

Facing lawsuit, District 7 OKs class display of Black Lives Matter poster

By Natalie Skowlund of the Daily Courier

In response to a threatened lawsuit, the Grants Pass School District announced a new policy Wednesday that allows teachers to display a Black Lives Matter poster in classrooms.

The announcement by Superintendent Kirk Kolb is part of a policy change by the Grants Pass School Board last month. The local teachers union was involved behind the scenes, as was the Oregon Education Association, the parent union of the Grants Pass Education Association.

The revised "Staff Participation in Political Activities" policy shifts the way in which the district approaches what staff are permitted to display on classroom walls. The revised policy clarifies how District 7 will determine whether a "civil issue" is controversial and that the district will take into account "whether speech is consistent with district policy and resolutions."

The policy change and subsequent announcement comes after the local teachers union accused the district of violating free speech rights and threatened to sue after the district in August told a teacher at Highland Elementary to take an OEA-sponsored Black Lives Matters poster down from a classroom wall.

Shortly after, Kolb sent all district staff a subsequent message stating that the district would not permit employees to use district property to express political viewpoints. Employees would, however, be allowed to wear clothing or buttons that reflected political perspectives while on duty.

In reaction to the message, a number of teachers took down the OEA-sponsored Black Lives Matter posters in their classrooms, according to Mickey Jarvis, a Grants Pass High School science teacher and president of the Grants Pass Education Association teachers union, which has over 300 members.

The dispute comes following a period of civil unrest across the nation last year after the death of George Floyd at the hands of police in Minneapolis. In mid-October, the Oregon Department of Education and the Oregon State Board of Education passed a resolution that called for all school districts in Oregon to "affirm that 'Black Lives Matter' by striving to make space in classrooms and within the school community for dialogue and support for issues of race and equity."

The movement is more controversial locally, where counterdemonstrators showed up at several Black Lives Matter rallies last summer. Black children represent less than 1% of the District 7 student population and there are no Black teachers in the district, according to the Oregon Department of Education 2019-2020 district profile. According to 2019 census data, 0.6% of the Josephine County population identifies as Black.

Meanwhile, there are concerns about district administrators selectively enforcing or interfering with free speech rights across the spectrum. That includes two district educators caught up in the "I Resolve" controversy over transgender student rights.

The OEA Black Lives Matter poster in question is light pink and decorated with colorful cartoon images of children engaged in school activities like reading, jumping rope and typing on a laptop. The poster's statement reads: "Black students, Black dreams, Black futures, Black Lives Matter!"

In a districtwide memo from Kolb, he wrote that the poster had been judged "consistent" with a couple of recent district policies and resolutions focused on diversity. The policies cited were "All Students Belong," passed by the school board last December, as well as the board's Resolution on Equity, Diversity, and Inclusion that was passed in January.

Kolb concluded the memo by reminding staff to be careful about the messages they choose to display inside their classrooms.

"Our schools should not be a place of controversy nor a place of promoting one side of a political or civil issue," he wrote. "Items displayed in your classroom should have an inherent educational purpose tied directly to the education we provide and consistent with district policies or resolutions."

Through the district's spokeswoman, Kolb declined to provide further comment or clarification on the new policy and the Black Lives Matters poster.

Jarvis said the union, which filed a pre-lawsuit tort claim against the district at one point, has been seeking legal assistance from the Oregon Education Association over the past nine months in relation to the poster incident.

When the school board first passed the revised policy regarding staff political participation on April 27, the policy's relation to a wider district discussion around the display of the OEA-sponsored Black Lives Matter poster in classrooms was not made clear.

The board had discussed the poster controversy and policy implications in at least two closed-door executive sessions, but when the board moved to further amend and then pass the revised policy at the end of the April 27 board meeting, no mention was made of the poster.

At the time, board member Gary Richardson said the amendments to the policy were in order "to make it as clear as possible." Board chairman Scott Nelson suggested a major factor was that the policy was outdated, as it was last updated in 2004, and therefore in need of a revision.

Jarvis said the teachers union is "satisfied with the result" of the district's decision that will allow teachers to put the OEA-sponsored Black Lives Matters poster up in classrooms.

However, she said, the union is not entirely finished reviewing the revised policy and has ongoing concerns about interference with free speech rights.

The policy, she said in an email, "appears to pull back some individual ability to express First Amendment rights which have been established in case law."

Nelson, the board chairman, said the decision to revise the policy and permit the poster in District 7 classrooms was not really about the Black Lives Matter movement but rather a larger conversation on how to address controversial issues on school grounds.

The crux of the matter for the school board is how to determine what other statements are considered permissible for a teacher to display inside the classroom.

"There were conversations over what is permissible to hang in a classroom by teachers who are teaching students," he said. "That was really the conversation that the board had for a long period of time."

The board was concerned with where to draw the line regarding controversial speech on school grounds, according to Nelson. "If we allow one poster to go up," he said, "what other posters do we have to allow to go up?"

The debate comes on the heels of another contentious dispute over policy and free speech. Last month, North Middle School Assistant Principal Rachel Damiano and science teacher Katie Medart were placed on administrative leave after an "I Resolve" video they made lobbying against transgender equality legislation went viral. The district has since hired an outside investigator to review what happened. No updates on the investigation have been made public to date.

Diversity-related issues are not unfamiliar to District 7 in recent years more generally. Last year the district paid a total of \$425,000 to settle lawsuits by two campus security monitors at the high school that accused administrators of tolerating racial harassment by a fellow monitor and then retaliating against them when they reported it.

An internal investigation by the district's own lawyers while the litigation was pending concluded the district had a "deficiency in cultural awareness and sensitivity" and that the district couldn't verify that all complaints of harassment were adequately investigated.

The internal investigation was sparked in part by an ill-fated prank by the senior class in 2019 that included tortillas being spread around the classroom of a Spanish language teacher.

Nelson said he would not be surprised if other district teachers may want to put up posters with other messages, but each message will have to be assessed on its own to determine whether it aligns with the newly revised policy.

"The classroom is not a political forum," he said. "Teachers do not have the right to come in and espouse their own personal beliefs on various subjects [at school]."



A poster stating "Black Lives Matter" that is sponsored by the Oregon Education Association has been approved for display in classrooms by the Grants Pass School District.