

POLICY 2.52

5-B I recommend the Board approve the proposed new Policy 2.52, entitled "The Education Network."

[Contact: Chuck Shaw, 434-8779.]

Development

CONSENT ITEM

- This new Policy will formally authorize the Superintendent and designees to produce, air, and distribute educational programming on The Education Network for the educational benefit of the community.
- The proposed Policy defines the function of the Palm Beach County School District's Open Access Channel 19 (The Education Network); provides information and direction to District staff regarding the network; and assists the public in understanding the services offered by the network.

1 POLICY 2.52

2 THE EDUCATION NETWORK

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4 1. Purpose.-- The purpose of this Policy is to define the function of the Palm Beach
5 County School District's Open Access Channel 19, The Education Network
6 ("T.E.N."), provide information and direction to District Staff regarding T.E.N., and
7 assist the public in understanding the services offered by T.E.N.

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9 2. Mission of T.E.N.

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11 a. The School District of Palm Beach County, Department of Instructional
12 Support, is authorized to operate T.E.N., a not-for-profit educational television
13 channel, to fulfill the public educational purpose of broadcasting educational
14 programs, productions, showcases, and activities to the residents of Palm
15 Beach County, Florida, in conformance with the applicable federal and state
16 laws, School Board Policies, and Federal Communications Commission (FCC)
17 regulations.

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19 b. The mission of T.E.N. is to enhance the School District's public information
20 and communications system, involve the community in local educational
21 issues and services, provide for the delivery of educational programming
22 throughout the community, and provide information to general and specialized
23 audiences.

24
25 c. T.E.N. is designated as an open access cable channel, as provided for in the
26 1994 Cable Act and the franchise agreement between the Palm Beach County
27 Board of County Commissioners and Adelpia Cable. The broadcast area for
28 T.E.N. will include the current franchise area of Adelpia Cable and available
29 satellite transponder time.

30
31 3. Programming Categories.-- All programming on T.E.N. shall fall within at least
32 one of the following categories:

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34 a. School Board Meeting and Workshops

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36 b. Curriculum and Instruction:

37
38 c. Public Affairs:

39
40 d. Educational Community Interest
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42 e. Student Showcase

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44 f. Administrative Operations

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46 **4. Programming Guidelines.-- All programming on T.E.N. must fall within one of the**
47 **channel's designated categories as listed above in section (3). The District shall**
48 **allocate programming time among the designated categories. The following**
49 **additional guidelines shall apply:**

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51 a. All programming on T.E.N. must support, and be consistent with, the channel's
52 mission and goals.

53
54 b. All programming on T.E.N. must be of local educational interest and provide
55 community benefit.

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57 c. All programming on T.E.N. must be either produced or approved for use by the
58 T.E.N. Manager. The Superintendent shall have final authority to approve or
59 reject programming on T.E.N.

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61 i. The School District, through the Department of Instructional Support and
62 T.E.N., may produce, supervise, broadcast, and distribute original
63 programming.

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65 ii. Any District department may co-sponsor a programming proposal by
66 submitting a request to the manager of T.E.N.

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68 iii. The District may cooperate with other media in the delivery, production,
69 broadcast or other use of programming consistent with the mission of
70 T.E.N.

71
72 iv. Upon recommendation of the Superintendent, the School Board may
73 enter into memoranda of understanding, interlocal agreements,
74 cooperative agreements, or other contracts to further the purpose of
75 producing and distributing educational and cultural programming through
76 T.E.N.

77
78 d. School Board meetings, workshops, and other public meetings may be
79 covered, to the extent possible, gavel-to-gavel, without editing or interruption.
80 Introductory or supplementary information which will aid the viewer in
81 understanding the context or issues may be provided.

82
83 e. Live-broadcast or videotaped coverage on T.E.N. of Board or public meetings
84 shall not be considered an official record of those meetings, and the Board
85 shall have no liability for access to or lack of access to coverage of such

86 meetings. The District will archive broadcast videotapes of public meetings as
87 required by law and the District's records retention schedule.
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89 **5. Prohibited Programming.--** T.E.N reserves the right to refuse to transmit all or
90 any portion of a program which promotes any activity which is deemed
91 inappropriate under local, state, or federal law or this Policy or other Board
92 Policies. All material shall be consistent with the scope and sequence of the District
93 curriculum, family involvement goals, or other identified educational purposes. The
94 following types of programming shall be prohibited on T.E.N.:
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96 a. Programming that is deemed inappropriate or illegal under Board Policy or
97 state or federal law or is inconsistent with the mission and goals of the Board,
98 the District School System, or T.E.N.
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100 b. Programming that violates FCC guidelines for access television, including:
101 Commercial/for-profit making enterprises, trade or business announcements,
102 or obscene, indecent, libelous or slanderous speech.
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104 c. Programming that promotes political candidates, issues or viewpoints except
105 as allowed under Policy 2.59 and this Policy.
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107 **6. Programming Authority and Responsibility**

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109 a. The School District reserves the right to program T.E.N. Channel 19 in
110 accordance with the objectives identified above in subsection (2)(a).
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112 b. The District shall follow all FCC guidelines for access television.
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114 c. The School District reserves the right to refuse any request for cable
115 programming or operations which is deemed inappropriate or illegal under
116 Board policy or state or federal law or is inconsistent with the mission and
117 goals of the Board, the District School System, or T.E.N. For First Amendment
118 purposes, T.E.N. is a closed, nonpublic forum subject to the oversight and
119 direction of the Superintendent.
120

121 d. As appropriate, any grievance regarding programming decisions shall be filed
122 with the manager of T.E.N. If not resolved at that level, the issue may be
123 forwarded to the T.E.N. Advisory Committee. Their recommendations will be
124 forwarded to the Superintendent of Schools for review and, if not resolved, the
125 Superintendent will present a recommendation to the School Board, whose
126 decision shall be final.
127

128 e. Public issue forums or debates carried on T.E.N. must relate to the channel's
129 mission and must comply with copyright laws. Use of T.E.N. by individuals

130 seeking public office or reelection is prohibited. The District may provide
131 programming designed to address public policy issues on the ballot or
132 candidate forums that do not advocate a specific position and do not restrict
133 access by all candidates for a specific office, consistent with Policy 2.59. The
134 program content shall be restricted to information and support of voter
135 registration and participation.

136
137 f. Duplicates of tapes of original programming produced by T.E.N. may be
138 available by submitting a request for duplication and paying the fees set forth
139 in Policy 2.041. Requests should be made at least two weeks prior to the
140 desired completion date. Certain programming produced for T.E.N. may be
141 copyrighted by third parties and not subject to duplication for public records
142 requests.

143
144 g. To the extent allowed under Fla. Stat. Chapter 119, the School Board shall
145 retain all rights to all material and programs developed by the staff of T.E.N. or
146 other District employees. To the extent allowed under Chapter 119 and
147 federal copyright law, works created for hire by employees or contractors on
148 behalf of the District shall designate ownership of all material or production to
149 the District. Programming produced by T.E.N. may be marketed or distributed
150 as directed by the School Board, consistent with Chapter 119.

151
152 **7. Emergency Response.--** Channel 19 may be used at any time for the purpose of
153 emergency communication and response, consistent with the interlocal agreement
154 with the Emergency Management Services for cooperative support throughout an
155 identified emergency.

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157 **8. Revisions to Operational Policies and Procedures.--** The School Board may
158 modify these policies and procedures at any time through the rulemaking process.
159 The Superintendent may develop administrative procedures for T.E.N., to be
160 recommended for incorporation into this Policy.

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162 Statutory Authority: §§ 1001.41(2); 1001.42(22); 1001.43(3), (4), (9), Fla. Stat.

163 Laws Implemented: §§ 1001.41(1), (3); 1001.42(15)(a), Fla. Stat.

164 History: New ___ / ___ / 03

Legal Signoff:

The Legal Department has reviewed proposed Policy 2.52 and finds it legally sufficient for development by the Board.

Attorney

Date