

*The region's leading
defender of First Amendment
freedoms and government
transparency — the foundation
of a healthy democracy.*

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SENT VIA EMAIL TO M.PAPPAS@SAU54.ORG

Rochester School District (SAU 54)
150 Wakefield Street, Suite 200
Rochester, NH 03867
Attn: Board Chair Matthew Pappas

June 30, 2026

RE: Social Media Use By School Board Members

Dear Board Chair Pappas,

We are writing on behalf of the New England First Amendment Coalition. NEFAC is the region's leading advocate for First Amendment freedoms and the public's right to know about the government. The coalition is a nonpartisan, nonprofit organization dedicated to the importance of free speech in a democratic society. NEFAC's directors and advisors include many of New Hampshire's leading media attorneys and journalists.

This letter is regarding the comments you made during a Rochester School Board meeting on April 9, 2026. During the meeting, you advised school board members to refrain from using social media to discuss "board business." In doing so, you described what you had learned while attending the Consortium of State School Associations' conference and how numerous workshops emphasized that:

*"all school board members should keep school board business off of social media; do not post stuff on Facebook; do not post stuff on Instagram."*ⁱ

Board members were told that they:

*"should never engage in debate online with anyone, or provide opinions about issues before the board meets, only in board meetings."*ⁱⁱ

We understand that this directive may have been intended to encourage board members to engage responsibly on social media and may not reflect the Rochester School Board's official policy. Nevertheless, it may be viewed as limiting individual board members' free speech when communicating in their own personal, independent capacity.

It is well settled that "a State cannot condition public employment on a basis that infringes the employee's constitutionally protected interest in freedom of expression."ⁱⁱⁱ The U.S. Supreme Court made clear that "public employees do not surrender all their First Amendment rights by reason of their employment."^{iv}

Instead, the Constitution protects a public employee's right to speak as a private citizen when addressing matters of public concern^v so long as that right doesn't outweigh the state's interest, as employer, in promoting efficient public services.^{vi}

The Supreme Court has also noted that: "Were [public employees] not able to speak on [the operation of their employers], the community would be deprived of informed opinions on

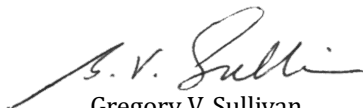
important public issues. The interest at stake is as much the public's interest in receiving informed opinion as it is the employee's own right to disseminate it."^{vii}

Asking school board members not to comment, as private citizens, on matters of public concern could deprive the entire Rochester community of their informed opinions. The First Amendment protections at play are even stronger in this case considering board members are not public employees but rather elected public officials or volunteers.

We recognize that your remarks may have been well-intended, but nonetheless they could be understood as a prohibition on *all* speech regarding "board business." We ask that at the next Rochester School Board meeting, you make clear that your intention is to govern in a way that aligns with the First Amendment and the free speech rights of public officials when acting in their private, independent capacity.

Thank you for your time and attention to this matter.

Sincerely,



Gregory V. Sullivan
NEFAC President



Justin Silverman
NEFAC Executive Director

ⁱ Rochester School Board (SAU 54), School Board Meeting (April 29, 2026), GovTV, at 1:44:30-1:44:40; <https://videoplayer.telvue.com/player/dQtoDvlZYD0tqaf7eRn9z2lb1Nb6EZzu/media/1014999> (Last visited June 29, 2026).

ⁱⁱ *Id.* at 1:45:47-1:45:54

ⁱⁱⁱ *Connick v. Myers*, 461 U.S. 138, 142 (1983).

^{iv} *Garcetti v. Ceballos*, 547 U.S. 410, 417 (2006).

^v *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968).

^{vi} *Id.*

^{vii} *Garcetti v. Ceballos*, 547 U.S. 410, 420 (citing *City of San Diego v. Roe*, 543 U.S. 77, 82 (2004)).