

STUDENTS: STUDENTS' EXPRESSIONS

I. DEFINITIONS

A. ADVISOR/SPONSOR

1. A QUALIFIED CERTIFICATED EMPLOYEE DESIGNATED BY THE PRINCIPAL TO OVERSEE A SCHOOL-SPONSORED PUBLICATION OR ACTIVITY. THIS MAY INCLUDE A HIGH SCHOOL STUDENT ACTIVITY ADVISOR, OR A CLUB OR ORGANIZATION SPONSOR, OR A CLASSROOM TEACHER WITH INSTRUCTIONAL RESPONSIBILITY FOR THE PUBLICATION OR PRODUCTION.

B. DEFAMATORY MATERIAL

1. FALSE AND UNPRIVILEGED WRITTEN STATEMENTS OR REPRESENTATIONS ABOUT AN INDIVIDUAL(S) OR GROUP(S) WHICH HARM THE REPUTATIONS OF THE SUBJECTS BY LOWERING THEM IN THE ESTIMATION OF THE COMMUNITY OR DETERRING THIRD PERSONS FROM ASSOCIATING OR DEALING WITH THEM.

C. LIBEL

1. A FALSE WRITTEN STATEMENT THAT DAMAGES A PERSON'S REPUTATION.

D. OBSCENE

1. MATERIAL IS OBSCENE WHEN:
 - a. 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.
 - b. IT DEPICTS OR DESCRIBES SEXUAL CONDUCT, INCLUDING INTIMATE SEXUAL ACTS, EXCRETORY FUNCTIONS, OR LEWD EXHIBITIONS, IN A MANNER THAT

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IS PATENTLY OFFENSIVE TO PREVAILING STANDARDS IN THE COMMUNITY CONCERNING HOW SUCH CONDUCT SHOULD BE PRESENTED TO THE AGE LEVEL OF THE INTENDED RECIPIENTS.

- c. WHEN TAKEN AS A WHOLE, IT LACKS SERIOUS LITERARY, ARTISTIC, POLITICAL, OR SCIENTIFIC VALUE TO THE INTENDED RECIPIENTS.

E. PRIVILEGED STATEMENTS

- 1. IN THE CONTEXT OF A CLAIM THAT A STATEMENT IS DEFAMATORY, THE LAW PROTECTS THE PUBLISHER OF THE STATEMENT FROM LIABILITY IF THE DEFAMATORY STATEMENT FALLS WITHIN ONE OF THE FEW RECOGNIZED CATEGORIES OF "PRIVILEGED STATEMENTS." PRIVILEGED STATEMENTS ARE GENERALLY LIMITED TO STATEMENTS MADE AT JUDICIAL, LEGISLATIVE, OR GOVERNMENTAL PROCEEDINGS. A PRIVILEGE MAY BE LOST IF AN INDIVIDUAL ACTS WITH MALICE OR A RECKLESS DISREGARD OF ANOTHER'S RIGHTS.

F. PROFANITY

- 1. VULGAR, VILE, OR CONTEMPTUOUS LANGUAGE.

G. SCHOOL-RELATED ACTIVITY

- 1. 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 ATTENDING (E.G., SPECTATOR AT A SCHOOL EVENT).

H. SCHOOL-SPONSORED

- 1. AN ACTIVITY TAKING PLACE WITH THE KNOWLEDGE AND APPROVAL OF SCHOOL-BASED ADMINISTRATORS AND INCLUDING THE PROMOTION, LEADERSHIP, AND/OR PARTICIPATION OF SCHOOL EMPLOYEES. THE ASSIGNMENT

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OF A TEACHER, ADMINISTRATOR, OR OTHER SCHOOL
EMPLOYEE TO A MEETING FOR CUSTODIAL PURPOSES DOES
NOT CONSTITUTE SPONSORSHIP OF THE MEETING.

I. SCHOOL-SPONSORED PUBLICATIONS

1. NEWSPAPERS, YEARBOOKS, LITERARY MAGAZINES, OR SIMILAR PUBLICATIONS OR BROADCASTS, INCLUDING ELECTRONICALLY PUBLISHED DOCUMENTS AND WEB-BASED PROGRAMS, WHICH ARE SCHOOL-SPONSORED.

J. SCHOOL-SPONSORED PRODUCTIONS

1. PLAYS, TALENT SHOWS, VIDEOS, BROADCASTS, OR RECORDINGS, INCLUDING ELECTRONIC PRODUCTIONS, WHICH ARE SCHOOL-SPONSORED.

K. SLANDER

1. A FALSE ORAL STATEMENT THAT DAMAGES A PERSON'S REPUTATION.

II. STANDARDS

- A. SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS ARE ENCOURAGED AS IMPORTANT ASPECTS OF THE LEARNING EXPERIENCE.
- B. RELATED INSTRUCTION AND DIRECTION SHALL PROMOTE SOUND PRACTICES THAT CONFORM TO ACCEPTED PROFESSIONAL STANDARDS AND ETHICS IN THE CREATION OF PUBLICATIONS AND COMMUNICATIONS.
- C. THE BALTIMORE COUNTY PUBLIC SCHOOLS (BCPS) RESERVES THE RIGHT TO DISAPPROVE A SCHOOL-SPONSORED PUBLIC ACTIVITY OR PRODUCTION IF THE CONTENT OR ACTIVITY:
 1. IS IN VIOLATION OF LAW REGULATIONS, BOARD OF EDUCATION POLICIES AND/OR SUPERINTENDENT'S RULES.
 2. POSES A POTENTIAL THREAT TO THE HEALTH AND/OR SAFETY OF STUDENTS.

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3. MIGHT REASONABLY BE PERCEIVED TO ADVOCATE STUDENT DRUG, ALCOHOL OR TOBACCO USE, VIOLENCE, SEX, 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.
 7. IS NOT REASONABLY RELATED TO LEGITIMATE EDUCATIONAL CONCERNS.
- D. STUDENTS SHALL HAVE THE RIGHT TO PREPARE THE CONTENT OF SCHOOL-SPONSORED PUBLICATIONS SUBJECT TO THE PROVISIONS IN STANDARD B AND THE APPROVAL OF THE PRINCIPAL OF THE SCHOOL.
- E. STUDENTS WHO EXPRESS VIEWPOINTS THAT ARE CONTROVERSIAL, UNPOPULAR, OR CRITICAL OF FACULTY, ADMINISTRATORS, OR SCHOOL POLICIES SHALL NOT BE DISCIPLINED BASED SOLELY ON THEIR VIEWPOINT.
- F. EVERY STUDENT INTERESTED IN SCHOOL-SPONSORED PUBLICATIONS AND EVENTS SHALL BE CONSIDERED.
- G. THE PRINCIPAL SHALL ENSURE THAT EACH SCHOOL-SPONSORED PUBLICATION OR PRODUCTION HAS AN ADVISOR/SPONSOR WITH THE FOLLOWING RESPONSIBILITIES:
1. PROVIDE NECESSARY GUIDANCE AND DIRECTION, IN THE FOLLOWING AREAS INCLUDING, BUT NOT LIMITED TO, EDITING, FORMAT, LAYOUT, CONTENT, PROFESSIONALISM, AND PROVISIONS OF THIS RULE.

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2. EXERCISE REVIEW OF THE PUBLICATION OR PRODUCTION, SUBJECT TO THE PRINCIPAL'S FINAL DETERMINATION AND THE STUDENT'S RIGHT OF APPEAL AS STATED IN THIS RULE.
 3. BE GUIDED BY BOARD POLICIES AND SUPERINTENDENT'S RULES AND APPLICABLE PROFESSIONAL STANDARDS.
 4. PROMOTE THE EXPRESSION OF A VARIETY OF VIEWPOINTS.
- H. STUDENTS WHO DISAGREE WITH A DECISION MADE BY AN ADVISOR/SPONSOR OR PRINCIPAL RELATED TO THE CONTENT OR OTHER ASPECTS OF A PUBLICATION OR PRODUCTION MAY APPEAL THE DECISION.
- I. STUDENTS WILL NOT BE PRESSURED OR COERCED TO TAKE OR READ SCHOOL-SPONSORED PUBLICATIONS.
- J. POSTERS AND OTHER MATERIALS ASSOCIATED WITH SCHOOL-RELATED ACTIVITIES ARE SUBJECT TO THE APPROVAL OF THE PRINCIPAL AND MAY ONLY BE DISPLAYED IN ACCORDANCE WITH SCHOOL PROCEDURES.
- K. ADVERTISEMENTS MAY BE PUBLISHED IN SCHOOL-SPONSORED PUBLICATIONS SUBJECT TO ESTABLISHED SCHOOL PROCEDURES.
- III. COMPLIANCE
- A. THE PRINCIPAL OF THE SCHOOL SHALL ENSURE THAT:
1. ALL SCHOOL-SPONSORED PUBLICATIONS OR PRODUCTIONS COMPLY WITH THE STANDARDS OF THIS RULE.
 2. THE ESTABLISHED PROCESS FOR A STUDENT TO APPEAL A DECISION RELATED TO A PUBLICATION OR PRODUCTION IS COMMUNICATED TO STUDENTS.
- B. THE ADVISOR/SPONSOR SHALL 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.

IV. APPEAL PROCESS

- A. A STUDENT WHO DISAGREES WITH A DECISION OF A FACULTY ADVISOR/SPONSOR REGARDING CONTENT OF A PUBLICATION OR PRODUCTION MAY APPEAL THE DECISION.
- B. THE STUDENT SHALL MEET WITH THE ADVISOR/SPONSOR TO DISCUSS THE DECISION AND REQUEST RECONSIDERATION. THE ADVISOR/SPONSOR SHALL DISCUSS THE STUDENT'S PERSPECTIVE WITH THE PRINCIPAL OR HIS/HER DESIGNEE AND PROVIDE A WRITTEN RESPONSE TO THE STUDENT WITHIN FIVE SCHOOL DAYS FROM THE INITIAL MEETING.
- C. IF THE ADVISOR/SPONSOR DOES NOT PROVIDE A WRITTEN DECISION WITHIN FIVE SCHOOL DAYS OR IF THE STUDENT IS DISSATISFIED WITH THE DECISION OF THE ADVISOR/SPONSOR, THE STUDENT MAY APPEAL IN WRITING TO THE PRINCIPAL WITHIN FIVE SCHOOL DAYS OF WHEN THAT DECISION WAS PROVIDED OR SHOULD HAVE BEEN PROVIDED.
- D. THE PRINCIPAL OR HIS/HER DESIGNEE SHALL MEET WITH THE STUDENT WITHIN FIVE SCHOOL DAYS OF RECEIPT OF THE WRITTEN APPEAL. THE PRINCIPAL SHALL HAVE FIVE SCHOOL DAYS AFTER MEETING WITH THE STUDENT TO RENDER A WRITTEN DECISION.
- E. IF THE PRINCIPAL DOES NOT PROVIDE A WRITTEN DECISION WITHIN FIVE SCHOOL DAYS OF MEETING WITH THE STUDENT, OR THE STUDENT IS DISSATISFIED WITH THE DECISION OF THE PRINCIPAL/DESIGNEE, THE STUDENT MAY APPEAL IN WRITING TO THE APPROPRIATE AREA ASSISTANT SUPERINTENDENT WITHIN FIVE SCHOOL DAYS.
- F. THE AREA ASSISTANT SUPERINTENDENT WILL RESPOND TO THE STUDENT APPEAL IN WRITING WITHIN FIVE SCHOOL DAYS OF THE RECEIPT OF THE APPEAL. THE DECISION OF THE AREA ASSISTANT SUPERINTENDENT IS FINAL.

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RELATED POLICIES: BOARD OF EDUCATION POLICY 5500, *CONDUCT*
BOARD OF EDUCATION POLICY 5510, *SCHOOL DISCIPLINE*
BOARD OF EDUCATION POLICY 5520, *DRESS*
BOARD OF EDUCATION POLICY 5530, *TOBACCO*
BOARD OF EDUCATION POLICY 5540, *ALCOHOLIC BEVERAGES AND DRUGS*
BOARD OF EDUCATION POLICY 5550, *DISRUPTIVE BEHAVIOR*
BOARD OF EDUCATION POLICY 5560, *SUSPENSIONS, ASSIGNMENT TO ALTERNATIVE PROGRAMS, OR EXPULSIONS*
BOARD OF EDUCATION POLICY 5561, *SCHOOL USE OF REPORTABLE OFFENSES*
BOARD OF EDUCATION POLICY 5570, *STUDENT TO STUDENT SEXUAL HARASSMENT*

OTHER: *STUDENT HANDBOOK*

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ADOPTED: _____

SUPERINTENDENT OF SCHOOLS