverse impact on school functioning or that your speech was made in accordance with your job duties.”

Students have a broader right to self-expression, including wearing armbands as symbols of protest. Their right to free speech may be limited only in instances when it would cause “substantial and material disruption.”

On the other hand, students can be counted absent if they stage a school walkout or skip classes to participate in political activities. But the district must be consistent, for example, being equally strict or lenient on walkouts regardless of the subject matter.

The time to work through these delineations is before a confrontation occurs.

Neutrality need not equal boring

Schools err if they avoid political discussions for fear of community uproar. An informed citizenry necessitates discussion of potentially controversial issues. Students contribute to a civil society by learning how to handle those discussions with thought and grace.

Supreme Court Chief Justice John Roberts and many others have urged a greater focus on civics education, which is foundational to our democracy. The federal judiciary and states have a host of curriculum activities to engage students, teach them about the Bill of Rights and about landmark court cases, and promote civil discourse.

Political campaigns and elections can be embraced in the same way — so long as schools do not favor any candidate or campaign. As a school communicator, you can help ensure that the neutrality is maintained in how these activities and events are explained internally and externally. Thus, you need to refresh your understanding of district, state and federal policies long before a crisis occurs.

Educators sometimes run into trouble by making supposedly joking, sarcastic or teasing political comments toward students. Bad idea. It is never excusable to put a student down. There is a huge difference between saying, “I can’t believe you said that” and “Tell us how you came to that conclusion.”

Election season offers the opportunity for students to find political activities that pique their interest, such as holding panel discussions or forums with political candidates, preparing for mock presidential debates, or researching and debating election issues. Students might present their own presidential speeches or do fact-checking on political speeches, so long as the class assignment does not favor or disfavor one candidate or party over another. These activities should be encouraged. As a school communicator, you can help by explaining to the public how and why these activities happen and by inviting local media coverage that

includes interviews with the teacher(s) about why the class activity is not only legitimate but essential to understanding U.S. history, civics or whatever the course is.

Some students go as far as proposing legislation and testifying at city councils or state legislatures. (I've found that most public bodies are keenly interested in what youth have to say, often because the youth are better prepared, more focused and more interesting than some adults.)

By the way, education researchers say it is best when students are given the opportunity to tackle issues that have multiple points of view. Again, each person and each view must be treated with respect. Their views can be challenged instead of being taken for granted or ignored, but that should be done respectfully. Again, lifelong lessons in civil discourse can be a byproduct of these interactions.

Some teachers choose to insert their own opinions into the discussion. Some do not. Research also has shown that during their careers, many teachers change their minds about whether to do so. Again, teachers should know their district policies. Parents and students should be informed as well.

Can we do that?

No policy is perfect; none can cover every eventuality. But it behooves everyone — especially the communicators dealing with the public and the media — to understand why political buttons may be allowed for students but not teachers. Or what materials can be distributed by students at school or whether a political billboard is allowed on a car parked in a parking lot. Or ...

That is an excellent class assignment: What political speech is allowed in school and outside school?

School communicators should already know the answers.

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