



November 22, 2016

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Dr. Jim Hinson
Superintendent
Shawnee Mission School District
7235 Antioch Road
Shawnee Mission, KS 66204

Dear Dr. Hinson:

On November 18, we learned that the Shawnee Mission School District issued a directive to employees, including classroom educators, that they are prohibited from wearing safety pins to school. In the statement issued by the district, the prohibition is justified on the false grounds that the wearing of a safety pin is a “political” statement. Since Friday, the American Civil Liberties Union (ACLU) of Kansas has been contacted by dozens of members of the Shawnee Mission community who are outraged by and deeply disappointed in the district’s action.

The ACLU of Kansas strongly urges you to reconsider the prohibition on staff wearing safety pins. The school district’s current policy sends students a clear signal that not all students are valued or safe at school, undermines attempts to build community, and is vulnerable to a legal challenge.

Although the school district might be justified in prohibiting educators and other employees from wearing partisan or political symbols, the safety pin is expressly *not* such a symbol. Instead, wearing a safety pin is a symbol that the wearer considers all people to be “linked, willing to stand up for the vulnerable” (*New York Times*, 11/14/16). Even the most cursory research indicates that the safety pin is intended to communicate to others, especially members of marginalized communities, that the wearer seeks to create a physical and emotional safe space for all people. Wearers of the pin recognize the painful fact that bullying, violence, and hate speech against people of color, immigrants, religious minorities, and LGBT Americans are on the rise. In such a climate of fear, they seek to reassure vulnerable people that there is someone who is on their side. Wearing the pin is not endorsement of, intervention in, or even commentary on any political party, political figure, or policy issue.

The Shawnee Mission School District’s motto is “guiding students to success.” Wearing a safety pin is simply a statement by educators that they believe that motto applies to *all* students, and that *no* student should fear that they will be bullied, assaulted, or devalued because of their race, gender identity or sexual orientation, ethnicity, nationality, or religion.

It should not be controversial to say that the success and safety of all students, including members of vulnerable groups, are important. The district’s policy censoring teachers from making that statement, by wearing safety pins, suggests that the district does indeed believe it is “political” or “controversial” to say that the safety and success of all students is important. That sends a clear signal to students, parents, and members of the community that the district’s leadership does *not* regard the safety and success of *all* students as important. That is outrageous and contrary to the inclusive values of equality and freedom that we share as Americans.

In addition, the district’s policy is highly vulnerable to legal challenge. The legal precedent most relevant to the district’s policy is *Tinker v. Des Moines Independent*

Community School District, a case that the ACLU pursued in 1969. In that case, the Supreme Court ruled that symbolic speech—like wearing a safety pin to indicate solidarity with all students—was constitutionally protected unless it was highly disruptive or would “materially and substantially interfere with the requirements of appropriate discipline in the operation of the school.” There is no evidence that we are aware of that indicates that wearing safety pins has led to disruption of any kind.

Indeed, if it is actually the district’s position that it is “disruptive” to symbolically state that all students can feel safe and valued, that says something deeply disturbing and harmful about the culture and orientation of Shawnee Mission School District.

We strongly urge you to reconsider the prohibition on the wearing of safety pins. Although wearing the pin is itself a quiet statement of moral principle, just as the wearing of black arm bands during the Vietnam War was a quiet statement, the principle at stake is of pressing importance. What is at stake is whether all members of the Shawnee Mission School District community—and the broader American community—can be reassured that they are, in fact, a part of the community. What is at stake is whether it is “political” or “disruptive” to declare that vulnerable people should not be attacked or bullied, and that someone will be on their side. What is at stake is whether people can be prohibited from taking a stand against racism, homophobia, sexism, and xenophobia.

The ACLU of Kansas believes that affirming the values of equality, freedom, and justice embodied in the United States Constitution—including when that affirmation takes the form of wearing a barely noticeable badge of expression—should not be prohibited.

We hope that you will join with us in reaffirming the rights and freedoms guarantee to all people by the Constitution, and reconsider your policy.

Sincerely,

A handwritten signature in black ink that reads "Micah W. Kubic". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Micah W. Kubic, Ph.D.
Executive Director

CC: Shawnee Mission School Board