



# School Board Members & Social Media

Board members are publicly elected officials and enjoy the same free speech rights as any citizen. However, it is important to remember that a school board member wears many hats: citizen, elected official, district leader, employer.

This document is intended to explore each of the board member’s separate roles and provide insights and best practice considerations for participating in social media. Consider reviewing and utilizing this guidance to spark productive discussion about social media use at your board table.

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## Powerful Communication Tool

One of the greatest assets of any school board is timely, relevant communication with the community the district serves. Districts across the state routinely utilize social media platforms to deliver relevant information about upcoming events and to highlight the great work of their students and staff. Further, parents and family members of students often see social media as an important information source about the district. Indeed, a recent poll showed that 72% of U.S. adults report using at least one social media platform.<sup>1</sup>

With the prevalence and power of this informational tool, it's no wonder that many school board members actively engage in social media. But board members are also publicly elected officials, and with the benefits of board service comes some additional responsibility. Fortunately, there are guiding considerations and best practices to engage positively with your community on social media to highlight the unique strengths and traditions of your district.

Communicating through social media platforms is one valuable tool for districts to share information and hear from the community. Social media should be used in conjunction with other methods of communication with your school community. Social media should not be the only pathway used to reach the public because it only reaches those that are using it or those that choose to subscribe to certain groups, pages, etc. For a thorough discussion on alternate methods of communication, see *Chapter 10: Community Relations* of [IASB's School Board Member Handbook](#).

## Free Speech

Board members have the same rights under the First Amendment of the United States Constitution as other adult citizens. Generally, the First Amendment restricts governmental entities, such as school districts, from prohibiting certain kinds of speech. However, not all speech is protected. Protected speech does not include speech that is defamatory, libelous, obscene, fighting words, inciting imminent lawlessness, etc.

It is important to keep in mind that even protected speech could still subject a board member to legal liability. Board members, as citizens, may be subject to legal proceedings if their comments about other individuals are viewed as defamatory or libelous. So, while a school district may not be able to stop a board member from saying or expressing something, the board member could still be sued individually and in their official capacity for their speech or expression. Always remember, even speech that is protected may have consequences.

**Best Practice:** Many districts have social media platforms. Taking the content from the district webpage and sharing it to the board member's platform helps direct the public to the district page where the most current content is kept. It also allows board members to share content on behalf of the district while not speaking for the district.

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<sup>1</sup> <https://www.pewresearch.org/internet/fact-sheet/social-media/>

## Maintaining Employee & Student Privacy

Most districts have a policy in place which states that the board president serves as the spokesperson for the board, and the superintendent serves as spokesperson for the district.<sup>2</sup> Check your local policies to confirm the language. When an issue arises and the media reaches out to board members for comment, they should be referred to the appropriate district spokesperson.

The board is an employer. As school officials, board members have legal obligations to safeguard employee and student privacy. If a board member chooses to post remarks about a particular student or employee, that speech could result in liability for the board member and school district.

Employers have legal obligations to safeguard employee privacy and could be subject to lawsuits by employees whose confidential information is disclosed. Information that relates to the evaluation of an employee may be considered confidential information according to Iowa law (*Iowa Code 91B*). This information could also include allegations about job performance made against employees that would affect their ability to perform their job and/or harm their reputation (*Iowa Code 22.7(11)(a)*).

The district also has a legal obligation to safeguard student privacy. Two federal laws, the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities in Education Act (IDEA) require that districts, including board members, safeguard personally identifiable information related to students. This includes information that could indirectly identify individual students (34 C.F.R. 99.3; 20 U.S.C. 1417(c)). For this reason, it is best not to post or respond to information related to individual students.

### Example:

*“Great job to the Trenton High School debate teams today! 3<sup>rd</sup> in state, go Bulldogs!”*

*“Congratulations to Ms. Sweeney for being awarded the National School Lunch Program’s School Nutritionist of the Year!” (If consent is given)*

### Best Practices:

—Check your local board policies to determine who is the spokesperson for the district, and who is the spokesperson for the board. Then, have a discussion at the board table about the types of communications you receive from community members and who in the district will be the appropriate spokesperson.

—Only post or respond to information that has been publicly released by the district and/or consult with the superintendent if you have questions about any possible response.

—Board members should not directly identify individual employees or students in social media posts unless proper consent is given. Instead, keep posts at a level that includes a group rather than an individual.

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<sup>2</sup> See IASB sample policy 902.01 - News Media Relations

In the examples listed above, the first post offers praise to a group of students without specifically identifying anyone to maintain their student privacy. In the second post, an individual employee is praised, but proper consent was obtained.

## Posting as a Private Citizen vs. Board Member vs. Candidate

Considering the different roles of the district and board members on social media can help board members determine what parameters they would like to place on their social media presence. The district has trained professionals who use social media to share relevant news and information, safeguard employee and student privacy according to all applicable laws and set the tone for messaging and branding for district information. By contrast, board members can use social media to show support of district work, further the district message by adding a personal touch, connect with the community in a less formal setting and advocate when the district cannot.

Posting on social media is like being interviewed by a reporter. Social media posts are just as public and, in some cases, more closely observed by your community than other media sources. Board member posts will generally be viewed by the public as representing the views of the entire board. Even when board members work hard to distinguish their personal views from board work the community may directly associate your statements with the view of the whole board. When it comes to social media, the district is well positioned to control the messaging of posts. Board members can then promote the district's messaging.

Also, board members should never create a fake identity or profile for social media postings. This likely violates the terms of use for most social media platforms and it is also likely that your identity will be discovered, and your posts eventually attributed to you.

Another consideration for board members is sharing information about your school board candidacy. Some board members will create a separate candidate page, and others will simply use their personal citizen or official board member page. No matter what, be sure to comply with the Iowa Ethics Campaign & Disclosure Board requirement and include a 'paid for by' attribution statement on the About section of each page, and in all posts that expressly advocate the nomination, election or defeat of a candidate. For additional resources for school board candidates, visit the [IECDB website](#) or the [Secretary of State's website](#). During an election

### Best Practices:

— Maintain a separate personal social media profile for any interactions with friends and family while keeping your board member profile solely focused on your role as an elected official. Don't respond to district questions or issues on your personal profile account. Instead refer them to your official board member profile or account for district business.

— Include in your posts that you are sharing your own personal views and not that of the entire board.

— Share the social media content that your district is posting. You can include a personal note, but this helps with common messaging.

— Remember that you were elected to serve the educational interests of all students in the district, even those whose beliefs may not align with yours.

— Satire and sarcasm are often misinterpreted in print media. Strongly consider leaving those out of your posts, personal or public.

year, you may also wish to refer to the IASB website for a comprehensive toolkit for candidates.

At the board table, talk together about how to best address the potential use of social media. Be sure all board members' voices are heard especially those that may choose not to use or engage with social media. As a board, discuss what unintended consequences could arise when sharing district related information on social media. The board should consider what the role of board members should be on social media.

## Personal Privacy Settings

As board members it is wise to check your own privacy settings to see who is allowed to “tag” you or post to your own page without your permission. Each social media platform is different, so you will need to look carefully at all your options. Sometimes well-intended citizens may create a post and to draw attention to that post, you and other board members can be “tagged” or otherwise linked to the message. Board members could potentially create a walking quorum by tagging a majority of the board in posts. This can be problematic as a potential violation of Iowa’s open meetings law. Only you can decide what the proper privacy settings for your personal account are, but thinking about it through the lens of a publicly elected official could help you avoid finding yourself between a rock and a hard place.

## Correcting Information or Responding to Complaints

As publicly elected officials, board members care deeply about their school communities and want to be both accessible and responsive to community concerns. It is important to remember that board members also have created, through policy, a chain of command within the district to respond appropriately to concerns and complaints.<sup>3</sup> When board members encounter a concern about an individual, employee, student, or incident in the district it is wise to refer the person who posted the comment or question to the appropriate district staff to address their complaint.

### Example:

*“The students involved in the altercation in second period calculus today will be dealt with promptly. We will not tolerate bullies in our school.”*

This post is problematic because it may indirectly identify students who will be involved in future disciplinary proceedings. The board serves as a neutral arbiter in certain disciplinary matters, and it is important for board members to remain neutral and allow any investigation and disciplinary process to proceed through the administrative levels.

Aside from the legal concerns, this post highlights speech that could be problematic for the district because it is placing the district and students in a negative light. Consider instead the more generalized statement on the following page.

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<sup>3</sup> See IASB sample policies 213.01 - Public Complaints; 401.4 - Employee Complaints; and 502.4 - Student Complaints and Grievances.

*“Our district’s administration and staff work hard each day to maintain a safe and healthy learning environment for all students. Any concerns should be directed to the appropriate employee. Our district’s policy for addressing concerns is linked here.”*

While it is important to stay connected with the school community, board members do not need to respond to every post, question or contact on social media. If your district has communications staff that handle social media as part of their job, allow those individual(s) to address posts that need to be directed back to the district. They are trained to best direct individuals back to the district while handling pressing issues on social media that impact the district. If your district does not have communications staff, find out who serves in that role within the district administration.

**Best Practice:** Do not engage in arguments/disagreements on social media. Once there have been one or two public exchanges take any further discussion off the platform and continue the conversation with a phone call, email, or face-to-face visit.

## Online Forums, Snaps, Texts, Direct Messages

No social media communication is ever truly private. It is important to recall that board members engaging in social media posts, online forums and texts to individuals or other communications related to their role as a board member may be subject to the open records law should an individual or other entity request those communications. It is the content of the message and not its location that dictates whether it is a public record subject to disclosure.

Even if it is a text message with a trusted individual, board members engaged in written communication related to the district should assume that anything written could be published by news or social media outlets at any time. This is true for all forms of communication no matter how transient it is intended to be.

### Best Practices:

—Filter your text messages, social media posts, and external communications through the lens of considering whether you would want to see it in the headline of a major newspaper or news website.

— As a board member you owe a fiduciary responsibility to the district. As such you should avoid content that may reflect negatively on the board or district operations.

## Blocking Posters or Posts

Occasionally, elected officials may wish to block a particular individual or specific posts from their social media. Keep in mind that if your social media platform is used to discuss matters related to your board service directly or indirectly or used to disseminate public information about the district or you as an elected official, your platform will likely be considered a limited public forum for purposes of First Amendment free speech protection.

That means if you block certain individuals or posts on your social media platform, you might be infringing on those individuals’ First Amendment right to free speech which could subject you to a lawsuit. This is currently an unsettled area of the law among our courts but will likely



be fully analyzed by the U.S. Supreme Court in the future. *Biden v. Knight First Amendment Institute*, 593 U.S. \_\_ (2021). Regardless of the outcome of any legal proceeding, defending lawsuits can drain time and financial resources from your district.

**Best Practice:** Consider a uniform method of response for all posts, regardless of their views. This could mean that you allow all responses to remain and do not respond to any. It could also mean that you disable all comments and make no responses to any. Either of these options represents a uniform action that is taken for all individuals regardless of viewpoint.

## Visionary Board Team

Social media is a powerful platform and is a great way for the district to share a message, and for board members to further promote and share the same message. IASB encourages boards to hold proactive discussions at the board table to discuss as a team how the board intends to handle social media use by individual board members. Boards that plan ahead on this broader topic often have open, proactive discussions at the table that do not feel targeted at any one board member's posts.

Below are some key questions for your board to use to begin discussions on this important topic:

- Consider the whole district social media plan—where and how does the board fit in?
- What responsibilities and obligations do individual board members have related to district communications?
- Will this post represent the educational interests of all students in our district?
- Does this post reveal any protected or identifying information about a student or employee?
- How will our board team handle someone that shares incorrect information about the district?
- How can individual board members respond to concerns we are tagged in that does not reveal protected information about individuals?
- Who is designated to respond to concerns posed to the entire board on social media?
- How will we handle one person or groups of people that appear to be harassing the board on social media?
- What liability exists for the district and the rest of the board when I make this statement?
- How do individual board members communicate that they are posting as a private citizen?

For questions related to the legal aspects of this topic, please contact Siobhan Schneider, Associate Executive Director, Board Leadership & Legal Services, [sschneider@ia-sb.org](mailto:sschneider@ia-sb.org) or (515) 247-7028.

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