School social workers play a vital role in the well-being of students, staff, and communities. Increased challenges in the school setting have led to a rise in questions about what social workers can and cannot discuss with clients. As public employees, social workers employed by schools and other government agencies are subject to stricter limitations than social workers in other settings, but still have the ability to act as a supportive resource. Topics such as LGBTQ+ identities, bodily autonomy, sexuality, and immigration status, and other areas may feel like precarious discussions for social workers in school settings. This raises concerns around adverse consequences social workers may face when they engage with students, such as disciplinary action, license revocation, or job loss. This document aims to outline guidance on how school social workers can best perform their duties based on their First Amendment rights.

**Limitations in public employment.**
- Social workers in public schools and other public employees are limited in what they can say within their line of work
- **Likely protected by First Amendment rights**: speech a school social worker makes outside of performing their job
- **Not protected from employer discipline**: communicating in the course of work, including work that is not assigned by the employer but is still related to the school social worker’s job

**Know your district’s policies.**
Social workers in these spaces are valuable resources for students despite limitations! To continue being the best resource possible, social workers should know the policies their school and district have adopted around contentious or prohibited topics, and:
- Discuss policies and documentation standards around such topics with relevant personnel, such as administration, colleagues, and as a department
- Strategize with these persons on what to do if a student asks about any prohibited topics

**Understand that conversations with students fall into a gray area.**
- Legal precedent suggests that students have a right to receive information. Responses to students seeking guidance are likely more protected than unsolicited input. The strength of that right is not clear-cut and may vary with context.
- Providing direct resources around prohibited topics is not without risk.
- Social workers can always listen to students’ concerns! We urge social workers not to refrain from engaging in discussions around sensitive topics, but to know their limitations, be thoughtful in their responses, and rely on professional support networks and strategizing partners.

This document is meant to provide a guide and does not substitute legal advice. Questions can be sent to naswtex.naswtx@socialworkers.org. This document was made possible by member support. If you’re not a part of NASW, you can join here: https://www.socialworkers.org/nasw/join.