



Social Media FAQs

We hope these FAQs will help you navigate through social media use as school officials, but please work closely with local counsel for legal advice.



As a board member, should I use social media?

The decision to use social media or not is a personal choice. It can be a great way to engage with fellow school officials, students, and other community members. However, depending on whether your social media account is considered a public forum with First Amendment implications, you may consider limiting how and when you use social media.



How do I know if my social media account is a public forum?

As a board member or a superintendent, you are a public official. Therefore, your social media account is probably a public forum if you allow public discussion in the form of comments. This “public forum” will likely trigger free speech protections for anyone who interacts with your profile.



I don't want my social media account to be considered a “public forum”. Is there anything I can do?

Yes. There are some things you can do to keep your account from becoming a public forum:

- Explicitly state in your Bio or About Me section that your account is personal and not associated with your school board position.
- Avoid posting school board business or announcements on your personal page.
- Tailor your profile settings to “private” and require approval for followers/friends.
- Limit accessibility for public comments and discussions on your private page.



If my account is a public forum, can I block users who I disagree with or find annoying?

No. If your account is a public forum, you cannot legally block or restrict other users on your profile based on their views or opinions, even if they differ from your own.



So, is it okay to have two accounts, one for personal and one for official business?

Yes. Board members and other school officials can and probably should have a personal page and an official page, but it's important that you don't "comingle" information between the two. Keep your personal page personal and keep your official page official.



I am a school board member/superintendent. Can I talk about politics on my social media?

Yes. Elected school officials have the same First Amendment rights as every other citizen to express their political views, but you can only do that on your own time and on your own dime. Public officials cannot use the trappings of their office to promote a political message. That means you only share those messages on your private devices, your private profiles, and your private time.



Can I talk about religion on my social media?

Yes. Again, elected school officials have the same First Amendment rights as every other citizen to express their religious views but that should not be part of your official duties. You can express whatever you like on your own time and on your own dime. That means you only share those messages on your private devices, your private profiles, and your private time.





May a school board censure fellow board members for their online conduct?

It depends. School board members are protected by the First Amendment, but that protection is not absolute. If a board member's online conduct violates the Governance Act, the board will need to determine whether that conduct is protected by the First Amendment or not. The board should consult with its local counsel for legal advice.



Can I block parents on my social media account?

No, if your social media page is linked to your official capacity as a board member.



Should I be mindful of what I “like” on social media or what I’m “tagged” or “mentioned” in?

Yes. A like, love, laugh, or other reaction to a post online can be interpreted as an endorsement or rejection of a user or content. Similarly, a tag or mention of you could appear to be an endorsement. You should be mindful of your online interaction and activity and consider requiring approval before others are allowed to tag you on photos or posts.



Do we have to keep a record of posts, comments, and other content on our school system’s social media?

Yes. If you are using your school system's social media to communicate with the public and share information about the system's activities, then those posts are likely considered public records under state law. Since it is public information, the school system must ensure that it is archiving and maintaining social media posts and content on a regular basis as it would any other public document.





Should we also keep a record of hidden or deleted posts?

Yes. All of the school system's social media posts should be recorded and stored regardless of whether they have been hidden or deleted.



We get a lot of harsh criticism on our school board social media page. Should our board have a policy prohibiting offensive comments about board members?

No. A policy that prohibits personal attacks on board members is unconstitutional. It violates the First Amendment because it blocks unfavorable comments but allows neutral and favorable comments. When the government establishes a forum on social media, all speech is welcomed, including criticism. If you're concerned about negative comments, your only option is to turn off comments for all users.



Can we develop guidelines for public engagement on our school system's social media account?

Yes. Developing guidelines for the public on how to engage with your school system's social media account is a good way to facilitate healthy discussions and responses on your page.

You can include prohibitions on:

- Obscene or sexual language
- Threats or illegal activity
- Discrimination/harassment based on sex, race, religion, age, or other protected activity
- Copyright or trademark violations
- Spam, chain letters, or malware
- Off topic content





If someone violates our page's guidelines, can we have consequences for such violations?

Yes. School systems should publish consequences for violations. Consequences can include blocking users and removing their posts. However, we also suggest that the school systems provide an appeals process for these users and carefully evaluate each violation.



Where should we publish our guidelines?

Pin the guidelines at the top of the school system's social media page, which should make it easily visible to all users.



Should anything else be included under the page's guidelines?

Yes. It would be wise to make several other important notes under your guidelines such as:

- User comments are not subject to public records requests.
- User comments do not necessarily reflect the views of the school system.
- The school system's content should not be inappropriately used by third parties in a manner that suggests an association or endorsement.
- The system's guidelines are subject to change without notice.





Who should manage the school system's social media?

The system should designate employees to access social media accounts and have protocols for those employees on how to manage and control the system's page. The designated employees should also refrain from sharing account or password information with third parties not authorized to be users of the account, including other system employees.



Can the school system prohibit board members or employees from being active on social media?

No. The district cannot prohibit board members nor employees from speaking or otherwise being active on social media. Board members and school employees have a First Amendment right to free speech like all citizens. However, both board members and employees should be mindful that they do not speak on behalf of the school board or their employer and should always make it clear that their views are their own.

