

THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM
10910 Clarksville Pike
Ellicott City, Maryland 21042

Circular No. 40
Series 2016–2017

March 20, 2017

Deputy Superintendent

Policy 9030 School-Sponsored Publications and Productions

To: All Staff

From: Linda T. Wise
Deputy Superintendent

On March 9, 2017, the Superintendent provided to the Board modifications to Policy 9030 School-Sponsored Publications and Productions.

The modification to Policy 9030 updates language to align with amended Annotated Code of Maryland, Education Article §7-121.

The policy in its entirety can be accessed on the HCPSS website at <http://www.hcpss.org/board/policies/>.

Thank you for your attention to this update.

LTW/FA/KB
Attachment

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. Student journalists have the right to exercise freedom of speech and freedom of the press in school-sponsored publications, subject to certain specific restrictions. The Board 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 – Any material that is prepared, written, published, or broadcast by a student journalist; distributed or generally made available to members of the student body; and prepared under the direction of an advisor/sponsor. (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.
- K. Student Journalist – An HCPSS student who gathers, compiles, writes, edits, photographs, records, or prepares information in school-sponsored publications.

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. A student journalist may exercise freedom of speech and freedom of the press in school-sponsored media subject to certain restrictions as outlined in IV.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 drug, alcohol or tobacco use, violence, sex, intolerance, discrimination, or other illegal or prohibited activities;
 - 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 the public school;
 - 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 burden of proving justification for any action taken to restrict publication of student writing and productions.
- E. Advisors/sponsors may teach professional standards of English and journalism to student journalists, but may not use their position to influence a student journalist to promote an official position of the Board, HCPSS, or the school.
- F. 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.
- G. Every student will have the right to be considered for participation in school-sponsored publications and productions.
- H. Each school-sponsored publication or production will have an advisor/sponsor.

- I. Advisors/sponsors may not be dismissed, suspended, disciplined, reassigned, transferred or otherwise retaliated against for acting to protect a student journalist engaged in such a role; or for refusing to infringe on conduct that is protected by this policy.
 - 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 school system 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.
 - 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.
- 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.
- E. The student journalist will use professional standards of English and journalism for school-sponsored publications.

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)
 - The Annotated Code of Maryland, Education Article § 7-121 (Student Journalists – Freedom of Speech and Freedom of the Press)
 - Maryland Declaration of Rights, Article 40 (Freedom of Press and Speech)
- 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: March 9, 2017

REVISED: December 13, 1990
June 28, 2007
March 10, 2016
EFFECTIVE: March 9, 2017