

Independent School District No. 413, Marshall Public Schools
Official Position Statement of the School Board Regarding Flags in Schools

The School Board is aware of the recent concerns in the community related to the LGBTQ flag being hung in the Middle School as a part of the school's inclusion project. We have heard from numerous residents, staff, and students on this issue, and would like to sincerely thank the community for showing its support and reaffirming the importance of our schools in the lives of our students and community.

By way of background, the Middle School created the inclusion project in order to help connect students, and provide visible identifiers that students could see and would make everyone feel welcomed and supported. For instance, the Middle School selected flags to represent the many different countries of ancestry of our students to help signify the national origin or ancestry of students who attend the school, along with the flags of Native American tribes with which our students or their families identify. Of course, the American and Minnesotan flag both are still proudly displayed as a part of this project.

In addition to these country or tribe flags, the project included the LGBTQ flag, a Special Olympics Flag, flags supporting student with disabilities, and several other flags to signify the District's commitment to inclusion pursuant to School Board Policy 102, which clearly states that the District welcomes and provides equal educational opportunities for all students, regardless of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation, or disability.

This inclusion project and hanging these flags in the school is consistent with the School Board's policies and constitutes "governmental speech" under the law. Because of that, the District has not created an open forum for all speech in its schools. Similarly, the District maintains the authority to decide what official speech it will make, in much the same way as the District has the right to determine the academic curriculum for its students. The District is fully compliant with state and federal laws and does not need a policy on what governmental speech it will make or the flags or signs that it chooses to display in its schools, contrary to claims being made in the community.

The District currently has a School Board Policy that allows students and staff to express their free speech rights in school. Policy 505, Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees, is a facially-neutral policy that allows students or staff to request the right to distribute and/or display materials on school grounds. This policy allows students and staff the opportunity to ask for additional flags to be included as part of the inclusion project. That policy is compliant with all state and federal laws, and also reserves the right for the District to control expression on school grounds in accordance with decisions outlined by state and

federal courts, including, for example, the school's right to prohibit displays that are obscene or advocate violence.

This policy allows administrators to review such requests on a case-by-case basis, and outlines the processes that they may use to review and either approve or deny such requests. As the District already has a facially-neutral policy for deciding what speech of students and staff will be allowed on school grounds, the School Board will not be taking any further action at this time.

To help provide clarity on this issue, the School Board is formally announcing that it will not be acting on any community requests or requests from outside the school to hang additional flags or take any further action related to the inclusion project. Because the school has not created a public forum for speech within its schools related to the flags, the District will be declining to open the floodgates to community requests for additional flags. However, we will continue to welcome the community's input.

The Board would also like to briefly address the allegations that the District and/or its staff may have violated student free speech rights, or that there is bullying currently occurring in the schools. District Administration has followed up on each and every reported incident of alleged bullying, and would encourage any students who feel that they are being bullied to report their concerns to a teacher or school administrator immediately. Similarly, the Administration has followed up on all allegations regarding student free speech rights, and may not discuss these issues publicly due to data privacy concerns. As outlined in Policy 505, students have been and will continue to be given free speech rights around the inclusion project.

The School Board would like to thank the community for its continued support, and would like to reaffirm that it welcomes all students. The District has not and will not exclude or otherwise make any students or groups of students feel unwelcome or alienated. To do so would be the exact opposite of the intent of the inclusion project. The School Board would also like to thank the District's staff for their extraordinary work in ensuring that this issue has not affected the education of our students. As always, the education and well-being of District students is our top priority as a District.

Our mission statement remains the guiding force for our District: "To educate, support and prepare all learners for success."