



F3 Law

Board Member Social Media

Azusa Unified School District

April 23, 2024

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Control Over Social Media?

- U.S. Supreme Court recently ruled school board members **may** have the ability control their social media accounts
 - Includes the ability to block followers and delete comments.
- Control dependent upon state action (acting on behalf of the Board) vs. action as a private citizen

(O'Connor-Ratcliff v. Garnier (2024) 144 S.Ct. 717)

Understanding Social Media Activity

- A Board member is engaged in state action only if the official:
 - Possessed actual authority to speak on state's behalf; **and**
 - Purported to exercise that authority when they spoke on social media
- State action creates a public forum
 - Social media comments, likes, emojis, and other activity **cannot** be regulated or restricted by Board member

Which Hat Are You Wearing?

- When is a Board member acting as a public official?
- When is a Board member acting as a private citizen?

Takeaways

- Add a label or disclaimer
- Separate public and personal social media pages
 - Caution against mixed-use of social media pages
- Review and revise bylaws as needed

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Questions?



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