

Effective: July 13, 2023

Policy Outline

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I. Policy Value Statement

The Board of Education of Howard County (Board) recognizes that providing opportunities for student expression is an integral part of the Howard County Public School System (HCPSS) program. Students have the right to exercise freedom of speech and freedom of the press in school-sponsored publications, subject to certain legal restrictions. The Board also recognizes its responsibility to the schools, students, and community to ensure that school-sponsored publications, productions, and media which provide a vehicle for student expression are consistent with legal requirements, HCPSS policies and procedures, civil discourse, and professional standards.

II. Purpose

The purpose of this policy is to provide guidelines related to school-sponsored student publications, productions, and media.

III. Standards

- A. Instruction and direction will promote responsible practices that conform to accepted professional standards and ethics in the creation and dissemination of publications and communications.
- B. A student may exercise freedom of speech and freedom of the press in school-sponsored media subject to certain restrictions as outlined in Section III.C. below.
- C. The school system, through the HCPSS administrators, may only disapprove part or all of a school-sponsored publication or production if the content or activity:
 - 1. Is libelous or slanderous;

2. Constitutes an unwarranted invasion of privacy;
 3. Violates federal or state law;
 4. Might reasonably be perceived to advocate intolerance or illegal or prohibited activities, including alcohol, drug, or tobacco use, violence, and discrimination;
 5. Incites students to:
 - a. Create a clear and present danger of the commission of an unlawful act,
 - b. Violate HCPSS policies, or
 - c. Materially and substantially disrupt the orderly operation of school activities;
 6. Uses language that has the intent to harass, threaten, or intimidate; or
 7. Uses language that may be defined as profane, vulgar, lewd, or obscene.
- D. The school administrator has the responsibility of providing justification for any action taken to restrict publication of student writing and productions.
- E. Students who express viewpoints in a publication or production that are controversial or critical of HCPSS employees, administration, or HCPSS policies will not be disciplined based solely on their viewpoint.
- F. Every student will have the right to be considered for participation in school-sponsored publications and productions.
- G. Each school-sponsored publication or production will have an advisor/sponsor.
- H. Advisors/sponsors may not be dismissed, suspended, disciplined, reassigned, transferred or otherwise retaliated against for acting to protect a student for exercising freedom of expression or refusing to infringe on conduct that is protected by federal and state law, HCPSS policy, and school system procedures.
- I. Advisors/sponsors may teach professional standards of English and journalism to students but may not use their position to influence a student to promote their position, an official position of the Board, HCPSS, or the school.
- J. Each advisor/sponsor of a school-sponsored publication or production will:
1. Provide guidance and direction, as appropriate, on editing, format, layout, content, professionalism, and provisions of this policy.
 2. Review the publication or production, subject to the principal's final decision-making and the student's right of appeal as stated in this policy.

3. Be guided by HCPSS policies and procedures and applicable professional standards.
 4. Promote the expression of a variety of viewpoints.
- K. Students will not be pressured or coerced to take or read school-sponsored publications.
- L. Posters and similar materials associated with school-related activities are subject to the approval of the principal and may only be displayed in accordance with school-based procedures. Posters and similar materials that are not related to school-related activities are subject to the provisions of Policy 10010 Distribution and Display of Materials and Announcements.
- M. Advertisements may be published in school-sponsored publications subject to established criteria and procedures as outlined in Section III. of the implementation procedures.
- N. Students who disagree with a decision of an advisor/sponsor or principal related to the content or other aspects of a publication or production have the right to appeal the decision as outlined in Section IV. of the implementation procedures.

IV. Responsibilities

- A. The principal will ensure that:
1. All school-sponsored publications and productions comply with this policy.
 2. The established process through which a student may appeal a decision related to a publication or production is communicated to students.
 3. Each school-sponsored publication and production has an advisor/sponsor.
- B. The advisor/sponsor will provide direction and guidance to students in the development of sound practices that conform to accepted professional standards and ethics in the creation of publications and productions.
- C. The advisor/sponsor will determine the inclusion of advertisements.
- D. The student will follow the standards outlined in this policy while engaging in school-sponsored publications and productions.

V. Delegation of Authority

The Superintendent is authorized to develop procedures for the implementation of this policy.

VI. Definitions

Within the context of this policy, the following definitions apply:

- A. Advisor/Sponsor – A qualified certificated HCPSS employee or individual designated by the principal to oversee a school-sponsored publication, production, or media.
- B. Defamatory Material – False representations about individuals or identifiable groups which harm the reputations of the subjects by lowering them in the estimation of the community or deterring others from associating or dealing with them. Such materials may be written (libel) or spoken (slander).
 - 1. A false statement about a public official (one who holds an elected or appointed public office) or a public figure (one who either seeks the public attention or is well known because of his or her achievement) is considered defamatory only if the material was published/communicated with malice; that is, the author knew the statement was false or the author published/communicated it with reckless disregard for the truth.
 - 2. A false statement about a private individual is considered defamatory if it is published/communicated willfully or negligently and the author knew it was false or failed to exercise the care a reasonably prudent person in the author's circumstances would exercise to verify its truthfulness.
- C. Libel – A false written statement that damages a person's or organization's reputation.
- D. Obscene – Material that:
 - 1. The average person, applying contemporary standards of the school community would find that the material, taken as a whole, appeals to the prurient interest of the age level of the intended recipients;
 - 2. Depicts or describes sexual conduct, including intimate sexual acts, excretory functions and lewd exhibitions, in a manner that is patently offensive to prevailing standards in the community concerning how such conduct should be presented to the age level of the intended recipients; and
 - 3. When taken as a whole, lacks serious literary, artistic, political, or scientific value to the intended recipients.
- E. Profanity – Vulgar, vile or contemptuous language.
- F. School-Related Activity – Any school system activity, whether held on or off school property, in which a student directly participates (e.g., school field trip, athletic event, or class/graduation activity), or in which the student does not directly participate but

represents the school or student body simply by being there (e.g., spectator at a school event).

- G. School-Sponsored – Taking place with the knowledge and approval of school-based administration and including the promotion, leadership, and/or participation of school employees. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.
- H. School-Sponsored Productions – A work created, performed, and/or presented for an audience. (Examples include but are not limited to, plays, talent shows, videos, films, and broadcasts, including electronic productions and streamed live productions, which are school-sponsored).
- I. School-Sponsored Publications – Any material that is prepared, written, published electronically or in print, or broadcast by students; distributed or generally made available to members of the student body and/or community; and prepared under the direction of an advisor/sponsor. (Examples include but are not limited to newspapers, yearbooks, literary magazines, scientific journals, or similar publications, including electronically published documents, web-based programs, and school-sponsored social media platforms).
- J. Slander – A false oral statement that damages a person's or organization's reputation.

VII. References

- A. Legal
 - Tinker v. Des Moines, Ind. Sch. Distr., 393 U.S. 503 (1969)
 - Bethel School District v. Fraser, 478 U.S. 675 (1986)
 - Hazelwood School Dist. v. Kuhlmeier, 44 U.S. 260 (1988)
 - Morse v. Frederick, 551 U.S. 393 (2007)
 - Md. Ann. Code, Education Article § 4-205
 - Md. Ann. Code, Education Article § 7-121
 - Maryland Declaration of Rights, Article 40 (Freedom of Press and Speech)
- B. Board Policies
 - Policy 1040 Safe and Supportive Schools
 - Policy 4020 Fund Raising
 - Policy 7120 Selection of Coaches and Advisors of High School Extracurricular Activities
 - Policy 8080 Responsible Use of Technology, Digital Tools, and Social Media
 - Policy 9020 Students' Rights and Responsibilities
 - Policy 9200 Student Discipline
 - Policy 10010 Distribution and Display of Materials and Announcements
- C. Relevant Data Sources
 - (none)

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- D. Other
HCPSS Student Code of Conduct
Standards of the Maryland Scholastic Press Association

VIII. History¹

ADOPTED: October 9, 1973
REVIEWED: February 24, 2022
MODIFIED: March 9, 2017
REVISED: December 13, 1990
June 28, 2007
March 10, 2016
July 13, 2023
EFFECTIVE: July 13, 2023

¹ Key: *Adopted*-Original date the Board took action to approve a policy; *Reviewed*-The date the status of a policy was assessed by the Superintendent's Standing Policy Group; *Modified*-The date the Board took action to alter a policy that based on the recommendation of the Superintendent/designee did not require a comprehensive examination; *Revised*-The date the Board took action on a policy that based on the recommendation of the Superintendent/designee needed a comprehensive examination; *Effective*-The date a policy is implemented throughout the HCPSS, typically July 1 following Board action.

**SCHOOL-SPONSORED PUBLICATIONS
AND PRODUCTIONS**

Effective: July 13, 2023

I. Content

- A. Decisions regarding the content of any school-sponsored publications or productions rest with the editor(s)/student leaders and associated advisors/sponsors of the publication or production, subject to the authority of the principal/designee.
- B. The author's name will be required on each communication submitted for publication. It is the responsibility of the editor and advisor/sponsor as to the form and method by which an author is identified.

II. Finances and Equity

- A. School-sponsored publications and productions may obtain financial sponsorship to supplement the funds provided by Howard County Public School System (HCPSS). The advisor/sponsor and principal/designee are responsible for ensuring that expenses are covered in the budget.
- B. The school will strive to provide equal opportunities for all students to participate in or make contributions to school-sponsored publications and productions.

III. Advertising

All advertisements in school-sponsored publications, including programs associated with school-sponsored productions, are subject to the following criteria, which will be applied by the advisor/sponsor, subject to the authority of the principal/designee, in determining whether to permit inclusion of such advertisements:

- A. Advertising must be identifiable or labeled as an "advertisement."
- B. Advertising must be submitted under the name(s) of the individual(s), the name of the business or, in the case of unincorporated associations, organizations, or school clubs, the names of the officers sponsoring the advertisement.
- C. Use of advertisements containing company trademarks or the names and/or pictures of persons who are not public figures must be authorized by the appropriate representative of the company or individual/organization.

- D. When practical, such as when advertisements appear in a separate section of the publication, the section will be preceded with a statement indicating that the advertising does not reflect the viewpoints or policies of the editors, the school, the HCPSS, or the Board of Education.
- E. The school system, through the HCPSS administrators, reserves the right to disapprove part or all of a school-sponsored publication's or production's advertisement if the content or activity might reasonably be perceived to advocate intolerance or illegal or prohibited activities, including alcohol, drug, or tobacco use, violence, and discrimination.

IV. Appeal Process

- A. A student who disagrees with a decision of an advisor/sponsor related to the content or other aspects of a publication may appeal the decision to the principal/designee within two (2) school days.
- B. The principal/designee will meet with the student within two (2) school days of receipt of the request. The principal/designee will have two (2) school days after meeting with the student to render a written decision. The principal will solicit input from stakeholders as part of the decision-making process.
- C. If the principal does not provide a decision within two (2) school days of meeting with the student, or if the student is dissatisfied with the decision of the principal/designee, then the student may appeal in writing to the appropriate Community Superintendent/Director of Schools within two (2) school days.
- D. The Community Superintendent/Director of Schools will respond to the student appeal in writing within two (2) school days of receipt of the appeal. Any further appeal is subject to Section 4-205 of the Education Article, Annotated Code of Maryland.

V. Monitoring

Policy 9030 implementation procedures will be overseen by the Division of Academics.

VI. History¹

ADOPTED: December 13, 1990

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July 13, 2006

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