

PUBLICATIONS

I. Background

Students, through the various mass media, are exposed to diverse opinions on an infinite number of topics. Students should be allowed to express their facts and opinions in print, through visual representation, or through conversation. Nonetheless, student writers and editors, as well as students who distribute materials written or published outside of the schools, must observe the same legal responsibilities imposed upon the general population and upon the conventional media. Moreover, the distribution of certain publications, although accepted in adult settings, may be inappropriate for the school environment or inconsistent with the Talbot County Public School System's basic educational mission. In light of these concerns, the following sections delineate the standards for school-sponsored publications and for the distribution of all other publications within the Talbot County Public School System.

II. Definitions

The following definitions shall apply throughout this Regulation:

- A. **School day** means any day during the regular or summer session on which regularly scheduled classroom instruction takes place and excludes Saturdays, Sundays, and official school holidays.
- B. **Publications** means any book, magazine, pamphlet, newspaper, yearbook, internet web page or any other written or printed matter or visual representation, however produced. This will include any pictures, photographs, drawings, or videographs.
- C. **School-Sponsored Publications** means any publication, as defined herein, which is composed, compiled, published or distributed under the official supervision of a faculty sponsor.
- D. **Student Publication** means any publication as defined herein which is composed, compiled, published, or distributed by students.
- E. **Advertisement** means an oral, written, or graphic notice designed to attract public attention or patronage.
- F. **Distribution** means circulation or dissemination of one or more copies of the publication to students within the Talbot County Public School System, during the times and at the places where normal school activity takes place, by means of

(1) handing out free copies of the publication, (2) selling or offering copies for sale, (3) accepting donations in exchange for copies of the publication, or (4) by displaying the materials within the Talbot County Public School System in areas which are generally frequented by students.

- G. Normal school activity means organized educational activity of students under the direct supervision of a member of the school staff which includes classroom work, library activities, physical education classes, official assemblies and other similar gatherings, field trips, school athletic contests, band concerts, school plays, and scheduled on-school lunch periods.

It also includes activities associated with the above, such as walking between classes, boarding and departing buses, and traveling throughout the school.

- H. Talbot County Public School System includes all public school buildings, school athletic fields, and school parking lots in Talbot County as well as all school buses and vehicles owned, or operated under contract with, the Board of Education of Talbot County.

- I. A minor is any person under the age of eighteen (18) years.

- J. Obscene publications, with respect to minors, shall mean:

1. Publications that an average, adult person, applying contemporary community standards, would find, taken as a whole, appeal to the prurient interest (*i.e.*, having, inclined to have, or characterized by lascivious or lustful thoughts or desires) of minors and lacks serious literary, artistic, political, or scientific value for minor students; or
2. Publications that depict or describe, in a manner not suited for the education of minors, sexual conduct as defined by applicable Maryland law. See Article 27, Section 416A(d) of the Annotated Code of Maryland.

- K. Libel is the false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye which exposes a person to public hatred, contempt, ridicule, censure or blame, or which causes him/her to be shunned or avoided, or which has a tendency to injure his/her occupation.

1. When the publication concerns public officials (*i.e.*, those who hold government office) or public figures (*i.e.*, those who, by reason of the notoriety of their achievements or the vigor and success with which they seek the public's attention, are properly classed as public figures) in order to be libelous, the false publication must be made with actual malice, that is, with knowledge that it was false or with reckless disregard of whether it was false or not.

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2. When the publication concerns private individuals, in order to be libelous, the false publication must be made negligently; that is, the publisher must fail to exercise the degree of care that a reasonable prudent person would exercise in order to avoid making a false publication.

III. Advertising Guidelines

A. School-Sponsored Publications

Persons wishing to place advertisements in school-sponsored publications shall first submit proposed advertisements to the student editor, faculty advisor, or teacher assigned to the particular class or publication staff for review. Advertisements submitted to school-sponsored publications shall be subject to the guidelines for school-sponsored publication set forth in

B. Other Publications

Persons wishing to advertise in ways not utilizing school-sponsored publications shall first submit the proposed advertisement for review by the principal, or the principal's designee. All such advertisements shall be subject to the guidelines set forth in sections VII for publications that are not school-sponsored. Approved advertisements may be distributed or announced on school property at times and in areas designated by the principal of the subject school.

C. All Advertisements

Advertising content deemed unacceptable for distribution within the Talbot County Public School System includes, but is not limited to, the following: obscenities, alcoholic beverages, drugs, drug paraphernalia, contraceptives, abortion services, sexual deviation, tobacco products, fortune telling, palm reading, mind reading, defamatory falsehoods, attacks on person(s) or group(s), or statements of discrimination towards race, culture, religion, or sex.

IV. Distribution of Publications

Publications which are not obscene, libelous, or disruptive may be distributed on school property during school hours in areas designated by the principal of the subject school. Distribution which substantially interferes with the normal flow of traffic within the school corridors and entrance ways, which is coercive of any other person's right to accept or reject any publication, or which causes substantial and material interference with "normal school activities" shall not be permitted.

In order for a publication to be considered disruptive, there must exist specific, articulable facts upon which it would be reasonable to forecast that a clear and present

likelihood of an immediate, substantial material disruption to normal school activity or school discipline would occur if the material were distributed. Mere undifferentiated fear or apprehension of disturbance is not enough; school personnel must be able to affirmatively show substantial facts which reasonably support a forecast of likely disruption. Such disruption would include, for example, student rioting; unlawful seizures of property; destruction of property; threats or acts of violence; widespread shouting or boisterous conduct; or substantial student participation in a school boycott, sit-in, walk-out or other related form of activity. On the other hand, material that merely stimulated heated discussion or debate does not constitute the type of disruption prohibited.

In determining whether a student publication is disruptive, school personnel should consider the context of the distribution as well as the context of the material. In this regard, consideration should be given to past experience with similar material, past experience in dealing with and supervising the students in the subject school, current events influencing student attitudes and behavior, and whether or not there have been any instances of actual or threatened physical disruption prior to or contemporaneously with the submission of the publication in question.

V. Publishing of Web Pages

A. Purpose

The Talbot County Public School System's web site provides an opportunity for school personnel to share programs, activities and resources among themselves and with parents, students, the Talbot County citizenry, and the greater world community. It also allows for students and staff to learn more about telecommunications, and the Internet. All information found on the Talbot County Public School System's web site must have an educational purpose. Schools are encouraged to develop home pages for the web site, following county guidelines. In order to insure the appropriateness and relevance of the materials published on the web site, the following policies have been established. Failure to adhere to county policies may result in a loss of web authoring privileges.

B. Responsibility

1. Board Level

Approval of Board level home pages will be the responsibility of the Superintendent or designee(s), although all board level staff members may contribute to the web site. The Board Office will also provide the staff to maintain the Talbot County Public School System's web server, technical assistance to the schools, and training for the development of home pages.

2. Building Level

The principal of each building shall designate a webmaster(s) responsible for reviewing and approving all material to be mounted on the school's pages prior to publication. The webmaster shall also review materials for accuracy and currency. Staff and students may contribute to the web site as long as proper procedures are followed.

3. Web Advisory Committee

The Superintendent or designee shall appoint a county-wide Web Advisory Committee which will monitor the web site for compliance and quality, and will recommend policy revisions as needed.

C. Content

The Talbot County Public School System's Home Page will be the main home page, and each school and/or department will link from that page. While all web pages must adhere to Board of Education policies, decisions about specific content will reside with individual schools and/or departments. Suggestions for content include: calendar of events; sports/school activities; staff information; counter/guest book; student work; lesson plans; appropriate curricular links; staff data; and information about the geographic location of the school. Extreme caution shall be used when adding links to other web sites.

D. Security Issues

1. All county policies regarding privacy and security must be followed.
2. Documents may not include a student's home phone number or address.
3. Student personal e-mail addresses may not be included on a web page.
4. The publication of student pictures are the decision of the teacher and person(s) responsible for web page approval and must have the permission of the parent or guardian in writing.
5. Staff e-mail addresses must have the consent of staff members before publication.
6. No links may be made to any personal home pages off of the Talbot County Public School System's server without the written approval of the person(s) responsible for reviewing and approving pages at that web site. Personal home pages shall be fully and personally reviewed prior to approval.

E. General Issues

1. Any tampering with or misuse of Talbot County Public School System's network services or equipment will be considered vandalism and will be handled in accordance with the Talbot County Public School System's policy for the Use of Telecommunications in Schools, Student Code of Conduct, and other related policies.
2. All web pages on the Talbot County Public School System's server(s) are property of the school system.
3. Materials published on web pages represent the ideas and activities of individuals and do not necessarily represent the thoughts or opinions of a particular school or of the school system.
4. Concern about the content of any school's page should be directed to the building principal of that school or to the Director of Technology for Instruction and Curriculum for pages developed by Board Office staff.
5. If any Talbot County Public School System employees become aware of a web page containing objectionable material, the employee shall notify both the person who developed the web page and the responsible supervisor to determine whether the page meets policy requirements. Appropriate action will be taken if policies have been violated.

VI. School-Sponsored Publications

School-sponsored publications are subject to review by the faculty advisor or teacher assigned to the particular class or publication staff that is producing the publication or in which a student is preparing or editing material for publication. The teacher or faculty advisor may prevent the publication of material that is (1) ungrammatical, (2) poorly written, (3) inadequately researched, (4) biased or prejudiced, (5) vulgar or profane, (6) unsuitable for the intended audience, or (7) that is obscene, libelous, or disruptive.

Any student who disagrees with a teacher or faculty advisor's decision to deny publication of material in a school-sponsored publication may appeal to the principal by submitting a copy of the material denied for publication accompanied by a letter stating the reason why he or she believes the material should be published.

The principal, or the principal's designee, shall render a decision to uphold or reverse the teacher or faculty advisor's decision within five (5) school days after receipt of the appeal. The decision upholding or reversing the teacher or faculty advisor's decision shall state the reason for the decision in writing, and a copy of the decision shall be provided to both the student and the teacher or faculty advisor.

If a student is dissatisfied with the decision of the principal or the principal's designee, an appeal may be taken in the manner set forth in Section VIII.

VII. Publications That Are Not School-Sponsored

Any student who desires to distribute a publication which is not officially recognized as a school publication shall submit such publication to the principal of the subject school for review and approval prior to such distribution.

At the time of such submission, the student has the right and is encouraged to meet personally with the principal, or the principal's designee, for the free exchange of views on why the distribution of the publication is or is not appropriate. The student, or his/her representative, may support the case for distribution with relevant witnesses and materials.

In exercising the right of prior review, school personnel shall be guided by the definitions contained herein and by the fact that students are protected in their exercise of freedom of expression by the First Amendment to the Constitution of the United States. It is the responsibility of the school and its staff to insure that the rights of students to express themselves freely shall not be infringed while at the same time establishing the kind of environment which is necessary for an orderly program of classroom learning. Distribution shall not be prohibited merely because the publication contains the expression of unpopular, critical, controversial, tasteless, or offensive ideas.

The principal, or the principal's designee, shall render his/her decision to approve or disapprove the distribution of the publication and notify the student within five (5) school days of such submission. If approval to distribute is not granted, the principal or the principal's designee shall state the reasons to the student in writing. If a student is dissatisfied with the decision of the principal or the principal's designee, an appeal may be taken in the manner set forth in Section VIII.

VIII. Appeals

1. If a student is dissatisfied with the decision of a principal, or a principal's designee, with respect to the distribution of the publication, the student may appeal this decision to the Superintendent of Talbot County Public Schools. An appeal is taken by notifying the principal, or the principal's designee, in writing, within two (2) school days of the decision, of the student's desire to appeal.

The principal, or the principal's designee, shall promptly transmit a copy of the appeal, the material denied for publication, and any additional information to the Superintendent of Talbot County Public Schools. A copy of the transmittal letter shall be provided to the student taking the appeal.

The Superintendent, or his designee, shall render a decision within five (5) school days after the notice of appeal is filed. The decision shall be in writing.

2. If the student is dissatisfied with the decision of the Superintendent, or the Superintendent's designee, the student may appeal this decision to the Board of Education of Talbot County. An appeal is taken by notifying the Superintendent, or the Superintendent's designee, in writing, within two (2) school days of the decision, of the student's desire to appeal.

The Superintendent, or the Superintendent's designee, shall promptly transmit the appeal, the material denied for publication, and any additional information to the Board of Education of Talbot County. A copy of the transmittal letter shall be provided to the student taking the appeal.

The Board of Education shall review the appeal at its next regular meeting after the appeal is filed and shall render its decision, either in writing or by stenographic or electronically recorded record, within five (5) days of the meeting. The decision of the Board of Education shall be final.

3. At every level of the appeals process as outlined above, the student or his/her representative shall have the right to appear and present his/her case supported by relevant witnesses and materials as to why distribution of the publication is appropriate. It shall be the responsibility of the student to promptly notify the office to which the appeal is taken of his/her intention to appear and present his/her case and to also advise whether or not he or she will be accompanied by a representative.
4. Distribution of the publication during the period of initial review by the principal, or the principal's designee, after a negative decision, or during the period of appeal, shall be sufficient grounds for suspension of the student by the principal in accordance with the procedures set forth in the Regulations entitled "Suspension and Expulsion".

IX. Failure of School Officials to Act Promptly

Upon failure of any of the foregoing school authorities in the review and appeals process to act within the time periods specified, the student who submitted the publication for approval may distribute same until such time, if any, that a written decision is rendered notifying the student of the reasons why distribution of the publication shall not continue.

