

FREEDOM OF EXPRESSION IN STUDENT JOURNALISM

I. Scope

Effective October 1, 2016, Maryland Education law authorizes freedom of expression in student journalism with limited exceptions. These regulations provide guidelines for the implementation of the exercise of freedom of expression in student journalism, the role of the student journalist and student media advisor, and any legally supported limitations on freedom of expression.

II. Definitions

- A. School-sponsored Media- Any material, except for that which is intended for distribution or transmission solely in the classroom in which the material is produced, that is:
- Prepared, written, published, or broadcast by a student journalist;
 - Distributed or generally made available to the student body; and
 - Prepared under the direction of a student media advisor.
- B. Student Journalist- A Talbot County Public Schools (TCPS) student, who gathers, compiles, writes, edits, photographs, records or prepares information for dissemination in school-sponsored media.
- C. Student Media Advisor- An individual employed, appointed or designated by TCPS to supervise or provide instruction relating to school-sponsored media.

III. Procedure

- A. General Guidelines for Freedom of Expression in Student Journalism
1. A student journalist may exercise freedom of speech and freedom of the press in school-sponsored media, which may not be limited by the fact that school sponsored media, is:
 - a. Supported financially by TCPS; or
 - b. Produced in conjunction with a class in which the student journalist is enrolled
 2. Under the supervision of a student media advisor, a student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media, which may not be construed to:
 - a. Prevent the student media advisor from teaching professional standards of English and journalism to student journalists;
 - b. Authorize or protect content of school-sponsored media by 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 Board of Education policies, or the material and substantial disruption of orderly operation of the school.
3. A student media advisor may not influence a student journalist to promote an official position of the Board of Education (the Board) or an individual school.

B. Role of the Board of Education

1. The Board may not exercise prior restraint except:
 - a. As provided in III, A, 2, b of these regulations; or
 - b. To limit language in school-sponsored media that is profane, vulgar, lewd, obscene, or has the intent to harass, threaten, or intimidate.
2. The Board shall have the burden of providing justification without delay before taking action to exercise restraint on freedom of expression in student journalism.
3. The Board may not discipline a student journalist for exercising freedom in accordance with Board Policy 10.36 and these regulations
4. The Board may not dismiss, suspend, discipline, reassign, transfer, or otherwise retaliate against a student media advisor for:
 - a. Acting to protect a student journalist for exercising freedom of expression in accordance with Board Policy 10.36 and these regulations; or
 - b. Refusing to infringe on conduct that is protected within Board Policy 10.36 and these regulations, the First Amendment to the United States Constitution, or Article 40 of the Maryland Declaration of Rights.

IV. Resources

Section 7-121, Education Article, Annotated Code of Maryland; Board Policy 10.36

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