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*Florida Education Association
Affiliated with
NEA, AFT, AFL-CIO*

*Established 1886
DeFuniak Springs, Florida*

Social Media and Protest Legal Guidance Memorandum

To: Andrew Spar, President and Officers
Local Leaders, FEA
Florida Education Association

From: Virginia Edwards, Esquire
General Counsel

Date: August 29, 2025

Re: Social Media and Protest

The Florida Education Association recognizes the current state of social and political unrest in Florida and around the nation. **Many people are taking to social media to speak their convictions and say their piece. BUT WAIT! You are a Public Employee. BEFORE YOU POST ANYTHING ONLINE, PLEASE READ ON:**

Teachers can be disciplined for their private speech on private social media sites. FEA Legal has seen cases with teachers who post on their private pages—with no students or parents given access—and someone turns them in for inappropriate posting. Your First Amendment Rights are not absolute.

Tips to Remember:

- **Your First Amendment rights are strongest when you are speaking as a citizen on matters of public concern.** Be clear that you are doing so as individuals and not as school employees or representatives of your schools. This can still be tricky territory if you have in your profile that you are an educator or employed by a particular school. If you are speaking as a public school employee, your First Amendment rights can be restricted by your employer, and you can be disciplined for your posts. Focus your public-facing speech on broader policies and interests and how to make a positive difference in your community—and stay away from posting about anything connected to your work.
- **Tone and language matter.** Schools can prohibit or discipline speech that disrupts the school community. Offensive or disrespectful speech about your colleagues, students, or administrators is much more likely to disrupt the community. **You must stay away from inflammatory, offensive language, urging violence, and posting racially-offensive posts.** Even negative posts about your school or district could be cause for discipline. The community knows you as an educator and can impute your language to your employer, which may give adequate grounds for discipline.
- **Maintaining boundaries between your work and personal communications can help protect your speech under the First Amendment.** Always avoid using school-provided devices and accounts for personal use and personal devices and accounts for school use. Avoid connecting with students and parents on your personal phone or social media accounts. Use district-approved apps to communicate.

FEA Legal understands that you may want to be vocal during this very important time in our history, but we urge you to be very careful. We've attached a 10 Minute Meeting about general guidelines for posting on social media. FEA Legal emphasizes using strict privacy settings and ensuring that the people who have access to your posts are actually friends outside of work. If you friend people who are colleagues and not friends outside of work, there is a chance that your colleague could report your online behavior. As a teacher, the state of Florida holds you to a higher moral standard than that of a regular citizen. This is true even during summer break and outside of school hours. **This means no Facebook fighting, no bigotry, no threats of violence, etc.**