

BOARD OF EDUCATION OF HARFORD COUNTY

INFORMATIONAL REPORT

DECISION ON

**STUDENT JOURNALISM FREEDOM OF EXPRESSION
POLICY NO. 02-0052-000**

**CONTROVERSIAL ISSUES
POLICY NO. 04-0020-000**

DECEMBER 5, 2016

Background Information:

The Board maintains a manual which sets forth the various policies of the Harford County Public Schools. The manual contains policies which are either required by federal and state law and regulation or which are, in the Board's judgment, necessary and appropriate in order for the school system to operate in a lawful, appropriate and effective manner. Included among such policies are those entitled:

04-0020-000 Controversial Issues

Additionally, a new policy was presented to the Board for possible inclusion in the Board's manual titled:

02-0052-000 Student Journalism Freedom of Expression

Discussion:

1. Various sections of the Board Policy Manual are under revision. Included within the Instruction section is the following policy.

04-0020-000 Controversial Issues

This policy was presented to the Board for decision on April 11, 2016, at which time the Board requested that the policy be reviewed by the reviewed by the Board Policy Review Committee ("BPRC"), to address the issue of teacher expression of personal opinion while teaching.

At the BPRC meeting of September 26, 2016, language was added permitting such expression within the scope of specified criteria. The

proposed, revised policy was presented to the Board at the business meeting of October 10, 2016.

This policy was posted for public comment and none was received.

The Superintendent recommends that this proposed, revised policy be adopted by the Board.

2. The following, proposed policy, was reviewed by the BPRC at the September 26, 2016 meeting for potential inclusion in the Student section of the Board policy manual.

02-0052-000 Student Journalism Freedom of Expression

This policy was drafted to in response to the passing of senate Bill 764 by the General Assembly of the State of Maryland. This policy sets forth definitions and the purpose of the policy to comport with the requirements of the law.

This policy was reviewed by the BPRC at its September 26, 2016, meeting. The BPRC recommended that this proposed policy be recommended to the Board at the October 10, 2016, business meeting.

At the Board's request, language regarding intent has been added to Section III, Statement of Policy, D (5).

This policy was posted for public comment, and no comments were received.

The Superintendent recommends that this proposed policy be adopted by the Board.

Attachments:

1. Current Board Policy 04-0020-000 entitled Controversial Issues.
2. Proposed revised policy 04-0020-000 entitled Controversial Issues.
3. Proposed new policy 02-0052-000 entitled Student Journalism Freedom of Expression.

Superintendent's Recommendation:

For the foregoing reasons, the Superintendent recommends the following.

- A. That the Board adopt revised policy 04-0020-000 entitled Controversial Issues.
- B. That the Board adopt the proposed new policy 02-0052-000 entitled Student Journalism Freedom of Expression.

POLICY

Harford County Public Schools

POLICY TITLE: Controversial Issues		
ADOPTION/EFFECTIVE DATE:	MOST RECENTLY AMENDED:	MOST RECENTLY REAFFIRMED: 5/6/2002
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Instruction		

As a public institution, the Harford County Public Schools has a responsibility to provide for the study of controversial issues. Many areas of study abound with vital issues which should be carefully studied and adequately discussed to develop student abilities in reflective and responsible thinking. Facing issues without prejudice and withholding judgments until facts have been gathered, considered, and conclusions drawn are valuable student outcomes of a free educational system. A free exchange of ideas is highly important in democratic living. Serious consideration of purposeful, carefully planned investigations of controversial issues relating to a course of study is important to the citizenship education of students.

In providing for the study and discussion of such issues, the school system must maintain a non-partisan, neutral position. Controversial issues shall be presented and discussed in secondary school classrooms. Such study shall be objective and scholarly, and teachers shall guard against giving their personal opinions until after students have had the opportunity to collect and assemble factual information on the subject, to interpret the data without prejudice, to reconsider assumptions and claims, and to reach personal conclusions. Students must be encouraged to search after truth as well as to form, express, and justify personal views in controversial issues.

The teacher has the right to express personal views regarding controversial issues which have been previously presented and discussed in class. Such points of view should be clearly identified as opinions. The teacher may also express his/her views to generate additional thought and discussion but should identify these opinions and their purposes.

Further, the teacher has the obligation to assist students in achieving a scholarly competence, to teach factual information and concepts upon which truth is based, to help students develop a respect for factual knowledge as the basis for critical thought, to avoid discussion of issues beyond the comprehension and maturity of students, to lead students to recognize that some problems and issues escape solution, and to demonstrate a deep respect for the dignity of each student and his/her right to express opinions without jeopardizing relationships with the teachers of the school.

Board Approval Acknowledged By:

Patricia L. Skebeck, Secretary and Treasurer
Board of Education of Harford County

POLICY

Harford County Public Schools

Policy Action Dates		
ACTION DATE	ACTION DATE	ACTION DATE
Reaffirmed 5/12/1980		
Reaffirmed 10/26/1998		
Reaffirmed 5/6/2002		

Responsibility for Policy Maintenance & References		
LAST EDITOR/DRAFTER NAME: Unknown		JOB POSITION OF LAST EDITOR/DRAFTER: Unknown
PERSON RESPONSIBLE:		JOB POSITION OF PERSON RESPONSIBLE:
DESIGNEE NAME: N/A		JOB POSITION OF DESIGNEE: N/A
REFERENCE 1 TYPE:	REFERENCE 1 NO.	REFERENCE 1 DESCRIPTION:
REFERENCE 2 TYPE:	REFERENCE 2 NO.	REFERENCE 2 DESCRIPTION:
REFERENCE 3 TYPE:	REFERENCE 3 NO.	REFERENCE 3 DESCRIPTION:
REFERENCE 4 TYPE:	REFERENCE 4 NO.	REFERENCE 4 DESCRIPTION:
REFERENCE 5 TYPE:	REFERENCE 5 NO.	REFERENCE 5 DESCRIPTION:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005: Instructional Program .03.05.090		

POLICY TITLE: CONTROVERSIAL ISSUES		
ADOPTION/EFFECTIVE DATE:	MOST RECENTLY AMENDED:	MOST RECENTLY REAFFIRMED: 5/6/2002
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: INSTRUCTION		

~~As a public institution, the Harford County Public Schools has a responsibility to provide for the study of controversial issues. Many areas of study abound with vital issues which should be carefully studied and adequately discussed to develop student abilities in reflective and responsible thinking. Facing issues without prejudice and withholding judgments until facts have been gathered, considered, and conclusions drawn are valuable student outcomes of a free educational system. A free exchange of ideas is highly important in democratic living. Serious consideration of purposeful, carefully planned investigations of controversial issues relating to a course of study is important to the citizenship education of students.~~

~~In providing for the study and discussion of such issues, the school system must maintain a non-partisan, neutral position. Controversial issues shall be presented and discussed in secondary school classrooms. Such study shall be objective and scholarly, and teachers shall guard against giving their personal opinions until after students have had the opportunity to collect and assemble factual information on the subject, to interpret the data without prejudice, to reconsider assumptions and claims, and to reach personal conclusions. Students must be encouraged to search after truth as well as to form, express, and justify personal views in controversial issues.~~

~~The teacher has the right to express personal views regarding controversial issues which have been previously presented and discussed in class. Such points of view should be clearly identified as opinions. The teacher may also express his/her views to generate additional thought and discussion but should identify these opinions and their purposes.~~

~~Further, the teacher has the obligation to assist students in achieving a scholarly competence, to teach factual information and concepts upon which truth is based, to help students develop a respect for factual knowledge as the basis for critical thought, to avoid discussion of issues beyond the comprehension and maturity of students, to lead students to recognize that some problems and issues escape solution, and to demonstrate a deep respect for the dignity of each student and his/her right to express opinions without jeopardizing relationships with the teachers of the school.~~

~~**Board Approval Acknowledged By:**
Patricia L. Skebeck, Secretary and Treasurer~~

I. Purpose

To establish criteria related to the teaching of controversial issues in the schools.

II. Definitions

Controversial issue means a subject or matter about which there are significant differences of opinion, and about which related discussion may create strong feelings among students and/or members of the community.

III. Statement of Policy

A controversial issue may be considered for secondary classroom instruction or discussion when the following criteria are met:

- A. The issue is related to the instructional goals of the course of study and commensurate with the level of maturity of the students.
- B. The controversial issue is presented in an impartial and objective manner and in an atmosphere that is free from bias and prejudice.
- C. The controversial issue, as presented, encourages open discussion and a respect for conflicting beliefs and opinions.
- D. Teachers may express their personal views regarding controversial issues, provided the teacher presents such views in accordance with the above criteria, and provided the teacher makes clear that the teacher's statement represents his/her personal opinion only.

Board Approval Acknowledged By:

Barbara P. Canavan, Superintendent
Board of Education of Harford County

Policy Action Dates		
ACTION	DATE	ACTION DATE
Reaffirmed	5/12/1980	
Reaffirmed	10/26/1998	
Reaffirmed	5/6/2002	

Responsibility for Policy Maintenance & References		
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel	
PERSON RESPONSIBLE: Dr. Susan Brown	JOB POSITION OF PERSON RESPONSIBLE: Executive Director of Curriculum and Assessment	
DESIGNEE NAME: N/A	JOB POSITION OF DESIGNEE: N/A	
REFERENCE 1 TYPE:	REFERENCE 1 NO.	REFERENCE 1 DESCRIPTION:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005: Instructional Program .03.05.090		

REFERENCES¹

References are set forth in the Policy.

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes, regulations, or legal authority in support of a policy.

POLICY TITLE: STUDENT JOURNALISM FREEDOM OF EXPRESSION		
ADOPTION/EFFECTIVE DATE:	MOST RECENTLY AMENDED:	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: STUDENT SECTION		

I. Purpose

The purpose of this policy is to set forth criteria relating to the rights of student journalists as defined herein.

II. Definitions

- A. Student Journalist means an HCPS student who gathers, compiles, writes, edits, photographs, records or prepared information which is included in school-sponsored media.
- B. 1. School-sponsored Media means any document, material or writing that is:
- Prepared, written, published or broadcast by an HCPS student;
 - Is distributed, or generally made available to, members of the student body of a school or schools; and,
 - Which is prepared under the direction of a student media advisor.
2. School-sponsored media does not include documents, material or writings intended for distribution or transmission in the classroom in which the material is produced.
- C. Student Media Advisor means an individual employed, appointed or designated by HCPS or a school principal to supervisor or provide instruction relating to school-sponsored media.

III. Statement of Policy

- A. A student journalist may exercise freedom of speech and freedom of the press in school-sponsored media as follows.
- A student journalist shall be responsible for determining the news, opinion, feature and advertising content of school-sponsored media.

2. A student media advisor may not use his or her position to influence a student journalist to promote an official position of a county board of education or a public school.

3. Section A (2) above may not be construed to prevent a student media advisor from teaching professional standards of English and journalism to student journalists.

4. A student journalist may not be disciplined for acting in accordance with this policy.

B. Section III (A) above shall not be construed to authorize or protect content of school-sponsored media produced by a student journalist that

1. Is libelous or slanderous;

2. Constitutes an unwarranted invasion of privacy;

3. Violates federal or state law; or

4. Incites students to create a clear and present danger of the commission of an unlawful act, the violation of county board policies, or the material and substantial disruption of the orderly operation of the public school.

5. Content that is vulgar, lewd, or obscene, or language that has the intent to harass, threaten or intimidate.

C. A student media advisor may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for

1. Acting to protect a student journalist engaged in conduct under subsections (B) or (C) of this section; or

2. Refusing to infringe on conduct that is protected by this policy, the First Amendment to the United States Constitution, or Article 40 of the Maryland Declaration of Rights.

D. The Board shall have the right to exercise prior restraint of school-sponsored media when the content of same

1. Is libelous or slanderous;

2. Constitutes an unwarranted invasion of privacy;

3. Violates federal or state law; or

4. Incites students to create a clear and present danger of the commission of an unlawful act, the violation of county board policies, or the material and substantial disruption of the orderly operation of the public school.

5. Content that is vulgar, lewd, or obscene, or language that has the intent to harass, threaten or intimidate. Such intent may be inferred from the facts and circumstances relating to the creation of the content in question.

E. Time, Place and Manner for Expression By Student Journalists.

Student Journalists shall be provided the opportunity to prepare, write, publish or broadcast during class time as appropriate or pursuant to a club or extra-curricular activity as appropriate or at any other time the school principal deems appropriate.

Board Approval Acknowledged By:

Barbara P. Canavan, Superintendent
Board of Education of Harford County

Policy Action Dates		
ACTION DATE	ACTION DATE	ACTION DATE

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE: Patrick P. Spicer	JOB POSITION OF PERSON RESPONSIBLE: General Counsel
DESIGNEE NAME:	JOB POSITION OF DESIGNEE:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:	

LEGAL REFERENCES¹

Section 7-121 of the Education Article of the Maryland Code.

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.