

ACLU Wisconsin: Requests records regarding ban on alleged controversial and political signs in Waukesha School District

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WAUKESHA — The ACLU of Wisconsin filed an open records request with the School District of Waukesha seeking records about how its ban on political and controversial signage and symbols is being implemented and enforced. The ACLU wants to know whether the district's actions violate the Constitution and other civil rights protections.

Last July, the Waukesha School District introduced a policy forbidding political or controversial signage from being displayed on school grounds. The superintendent, James Sebert, instructed staff to remove signs supporting Black Lives Matter, the LGBTQ+ community, and various other symbols promoting diversity, inclusion, and safe spaces. The District also canceled diversity, equity, and inclusion training and dissolved its Equity Leadership Team.

In a letter accompanying the request, the ACLU notes indications that the policy is being enforced only against certain viewpoints, which could violate the Constitution. "The First Amendment prohibits schools from banning student speech based on the viewpoint of the speech unless the speech causes a substantial disruption," the letter states.

By allowing a pro-life student group sign, a 'Thin Blue Line' sign, a poster of Ronald Reagan, and football team locker signs while banning Pride flags, Black Lives Matter signs, and GSA locker signs, the policy appears to be favoring one set of views over others. The ACLU has also heard that one student was allowed to distribute political campaign material while another was reprimanded for distributing diversity, equity, and inclusion material. If true, this "may amount to viewpoint discrimination, in violation of the First Amendment."

By allegedly allowing some student groups to display signs and not others, and by reportedly refusing to refer to some students by their preferred pronouns in a school yearbook, the district may also be defying anti-discrimination laws, including Title IX and the Equal Access Act.

"School administrators cannot silence students simply because they dislike the students' politics, religion, or other viewpoint," said Chris Donahoe, a staff attorney with the ACLU of Wisconsin. "And a policy that censors teachers cannot be so vague that it gives administrators unlimited discretion to interpret it and leaves teachers confused and on edge."

"As a parent of a student in the Waukesha school system, it's heartbreaking to see signs, symbols, and messages that celebrate students of color, LGBTQ+ students, and other diverse students being banned and removed from our schools," said Laura Pinsoneault, a Waukesha parent and member of the Alliance for Education in Waukesha. "It sends the wrong message to students who deserve our affirmation and do not often see themselves represented in all facets of learning."

"The way the administration of the Waukesha School District has enforced their policy around signage in their schools this year has been inconsistent, dismissive of First Amendment rights, and harmful to students and teachers, especially those in seemingly targeted minorities," said the Reverend David Simmons, a Waukesha parent and member of the Alliance for Education in Waukesha. "Furthermore,

despite constant pleas from students, staff, and parents, neither the administration nor the school board has entered into any collaborative process to address our concerns.

“This open records request is essential due to the opaque nature of the decision-making process of the district administration. Hopefully, it will provide answers as to why the district’s decisions seem to have targeted minorities,” he added.

This press release is available online at: <https://www.aclu-wi.org/en/-press-releases/aclu-wisconsin-requests-records-regarding-ban-alleged-controversial-and-political>