



Newsletter

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Talking Politics in the Classroom

Last week's election has caused turmoil on all of our campuses and led many of us to question our role as educators. Here are some thoughts on how to handle yourself going forward.

It is our primary responsibility as educators to create a safe space for all of our students. If they are upset and angry with each other or with the wider world it is our responsibility to address that. Many of you held impromptu discussions in your classrooms following the election, and it is AEA's view that these were entirely appropriate regardless of what subject you teach. We need to allow students to express their feelings in a safe environment and to foster community.

It is also our responsibility to protect our students from being otherized and attacked on campus, and to be able to distinguish hate speech from political opinions. If a student suggests in class that building a wall on the southern border of the United States would be a good way to prevent illegal immigration, that is a political opinion. If a group of white students yell "Build the Wall!" at students of color who are leaving for a walkout (as happened at Acalanes) they are creating an unsafe environment for their classmates and are subject to discipline. Teachers need to intervene to be sure all students feel safe.

Teachers are disallowed from advocating a particular side or political position as part of a lesson plan, but that does not by any means imply that teachers are disallowed from talking about politics or political issues. Teachers retain certain free speech rights (see the back of this newsletter for a more detailed discussion on speech rights of public employees) when they are on campus, and if a student asks what your opinion is on a particular issue you are free to tell them. You are also free to disclose your political affiliation – it is no more a secret that you are a Democrat or a Republican than that you are a Christian or a Jew or gay or straight. By saying that you are Christian you are not advocating that all the students become Christian, and the same applies to politics.

When discussing political issues as part of a lesson plan it is important to explore the complexities of an issue, and to allow students to discover for themselves what their beliefs are. That is good pedagogy – students learn when they develop their own opinions, not when they are told what to think. However that does not mean teachers who incorporate political issues into their lesson plan are expected to present false or misleading evidence simply to create an impression of balance

If you are having trouble navigating any of the issues above, contact your reps or AEA leadership (listed on the bulletin board in your staff room). We are here to listen, to offer advice, and to advocate on your behalf. Be there for each other, and we will be here for you.

Negotiations Survey Open until Sunday, November 27th

At the beginning of each new negotiations cycle AEA puts out a survey to get input from members. The results will inform the negotiators on what issues to bring up at the bargaining table. The survey has been emailed out to members and as of this week 75 members have taken the survey. The survey will remain open until November 27th. AEA strongly encourages each member to take the time to fill out the survey. Once the survey is closed, the negotiation team will look at the data and propose a sunshine at the December Rep. Council meeting (to be held at Miramonte on December 16th). The sunshine will then be presented at the January School Board Meeting and negotiations will formally begin in February.

Special Dental/Vision Open Enrollment

A special open enrollment period will begin on November 28 and go through December 9, 2016. During this time members will be able to change their dental and vision insurance plans. There are plans that will enhance coverage in both areas but will come with an additional cost similar to a member who chooses a health plan that is more expensive than the Kaiser rate. **However, if you do nothing, your current dental and vision plan coverage will remain the same and will automatically rollover to 2017.** Julie Bautista's email sent on 11/15 has details of each dental and vision plan attached. If you have questions, please call benefits at ext. 6610.

Free Speech Rights of Public Employees

In light of the demonstrations, walkouts, protests and strong feelings demonstrated by both sides surrounding the culmination of a contentious election cycle here is an outline of members' speech rights. In *Pickering v. Board of Education*, 391 U.S. 563 (1968) and *Connick v. Myers*, 461 U.S. 138 (1983) the United States Supreme Court has outlined a two pronged test for determining whether a public employees' speech is protected under the First Amendment of the United States Constitution. The test states that

1. the speech must be shown to address a matter of public concern; and
2. the free-speech interest must outweigh the employer's efficiency interests.

The Court has stated that speech is a matter of public concern if it is "relating to any matter of political, social, or other concern to the community." *Connick v. Myers*, 461 U.S. 138 (1983). Speaking about the presidential election would presumably meet the requirement. However, once the speech is determined to be of public concern, the court will then balance the employee's and employer's interests. The court will then determine whether the speech

1. impairs discipline or harmony among co-workers;
2. has a detrimental impact on close working relationships for which personal loyalty and confidence are necessary; or
3. interferes with the normal operation of the employer's business.

Connick v. Myers, 461 U.S. 138 (1983). Further complicating the analysis is a 2006 case, *Garcetti v. Ceballos*, 547 U.S. 410 (2006). In that case, the Supreme Court held that any speech made pursuant to an employees' position as a public employee, rather than as a private citizen, is not protected by the First Amendment. This case did not involve teachers and/or a school setting and Justice Kennedy expressly did not reach the question of whether the Court's holding would extend to speech related to scholarship or teaching. However, if a future case was to extend the ruling to teachers/professors and public schools, speech by teachers/professors in the classroom could be denied First Amendment protection.

[The following article was used in writing the above: Balancing Act: Public Employees and Free Speech, David L. Hudson Jr., *First Reports*, vol. 3 no. 2, December 2002; and can be found at <http://www.firstamendmentcenter.org/madison/wp-content/uploads/2011/03/FirstReport.PublicEmployees.pdf>]

The law in this area is murky at best. Members should be mindful of this and understand that there is not an absolute right of free speech in the classroom. As guidance here is what the ACLU has to say on the subject:

"Do I have free speech rights as a public school teacher? Yes, but there are many limitations, especially for K-12 teacher. Generally, the First Amendment protects your speech if you are speaking as a private citizen on a matter of public concern. However, if you are speaking in an official capacity (within the duties of your job), your speech will not have the same protection. What you say or communicate inside the classroom is considered speech on behalf of the school district and therefore will not be entitled to much 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. . . .

How do I know what is protected speech inside my classroom? School districts have the authority to control course content and teaching methods. You are generally considered to speak for the school district when you are in your classroom. Therefore, your speech in the classroom does not have much First Amendment protection. This can be a murky area, however. Some courts have ruled that schools cannot discipline teachers for sharing words or concepts that are controversial as long as the school has no legitimate interest in restricting that speech and the **speech is related to curriculum** (emphasis added). In general, you should exercise caution so as not to give the appearance that you are advocating a particular religious or political view in the classroom."

For more go to <https://www.aclu-wa.org/docs/free-speech-rights-public-school-teachers-washington-state>.