

Dr. Marta Pérez, Board Member

SUBJECT: SPEECH DURING SCHOOL BOARD MEETINGS

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

LINK TO STRATEGIC FRAMEWORK: STUDENT, PARENT, AND COMMUNITY ENGAGEMENT

At our monthly School Board Meeting of August 7, 2013, several issues arose regarding the types of speech that are permissible at public meetings. The School Board of Miami-Dade County is a government entity specifically created by the Florida Constitution. The legal standard for what type of speech may be allowed before a government forum or at a public meeting is distinguished from what is generally considered tolerable and desirable during private meetings and social events.

Government entities may only exercise prior restraint over public speech in limited circumstances. Similarly, government employees are afforded certain protections when publicly addressing matters of public concern.

There are times where it is difficult to discern whether certain speech is not permissible in a public forum. Accordingly, in order to garner a further understanding of these legal precepts and to ensure that the discourse at Board meetings in all instances adheres to established law, it would be helpful for either the Board Attorney and his staff, or counsel specializing in First Amendment matters, to conduct a presentation to the Board and/or staff on these matters. This could be accomplished at a workshop or, more informally, during a presentation at one of our Committee meetings.

**ACTION PROPOSED BY
DR. MARTA PÉREZ:**

That The School Board of Miami-Dade County, Florida, direct the School Board Attorney to conduct a presentation regarding (1) permissible speech during public government meetings; and (2) current case law involving protected speech by government employees.