



**Orange County
Board of
Education**

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Dr. Todd Wirt

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RESOLUTION on Teacher Free Speech Rights

WHEREAS, the First Amendment of the U.S. constitution protects the rights of all Americans to speak as private citizens on matters of public concern; and

WHEREAS, the First Amendment provides free-speech protection to public, not private, employees because the Bill of Rights applies only to governmental actions; and

WHEREAS, government also has more authority to regulate the speech of its employees than it does to regulate the speech of the general citizenry; and

WHEREAS, when serving in their official capacities as teachers, within the duties of their jobs, teachers have certain responsibilities not given those same protections; and

WHEREAS, what teachers say inside the classroom is considered speech on behalf of the school district and is therefore not entitled to the same protections; and

WHEREAS, speech outside the classroom is protected unless the school district can show that the speech created an adverse impact on school functioning; and


WHEREAS, teachers can criticize the local school board if the opinion relates to a "matter of public concern," such as public education for all students; and


WHEREAS, as experts on what occurs in the classrooms of North Carolina, teachers should advocate for public education and public school students;

NOW, THEREFORE BE IT RESOLVED THAT:

The Orange County Board of Education recognizes that public school teachers in North Carolina have free speech rights protected by the First Amendment, as long as the speech does not adversely impact the functioning of their public school

Approved this the 8th day of May, 2017.


Dr. Stephen H. Halkiotis, Chair
Orange County Board of Education


Dr. Todd Wirt, Superintendent
Orange County Schools

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