LENAPE TECHNICAL SCHOOL

SECTION: EMPLOYEES

TITLE: FREEDOM OF SPEECH BY EMPLOYEES

ADOPTED: June 26, 2025

REVISED:

Authority	**320. FREEDOM OF SPEECH BY EMPLOYEES** **Authority** **The Joint Operating Committee respects employees' freedom of speech. Public school employees do not surrender their rights to free speech merely because of their status as an employee of the school.** The Joint Operating Committee acknowledges the right of administrative, professional and support employees as **private** citizens in a democratic society to speak out on issues of public concern. The Joint Operating Committee adopts this policy to clarify situations in which an employee's expression could conflict with the school's interests**, when the employee is not engaged in assigned duties. In such instances, the school, in coordination with the school solicitor, must balance the employee's interests regarding freedom of expression on issues of public concern as a private citizen against the interests of this school in promoting the efficient and effective functioning and educational purpose of the school.** In situations in which an employee is not engaged in the performance of assigned duties, **the employee's freedom of speech may be addressed when the employee's speech impacts efficiency or constitutes a reasonable likelihood of disruption, as indicated by any one of the following**: 1. **Impairing discipline by superiors or harmony among co-workers;** 2. **Having a detrimental impact on close working relationships requiring loyalty and confidence;** 3. **Impeding the performance of the duties of the employee that conducted the speech; or** 4. **Interfering with the operations of the school.** **Any decisions based on the above listing shall take into consideration all of the facts of each individual situation and shall include consultation with the school solicitor.**

	PSBA Revision 4/25 © 2025 PSBA Legal References 22 PA Code 235.1 et seq PA Const. Art. I Sec. 7 U.S. Const. Amend. I Connick v. Myers, 461 U.S. 138 (1983) Dougherty v. Sch. Dist. of Philadelphia, 772 F.3d 979, 991 (3d Cir. 2014) Garcetti v. Ceballos, 547 U.S. 410 (2006) Natalie Munroe v. Central Bucks School District, 805 F.3d 454 (3d Cir. 2019) Pickering v. Board of Education, 391 U.S. 563 (1968) Pol. 816