

**I. Policy Statement**

The Board of Education recognizes that providing opportunities for responsible student expression is an integral part of the Howard County Public School System (HCPSS) program. It also recognizes its responsibility to the schools, students, and community to ensure that school-sponsored publications and productions which provide a vehicle for student expression are consistent with legal and regulatory requirements, school system policies and procedures, civil discourse, responsible journalism, and professional standards.

**II. Purpose**

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

**III. Definitions**

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

- A. Advisor/Sponsor – A qualified certificated employee designated by the principal to oversee a school-sponsored publication or production.
- 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 – Publications or productions 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 and performed for an audience. (Examples include but are not limited to, plays, talent shows, videos, films, and broadcasts, including electronic productions, which are school-sponsored).
- I. School-Sponsored Publications – A substantial dissemination of literature in any form made generally available to students however produced. (Examples include but are not limited to newspapers, yearbooks, literary magazines, or similar publications, including electronically published documents, web-based programs, and social media platforms, which are school-sponsored).
- J. Slander – A false oral statement that damages a person's or organization's reputation.

#### **IV. Standards**

- A. Instruction and direction will promote sound practices that conform to accepted professional standards and ethics in the creation and dissemination of publications and communications.

- B. The school system, through the HCPSS administrators, reserves the right to disapprove part or all of a school-sponsored publication or production if the content or activity:
1. Is in violation of law or school system policies or procedures;
  2. Poses a potential threat to the health and/or safety of students;
  3. Might reasonably be perceived to advocate drug, alcohol or tobacco use, violence, sex, intolerance, discrimination, or other illegal or prohibited activities;
  4. Contains content that is obscene, libelous, slanderous, defamatory or profane;
  5. Contains information that is inaccurate or unsubstantiated;
  6. Causes or might reasonably be predicted to cause substantial disruption of or material interference with school activities; or
  7. Is not reasonably related to legitimate educational concerns.
- C. Students will have the right to prepare the content of school-sponsored publications subject to the provisions in Standard B and the approval of designated school employees.
- D. Students who express viewpoints in a publication or production that are controversial, unpopular, or critical of faculty, administration, or school policies will not be disciplined based solely on their viewpoint.
- E. Every student will have the right to be considered for participation in school-sponsored publications and productions.
- F. Each school-sponsored publication or production will have an advisor/sponsor.
- G. 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 school system policies and procedures and applicable professional standards.
  4. Promote the expression of a variety of viewpoints.
- H. Students will not be pressured or coerced to take or read school-sponsored publications.

- I. 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.
- J. Advertisements may be published in school-sponsored publications subject to established criteria and procedures.
- K. 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.

## **V. 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.
- B. The principal will ensure that each school-sponsored publication and production has an advisor/sponsor.
- C. 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.
- D. The advisor/sponsor will determine the inclusion of advertisements.

## **VI. Delegation of Authority**

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

## **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)
  - The Annotated Code of Maryland, Education Article § 4-205 (Powers and duties of county superintendent)

- B. Other Board Policies
  - Policy 1040 Safe and Supportive Schools
  - Policy 4020 Fund Raising
  - Policy 7120 Coaches and Advisors of High School Extracurricular Activities
  - Policy 8080 Responsible Use of Technology 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
- D. Other
  - HCPSS Student Code of Conduct
  - Standards of the Maryland Scholastic Press Association

### **VIII. History**

ADOPTED: October 9, 1973

REVIEWED:

MODIFIED:

REVISED: December 13, 1990

June 28, 2007

March 10, 2016

EFFECTIVE: July 1, 2016

**SCHOOL-SPONSORED PUBLICATIONS**  
**AND PRODUCTIONS**

Effective: July 1, 2016

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**I. Content**

- A. Decisions regarding what will be published in school-sponsored publications rest with the editor(s) and advisors/sponsors of the publication, subject to the authority of the principal/designee.
- B. Decisions regarding the content of any school-sponsored production rest with the staff and associated advisor/sponsor, subject to the authority of the principal/designee.
- C. 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 will strive to obtain financial sponsorship to supplement the funds provided by Howard County Public School System.
- 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 or organizations, 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 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 drug, alcohol or tobacco use, violence, sex, intolerance, discrimination, or other illegal or prohibited activities.

#### **IV. Appeal Process**

- A. A student who disagrees with a decision of a faculty advisor/sponsor related to the content or other aspects of a publication or production may appeal the decision.
- B. The student will meet first with the advisor/sponsor to discuss the decision and ask for reconsideration based on perspectives and considerations presented by the student. The advisor/sponsor will discuss the student's perspective with the principal/designee and provide a response to the student within two (2) school days from the initial meeting.
- C. If the advisor/sponsor does not provide a decision within two (2) school days, or if the student is dissatisfied with the decision of the advisor/sponsor, then the student may appeal in writing to the principal/designee within two (2) school days.
- D. The principal/designee will meet with the student within two (2) school days of receipt of the written appeal. 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.
- E. 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 Administrative Director within two (2) school days.
- F. The Administrative Director 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. History**

ADOPTED: December 13, 1990

REVIEWED:

MODIFIED:

REVISED: May 14, 1992

July 14, 2005

July 13, 2006

June 28, 2007

March 10, 2016

EFFECTIVE: July 1, 2016