

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 26, 2008

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **REPORT ON PROPOSED CHANGES TO POLICY 2361 –
ADMINISTRATION: STUDENT CARRIERS**

PRESENTERS:

**RESOURCE
PERSONS:** Ms. Rita M. Fromm, Chief of Staff
Anjanette L. Dixon, Esq.

RECOMMENDATION

That the Board of Education reviews the proposed changes to Policy 2361. This is the first reading.

Attachment I – Policy Analysis
Attachment II – Policy 2361

BOARD OF EDUCATION OF BALTIMORE COUNTY
POLICY ANALYSIS
Board of Education Policy 2361
ADMINISTRATION: Administrative Operations
Distribution of Materials in Schools and Offices

Statement of Issues Addressed By the Proposed Policy

The Board of Education's policy regarding the distribution of materials was adopted on November 16, 1972 and was last revised on August 16, 1990.

Revisions to this policy were developed with two goals. First, recent federal case law has addressed distribution of flyers in public schools, *Child Evangelism Fellowship of Maryland v. Montgomery County Public Schools*, 456 F.3d 376 (4th Cir. 2006). Revising current policy is necessary to comply with federal law. The current policy is not sufficient. Revising the policy will provide principals with guidance regarding the distribution of materials to ensure consistency throughout the school system.

Legally schools are not required to distribute materials from outside groups. However, if schools determine that materials may be distributed procedures must be viewpoint neutral.

Under the system's current process, BCPS distributes flyers (or other advertising materials) for various groups, including community-based day care providers, tutors, and other service providers. There has not been a process to determine the quality or appropriateness of the activities or programs. Limiting the distribution of flyers to the specific categories addressed by the revised policy will eliminate the currently existing ambiguity.

Currently, the approval process for the distribution of materials is centralized. A review of the current process determined that it would be more efficient and effective for the approval process for the distribution of materials to be handled at the school level.

Cost Analysis

The proposed revised policy will not result in increased costs.

Relationship to Other Board of Education Policies

Policy 1210, Relationship with Parent-Teacher Associations
Policy 1310, Fund Raising

Legal Requirement

Child Evangelism Fellowship of Maryland v. Montgomery County Public Schools, 456 F.3d 376 (4th Cir. 2006)

Similar Policies Adopted by Other School Systems

Montgomery County Public Schools, Policy CNA
Montgomery County Public Schools, Regulation CAN-RA
Howard County Public Schools, No. 3131

Howard County Public Schools, No. PR-3131
Prince George's County Public Schools, Policy No. 1113
Anne Arundel County Public Schools, Administrative Regulation: 500
Anne Arundel County Public Schools, Policy Code: 500
Fairfax County Public Schools, Policy 1365.3
Fairfax County Public Schools, Regulation 1367.1

Draft of Proposed Policy

See attached.

Other Alternatives Considered by Staff

Alternative methods of communication and action considered by staff included:
Elimination of all outside distribution.

ADMINISTRATION: Administrative Operations

General: [Student Carriers] DISTRIBUTION OF MATERIALS IN SCHOOLS AND OFFICES

THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) LIMITS THE DISTRIBUTION OF MATERIALS IN SCHOOLS AND OFFICES TO MATERIALS PUBLISHED BY ENTITIES OF FEDERAL, STATE, AND LOCAL GOVERNMENT AND PARENT-TEACHER ASSOCIATIONS, OR MATERIALS RELATED TO ESTABLISHED SCHOOL-SPONSORED BUSINESS PARTNERSHIPS.

THE BOARD DIRECTS THE SUPERINTENDENT TO ESTABLISH PROCEDURES TO IMPLEMENT THIS POLICY.

[All requests from groups or individuals to distribute materials to people in the community by students will be referred to the head of the Division of Administration to determine whether the requests comply with overall school purpose and policy.

Exceptions, approved by the principal, providing distribution of such materials does not violate a Board policy or rule, are granted for:

1. Local school matters
2. PTA materials
3. Materials pertaining to activities of the Department of Recreation and Parks

Under no circumstances are materials pertaining to elections to be distributed through student carriers. However, official PTA newsletters containing legislative and referenda information may be distributed through student carriers.]

Policy
 Adopted: 11/16/72
 Revised: 12/8/88
 Revised: 8/16/90
 REVISED: _____

Board of Education of Baltimore County