



## Guidance for School Staff on Political Activities, Free Speech, and Facilitating Student Conversations on Controversial Topics

As we enter the 2016-17 school year, we are cognizant of the charged political climate in the country and the probability that the rhetoric and the distance between viewpoints will only increase between now and November's election.

Many of our schools dealt with the walkouts in late spring, which were spurred by a banner hung at Forest Grove High School that said: "Build a Wall." At Hilhi there was a very organized walkout that was planned and communicated via social media (400-500 students); at Glencoe there was a more spontaneous walkout that involved approximately 200 students, some of whom announced their intention to walk to Forest Grove. At other schools there were smaller groups of students who perhaps wanted to act, but were unsure of what to do. And at almost every school there was talk about what was happening, why, and how students could and should talk about important issues like politics, race, and other controversial topics.

Following are some high-level pieces of information and talking points that will hopefully provide a common framework for our District to handle these issues in the coming year and beyond.

**Restrictions on Political Activities for Public Employees** (see quick reference guide [here](#) and Policy GBG: Staff Participation in Political Activities [here](#))

- Generally, a public employee may not, while on the job during working hours, promote or oppose election petitions, candidates, political committees or ballot measures.
- Discussion and persuasion may only be carried out in an open discussion during classroom lessons that consider various candidates for a particular office or various sides of a particular political or civil issue.

**Freedom of Expression/Free Speech** (see Policy IB: Freedom of Expression [here](#)):

- Students have a general right to freedom of expression within the school system. The District requires, however, that students exercise their rights fairly, responsibly, and in a manner not disruptive to other individuals or to the educational process.
- Primary legal guidance on freedom of speech in schools comes from *Tinker vs. Des Moines School District* (1969), which contains two main principles:
  - Students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate; and
  - There is a recognized need for affirming the comprehensive authority of States and school officials to prescribe and control conduct in schools.
- "In this country there is no right to speak *fighting words*--those words without social value, directed to a specific individual, that would provoke a reasonable member of the group about whom the words are spoken. For example, a person cannot utter a racial or ethnic epithet to another if those words are likely to cause the listener to react violently. However, under the First Amendment, individuals do have a right to speech that the listener disagrees with..." ([www.americanbar.org](http://www.americanbar.org), "[Debating the 'Mighty Constitutional Opposites: Debating Hate Speech](#)," Students in Action)
- All of our schools set norms with students about safe, positive, respectful behavior expectations and can hold students accountable to those expectations.



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### Civil Disobedience/Demonstrations/Acts of Defiance

Marches, sit-ins, walk-outs, hunger strikes, vows of silence and other acts of resistance have been used for many years as a symbolic rejection of and/or demonstration of solidarity versus an opposing force or viewpoint. The purpose for and/or desired outcome of such acts is typically to rally together people of a similar viewpoint in hopes of spurring conversation and change.

### Rights and Responsibilities

Everyone in this country has rights afforded to them by the United States Constitution and by state and local laws. Those rights include freedom of speech/expression, freedom of thought/belief, and the ability to act in accordance with one's beliefs, so long as the exercising of those rights does not violate laws or the rights of others—hence the caveat that rights *always* come with responsibilities.

### Responding to Student Questions and Supporting Student Discourse

Educators are working to develop some templates, talking points, and best practices around responding to student questions as they pertain to politics, race, immigration, civil disobedience, and so on. As these resources are developed, they will be shared with staff. Basic things to keep in mind are:

- Remind students they are free to have and express their own opinions, but they need to be respectful of others and not direct mean or hurtful comments toward individuals.
- Include a balanced perspective.
- Where possible, elevate issues out of the current debates and focus on core topics to explain the different viewpoints in a more pragmatic way.
  - Focus on instructional standards.
  - Use instructional strategies (e.g. pair-share, philosophical chairs, socratic seminars, etc.)
- Consider creating a time and space where students can debate issues/ask questions in a facilitated manner.
- Consider developing classroom norms around creating, maintaining, and restoring trust.

### Key things to know

- Key leaders of the spring walkout have come together to form United We Stand. They have indicated that they are calling for an end to walkouts during the school day, and say they are committed to working with school districts to address their concerns by ensuring schools have racially and culturally relevant/responsive curricular and extracurricular offerings for students and that they provide opportunities for student voices to be heard.
- If students choose to walk out in a demonstration of civil disobedience and they leave campus, they will receive an unexcused absence and a phone call home. School/District staff also cannot ensure their safety if they choose to leave school property during the school day.
- Teachers may be asked to take attendance twice during a class period in which there is a large student walkout, in an attempt to have accurate records of which students participated.
- Staff are expected to continue teaching, if at all possible, in the event of a large student walkout; staff who are available during the time of the walkout are asked to accompany the students outside (on school grounds) to maintain calm and help ensure student safety.
- District staff will develop and communicate to administrators and parents consistent messages before (if possible), during, and after large student walkouts.