

**POLICY 2.52**

**4-C** I recommend the Board adopt the proposed new Policy 2.52, entitled "The Education Network."

[Contact: Chuck Shaw, 434-8779.]

**Adoption**

**CONSENT ITEM**

- The Board approved this new policy as a first reading for development on October 13, 2003, with the following changes: Lines 78-79 now provide: "School Board meetings, workshops, and other public meetings will be covered, to the extent possible . . . ." Lines 104-105 now state: "Programming that promotes political candidates or issues [is not permitted] except as allowed under Policies 2.59 and 2.591, FCC Regulations, and this Policy."
- The adoption notice was published on November 10, 2003.
- 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

- 3
- 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.
- 8
- 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.
- 18
- 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:
- 33
- 34 a. School Board Meeting and Workshops
- 35
- 36 b. Curriculum and Instruction:
- 37
- 38 c. Public Affairs:
- 39
- 40 d. Educational Community Interest

41  
42 e. Student Showcase

43  
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:**

50  
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.

56  
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.

60  
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.

64  
65 ii. Any District department may co-sponsor a programming proposal by  
66 submitting a request to the manager of T.E.N.

67  
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 will 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.  
88

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.:  
95

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.  
99

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.  
103

104      c.   Programming that promotes political candidates or issues, except as allowed  
105      under Policies 2.59 and 2.591, FCC Regulations, and this Policy.  
106

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).  
111

112      b.   The District shall follow all FCC guidelines for access television.  
113

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  
118      Amendment purposes, T.E.N. is not a public forum; it is subject to the  
119      oversight, direction, and editorial control of the Superintendent/designee.  
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.
- 156
- 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.
- 161

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

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Legal Signoff:

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

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Date