Maryland
STATE DEPARTMENT OF EDUCATION

Carey M. Wright, Ed.D.
State Superintendent of Schools
Joshua L. Michael, Ph.D.
President, State Board of Education

TO: Members of the State Board of Education

FROM: Carey M. Wright, Ed.D., State Superintendent of Schools

DATE: October 29, 2026

SUBJECT: COMAR 13A.08.08 *Electronic Communication Device Use* (Permission to Publish)

Purpose

This regulation was required by HB525, Joanne C. Benson Maryland Phone–Free Schools Act, which passed during the 2026 legislative session. The regulation mandates that all local boards implement policies by the 2027–2028 school year prohibiting student access to personal electronic communication devices and social media platforms during the academic school day. It requires schools to establish uniform, secure device storage methods while outlining exemptions for students with IEPs and 504s, documented medical needs, language translation needs if school-issued devices are insufficient or unavailable, and approved caregiving responsibilities as approved by a school administrator.

Background

In early 2025, MSDE and the State Board convened the Task Force on Cell Phone Use in Schools, which brought together stakeholders from across the state, to develop recommendations to support LEAs in strengthening their electronic device policies. Based on multiple surveys of LEAs, Maryland's participation in the nationwide Phones in Focus (PIF) research study, and the best practices surfaced by the statewide Task Force, the State Board voted to unanimously pass a resolution in August 2025, which urged LEAs to establish comprehensive policies—addressing legal exemptions, storage methods, and emergency protocols—while regularly assessing their effectiveness against student achievement and educator well-being.

During the drafting of these regulations, MSDE and the State Board held dedicated listening sessions in August, September, and October 2026 to gather feedback and perspectives. These sessions included the Public School Superintendents' Association of Maryland (PSSAM) with dedicated Superintendent office hours, the Maryland Association of Boards of Education (MABE), the Maryland Association of Student Councils (MASC), the Education Advisory Council (EAC), the Maryland State Education Association (MSEA), as well as LEAs' legislative representatives, Digital Learning Coordinators, and Directors of Student Services. Efforts also included a return to the Cell Phone Use in Schools Task Force, which included representatives from the Maryland Association of Secondary School Principals (MASSP) and Maryland Association of Elementary School Principals (MAESP). Additionally, MSDE convened the existing teacher, principal, parent, and student advisory groups.

Following the promulgation of regulations, and in consultation with the Task Force on Cell Phone Use in Schools, MSDE intends to update and expand upon the recommendations initially published in 2025.

Executive Summary

This regulation and law also address the following topics:

- Local boards must submit their policies and stakeholder engagement documentation to MSDE for public posting.
- Annual reports including discipline and exemption data must be submitted from 2028 through 2033.
- Using personal devices for class instruction requires documented administrator approval and is restricted to cases where no school-issued alternative exists.
- Schools must establish uniform, secure storage methods preventing student access to and use of personal devices during the school day. Schools and districts are not required to insure personal devices against loss, theft, or damage.
- Schools must establish clear communication protocols so families can reach students during the school day and develop emergency communication plans as part of the school's emergency response plan.
- Local boards must implement age-appropriate, progressive, and corrective discipline systems.
- Students cannot receive an in-school suspension, out-of-school suspension, or expulsion solely for a policy violation.
- Local boards must review policies every three years alongside disaggregated disciplinary data.

Action

For the State Board to grant permission to publish COMAR 13A.08.08 *Electronic Communication Device Use*.

Attachments

- COMAR 13A.08.08 *Electronic Communication Device Use*
- COMAR 13A.08.08 *Electronic Communication Device Use* Power Point

Title 13A STATE BOARD OF EDUCATION

Subtitle 08 STUDENTS

Chapter 08 Electronic Communication Device Use

Authority: Education Article, §§2-205 and 7-138, Annotated Code of Maryland

.01 Purpose.

This chapter requires each local board of education to develop and implement a policy to prohibit access to and use of electronic communication devices and social media platforms by students during the academic school day.

.02 Scope.

This chapter does not apply to the Maryland School for the Blind or the Maryland School for the Deaf.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Academic school day" means any structured or unstructured learning experience that occurs from when the first bell rings at the start of the school day until the dismissal bell rings at the end of the school day, including instructional periods, lunch, recess, passing periods, and transitional periods.

(2) Electronic communication device.

(a) "Electronic communication device" means any portable electronic device carried or transported by a student to receive, send, or record voice, image, or text content, including cell phones, tablets, laptops, smart watches, wireless earbuds or headphones, geolocation devices, and any other device with communication functions.

(b) "Electronic communication device" includes emerging technologies that can perform substantially similar communication functions through cellular, internet, Bluetooth, satellite, or other technologies, regardless of the device's primary purpose.

(c) "Electronic communication device" does not include an electronic communication device provided or required by a local board for instructional purposes.

(3) Social media platform.

(a) "Social media platform" means an Internet-based application, website, or digital service that enables users to create, share, or view content or to interact with other users through profiles, accounts, feeds, messaging, comments, reactions, or similar social features, and that is primarily designed to facilitate social interaction, user-generated content, or content distribution to a broad or semi-public audience.

(b) "Social media platform" does not include any application, website, or digital service designed specifically for educational or administrative purposes for use within or on behalf of a local school system, including restricted-access learning systems, institutional communication tools, and platforms governed by applicable student data privacy agreements, even if such platforms include incidental social features such as commenting, messaging, or reactions.

(c) "Social media platform" does not include educational content, media, or resources hosted on an otherwise covered platform when such content is embedded, integrated, or delivered to students through an approved third-party educational delivery channel, learning management system, or secure administrative platform, provided that direct access to the underlying social media platform or its broader interactive features remains restricted or disabled.

(4) "Store" means to secure in a manner determined by the local board such that the device is not accessible for personal use by the student during the academic school day.

.04 Electronic Communication Device Policy.

A. Policy Development and Review.

(1) By the beginning of the 2027-2028 school year, each local board of education shall develop, adopt, and implement an electronic communication device policy consistent with this chapter.

(2) County boards shall review their policies at least every three years and consider the local school system's disciplinary data related to enforcement of the policy to ensure that such enforcement does not result in disproportionate punitive impacts on any student group.

(3) County boards shall document engagement with families, students, educators, and community stakeholders during the development and revision of the policy, including determining enforcement of the policy.

B. Except as provided in §C of this regulation, each local board's electronic communication device policy shall:

(1) Prohibit a student from accessing and using an electronic communication device during the academic school day;

(2) Require a student to store the student's electronic communication device during the academic school day;

(3) Prohibit a student from accessing or using a social media platform during the academic school day; and

(4) Require administrator approval for the use of an electronic communication device for educational purposes when a school-issued electronic communication device is unavailable.

C. The local board's policy may not prohibit a student from using an electronic communication device:

(1) For a student with a disability, for reasonable accommodations documented in the student's individualized education program or Section 504 plan;

(2) To monitor or address a student's documented health issue;

(3) To access language translation tools to ensure educational equity for multilingual students when school-issued electronic communication devices are not available or sufficient for this purpose; or

(4) For the purpose of meeting caregiving responsibilities, as approved by an administrator.

.05 Storage.

A. The electronic communication device policy required under Regulation .04 of this chapter shall:

(1) Establish one or more methods for storage that prevent students from accessing or using electronic communication devices during the academic school day;

(2) Identify the limited circumstances under which a student may be authorized to access a stored device in accordance with this chapter;

(3) Establish communication routing protocols at the school level to ensure families can timely reach students during the academic school day; and

(4) Include reasonable measures to securely store electronic communication devices to prevent loss, theft, or damage.

B. Each school shall:

(1) Implement a uniform, school-wide procedure for the storage of electronic communication devices consistent with the local board's policy; and

(2) Communicate to students, families, and school personnel at the beginning of each school year the storage procedure, as well as school protocols for communicating with families during an emergency.

C. Notwithstanding the storage method selected by a local board under this regulation, any search of a student's electronic communication device shall comply with COMAR 13A.08.01.14.

D. Nothing in this regulation shall be construed to require a local board, school, or school employee to insure a student's electronic communication device against loss, theft, or damage.

.06 Administrator Approval for Student Use of Electronic Communication Devices.

A. Use of an electronic communication device by a student for educational purposes during the academic school day shall require documented approval by an administrator or their designee.

B. Except as provided by Regulation .07 of this chapter, administrator approval may only be granted:

(1) On a student- or activity-specific basis;

(2) For a defined instructional objective or time-bound period;

(3) When no school-issued device is available; and

(4) When no reasonable alternative method exists for a student to achieve the instructional objective.

.07 Exemptions.

A. Reasonable Accommodations.

(1) An administrator or their designee may permit the use of an electronic communication device by a student with a disability as a reasonable accommodation, including for any purpose documented in the student's individualized education program or Section 504 plan.

(2) This exemption shall not be construed to permit unrestricted use of the device.

(3) In evaluating and selecting accommodations, IEP and Section 504 teams shall consider available school-issued technologies and alternative support methods that effectively achieve the documented objective.

B. Health Monitoring.

(1) An administrator or their designee shall permit the use of an electronic communication device by a student to monitor or address the student's documented health issue.

(2) An individualized health plan shall:

(a) Be developed and approved by the student, parent or guardian, and school health services team;

(b) Include documentation of the need for device access during the academic school day to address the student's health issue, including documentation from a licensed medical professional if requested by the local school system; and

(c) Protect student health information consistent with the Children's Online Privacy Protection Act (COPPA) and any applicable federal or state privacy laws.

C. Language Support.

(1) An administrator or their designee shall permit the use of an electronic communication device by a multilingual student to access language translation tools when school-issued devices are not available or sufficient for this purpose.

(2) Authorized use shall:

(a) Be limited to applications and services approved by the local school system; and

(b) Restricted to the specific instructional activity or communication need requiring language access support.

D. Caregiving Responsibilities.

(1) An administrator or their designee may approve the use of an electronic communication device by a student for the purpose of meeting caregiving responsibilities.

(2) Approval shall:

(a) Be limited to instances where time-sensitive communication is required during the academic school day to provide for the essential care, supervision, or medical support of a family member;

(b) Be documented with a determination that the student's circumstances involve bona fide caregiving responsibilities and no reasonable alternative exists for communication to occur through standard school channels; and

(c) Be reviewed at least annually, or more frequently as determined by the administrator, to verify ongoing need.

(3) Approval is subject to revocation upon any use of the electronic communication device that is inconsistent with the purpose of meeting caregiving responsibilities.

.08 Disciplinary Measures.

A. Each local board shall develop, adopt, and implement a system of tiered disciplinary measures and interventions to address violations of its electronic communication device policy.

B. The system of tiered discipline required under §A of this regulation shall:

(1) Be enforced by a school administrator school-wide;

(2) Provide for progressive, age-appropriate discipline based on the nature, frequency, and severity of the violation;

(3) Prioritize corrective, instructional, or restorative responses for initial violations;

(4) Clearly define the school-based consequences for each violation;

(5) Identify the tier of the system at which a policy violation escalates to a formal disciplinary referral.

C. A student may not be issued an in-school suspension, out-of-school suspension, or expulsion solely for a violation of the electronic communication device policy.

D. The local board shall publish its system of tiered discipline in the student code of conduct and communicate it annually to students, families, and school personnel.

.09 Emergency Communication Plan.

A. The electronic communication device policy adopted by a local board under Regulation .04 shall include an emergency communication plan.

B. The plan adopted under §A of this regulation shall be incorporated into the school emergency plan required by COMAR 13A.02.02 and reported in accordance with COMAR 14.40.06.

.10 Reporting.

A. On or before September 1, 2027, each local board shall submit to the Department a copy of the electronic communication device policy implemented under this chapter, including:

(1) A description of the policy's:

(i) Storage and security requirements and any related grade-level differentiations established in the policy;

(ii) Discipline measures and any related grade-level differentiations established in the policy;

(iii) Instructional use protocols; and

(iv) Emergency communication plans; and

(2) Documentation of stakeholder engagement in the development of the policy.

B. On or before December 1, 2028, the Department shall publish on its website a report that compiles the electronic communication device policies of each local board.

C. Whenever a local board amends or reauthorizes its electronic communication device policy, the local board shall send an updated copy to the Department within 30 days of adoption by the local board.

D. The Department shall maintain a repository on its website that displays each local board's electronic communication device policy as updated under §C of this regulation.

E. On or before July 30, 2028, and each July 30 until July 30, 2033, each local board shall submit a report to the Department on the impacts of the implementation of the electronic communication device policy, including

(1) Compliance and enforcement data, including related disciplinary referrals disaggregated by student demographic subgroups; and

(2) Equity and accommodation data, including the number and types of exemptions to the policy granted by schools in the county.

.11 Social Media Restrictions.

County boards may configure all school-issued student hardware, applications, and operating systems to disable non-educational algorithm-driven recommendation feeds and push notifications or pop-up alerts from non-educational services.



Student Electronic Communication Device Regulations

Presented By |
Laurel Cratsley, Executive Director of Government Affairs, MSDE
Hannah Oakley, Deputy Director of the Maryland State Board of Education

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Work to Date

2024-2025

Research & State Surveys

MSDE and the State Board initiated comprehensive data collection efforts, conducting multiple surveys of LEAs and actively participating in the nationwide **Phones in Focus** research study to establish a clear baseline of statewide cell phone usage and educational impact.

2025-2026

Statewide Task Force & Guidance

In early 2025, MSDE and the State Board officially convened the **Task Force on Cell Phone Use in Schools**. This body brought together diverse stakeholders statewide to formulate evidence-based recommendations supporting LEAs in strengthening their electronic device policies and inform the **State Board's resolution**.

The “Why” — Student Data & Research

COMMON SENSE MEDIA

60 Notifications & 43 Minutes Lost Daily

A 2023 study found the average student spends roughly the length of an entire classroom period on their phone during school hours each day.

PISA 2025

Nearly 1 in 3 Students Distracted in Class

Across OECD countries, nearly a third of students report being distracted by digital devices in most or every mathematics lesson.

THE COST OF INTERRUPTED WORK

20+ Minutes Required to Refocus After Distraction

Brief digital interruptions require up to 25 minutes for the brain to fully refocus, depending on the students’ age.

THE IMPACT OF CELLPHONE BANS IN SCHOOLS ON STUDENT OUTCOMES: EVIDENCE FROM FLORIDA

Test Scores and Focus Rise as Distractions Decline

Gains are highest among lowest-performing students, students of color, and boys. Teachers regain lost management minutes while focus, participation, and learning improve for everyone.

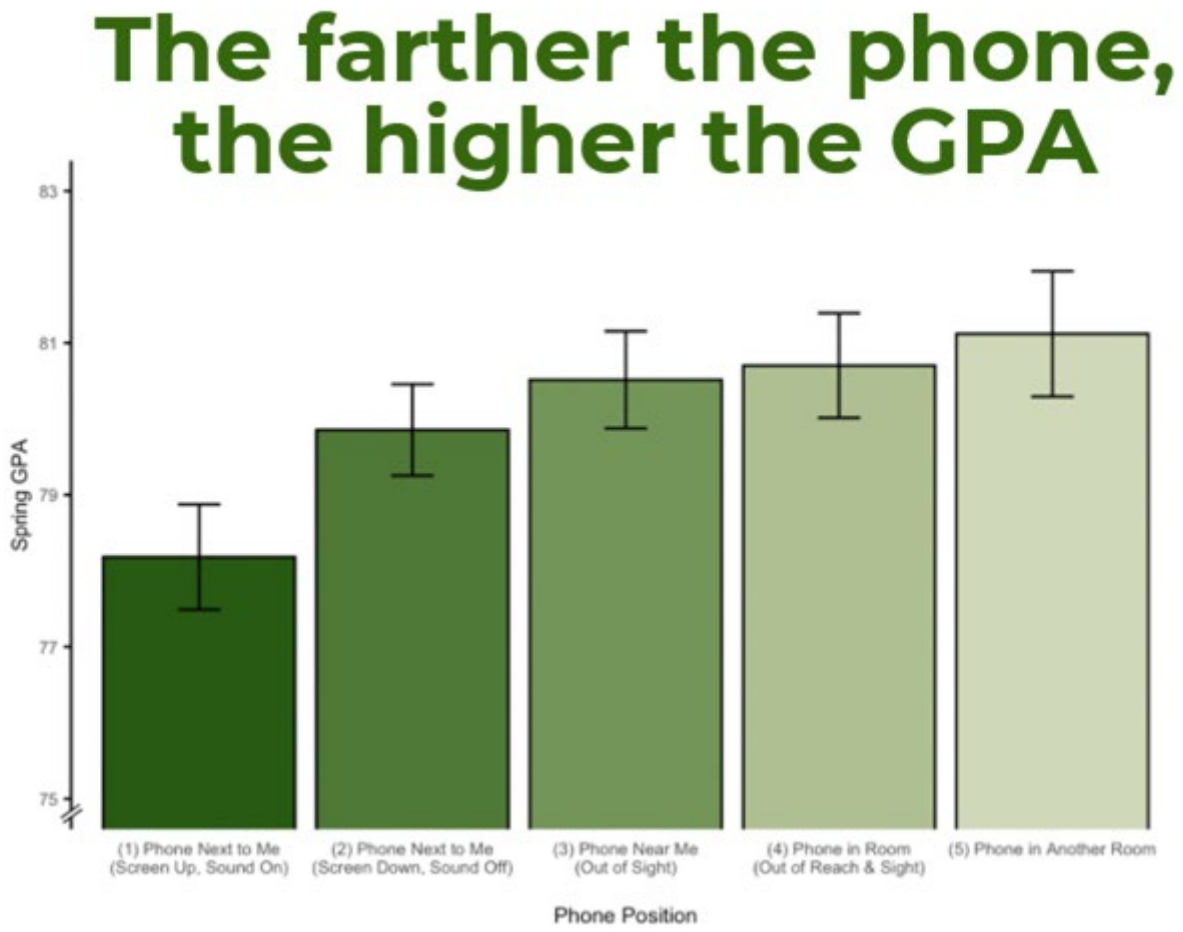
UNITED STATES SURGEON GENERAL

2023 Advisory on Social Media and Youth Mental Health

Highlighted the relationship between excessive, unrestricted social media use and increased mental health challenges in youth.

Situation Modification: Change the Environment, Not Just the Behavior

Research shows that greater physical distance from a smartphone is associated with better cognitive performance, supporting the idea that putting phones out of sight ***and*** out of reach can reduce distraction and preserve students' capacity to learn.

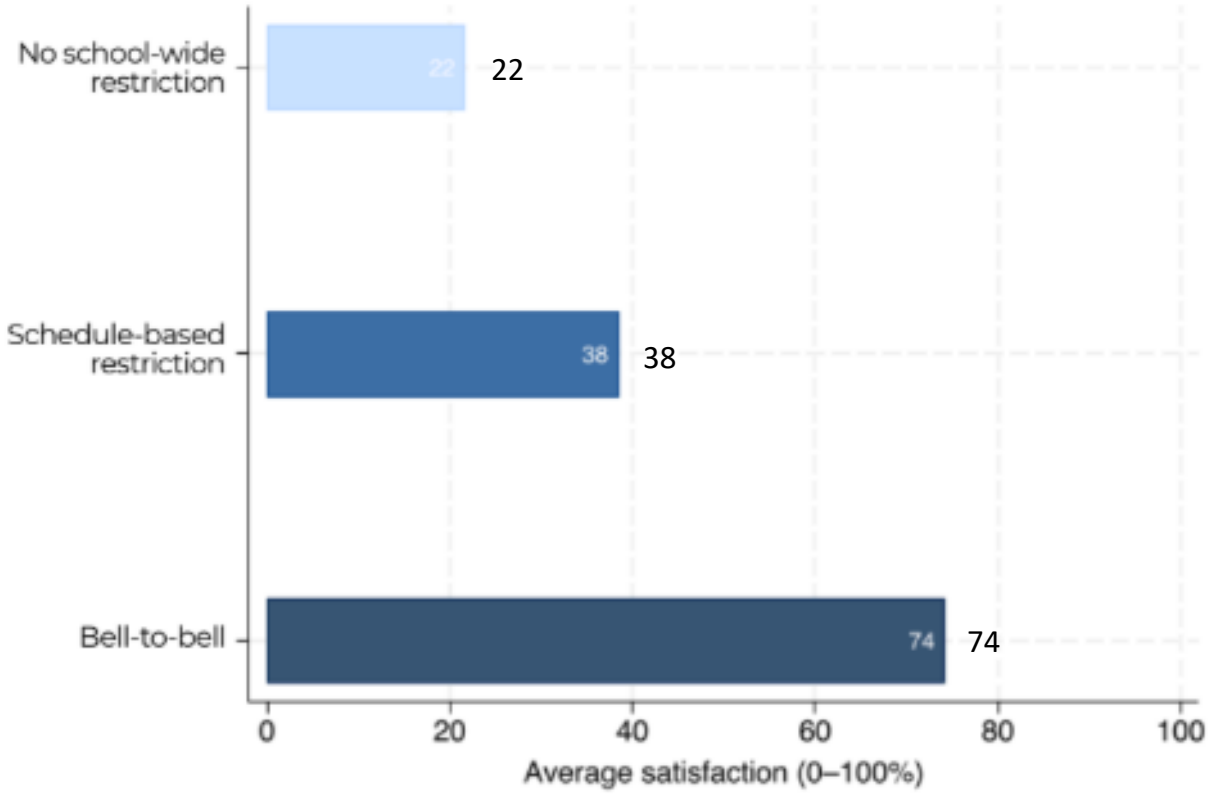


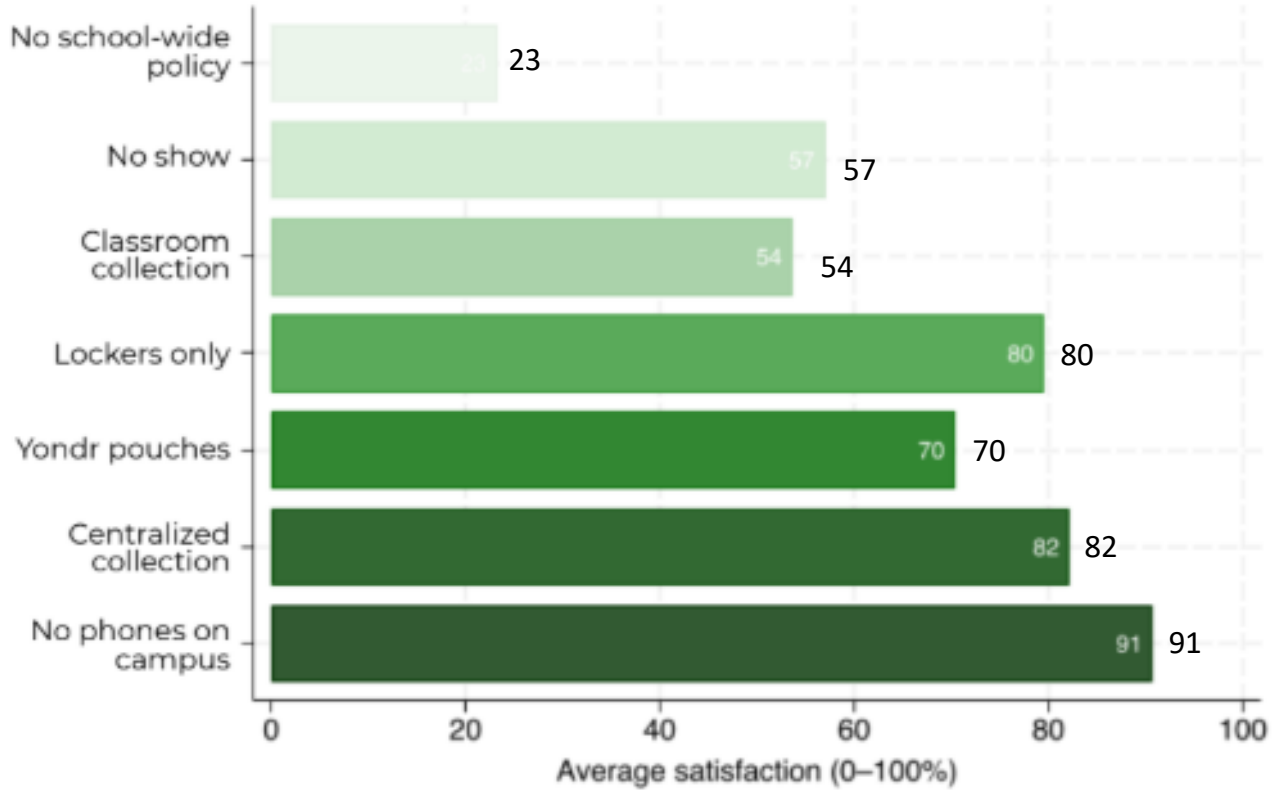
M., Duckworth, A. L., & Gross, J. G. (manuscript in preparation)

The stricter the phone policy, the happier the MD educator

Note: Data captured from 68% of Maryland schools

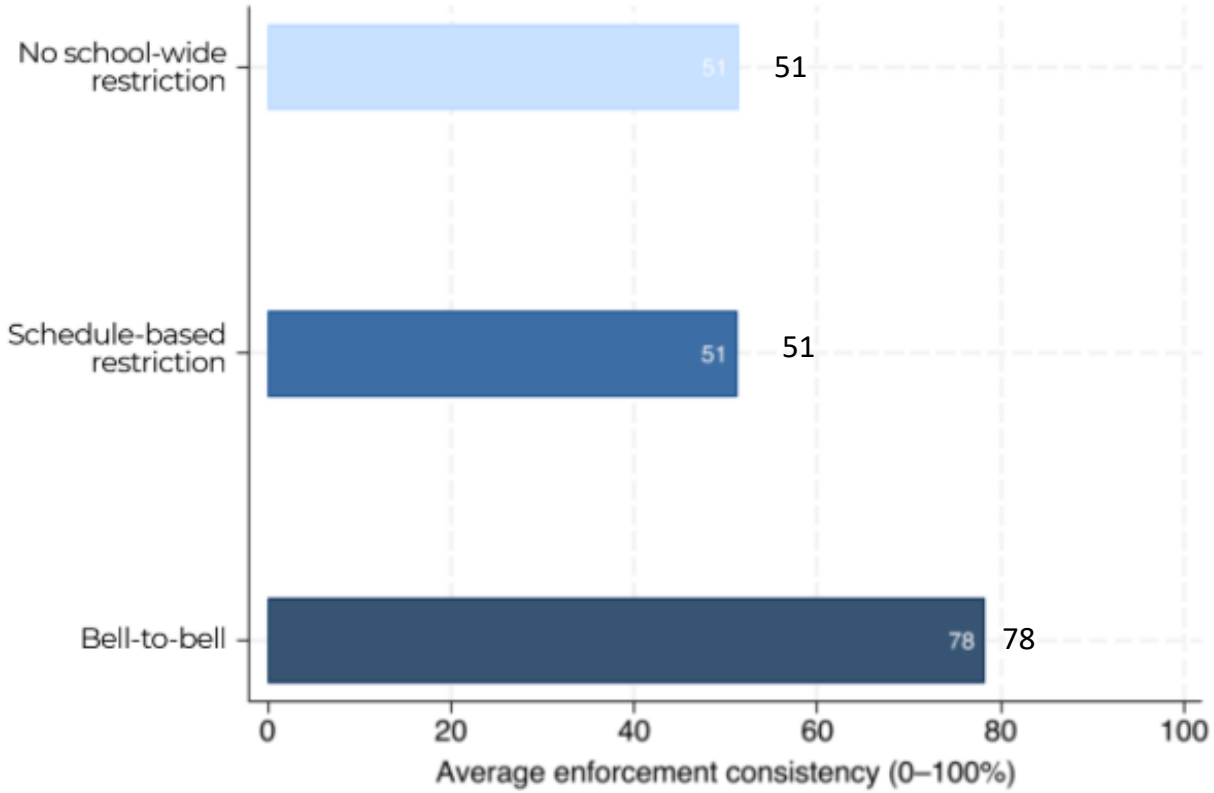
(57% of elementary, 91% of middle, and 87% of high schools)

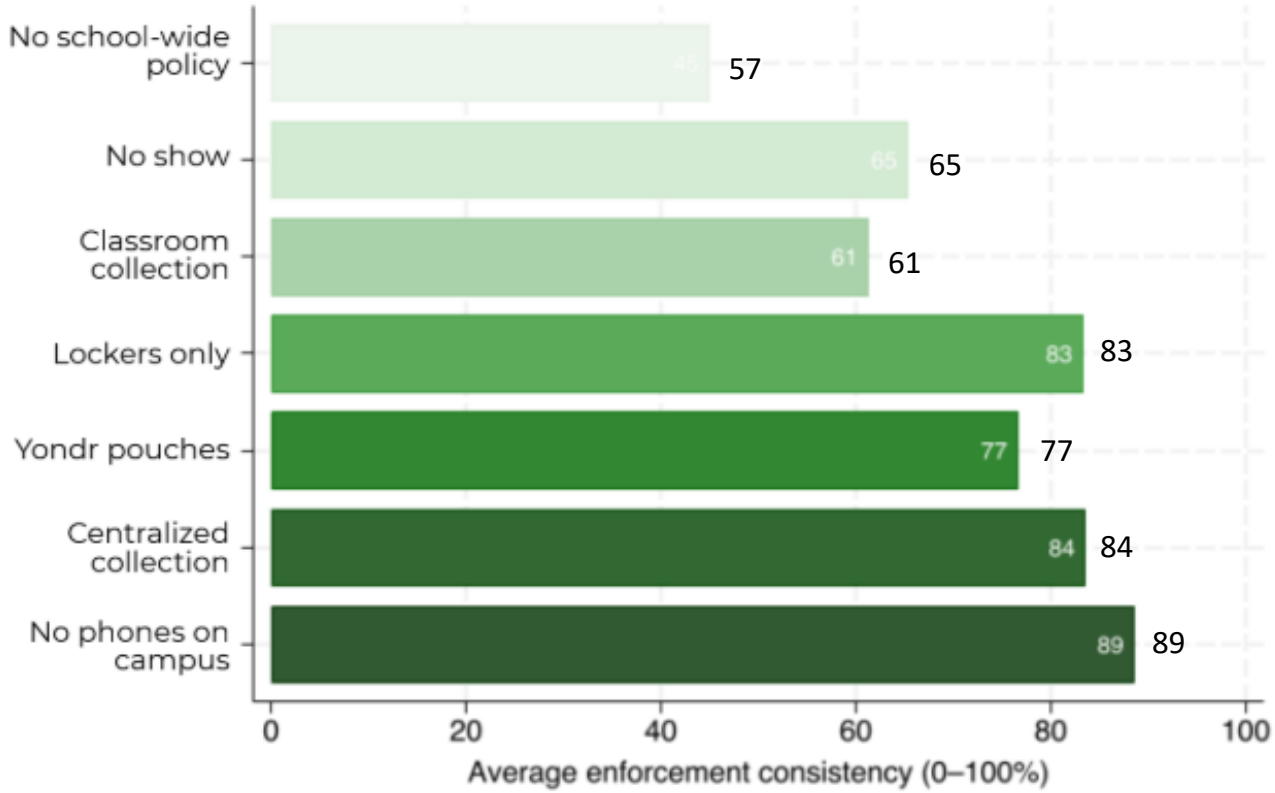




Data from: April 8, 2025 - July 2, 2026 (10,407 educator responses)

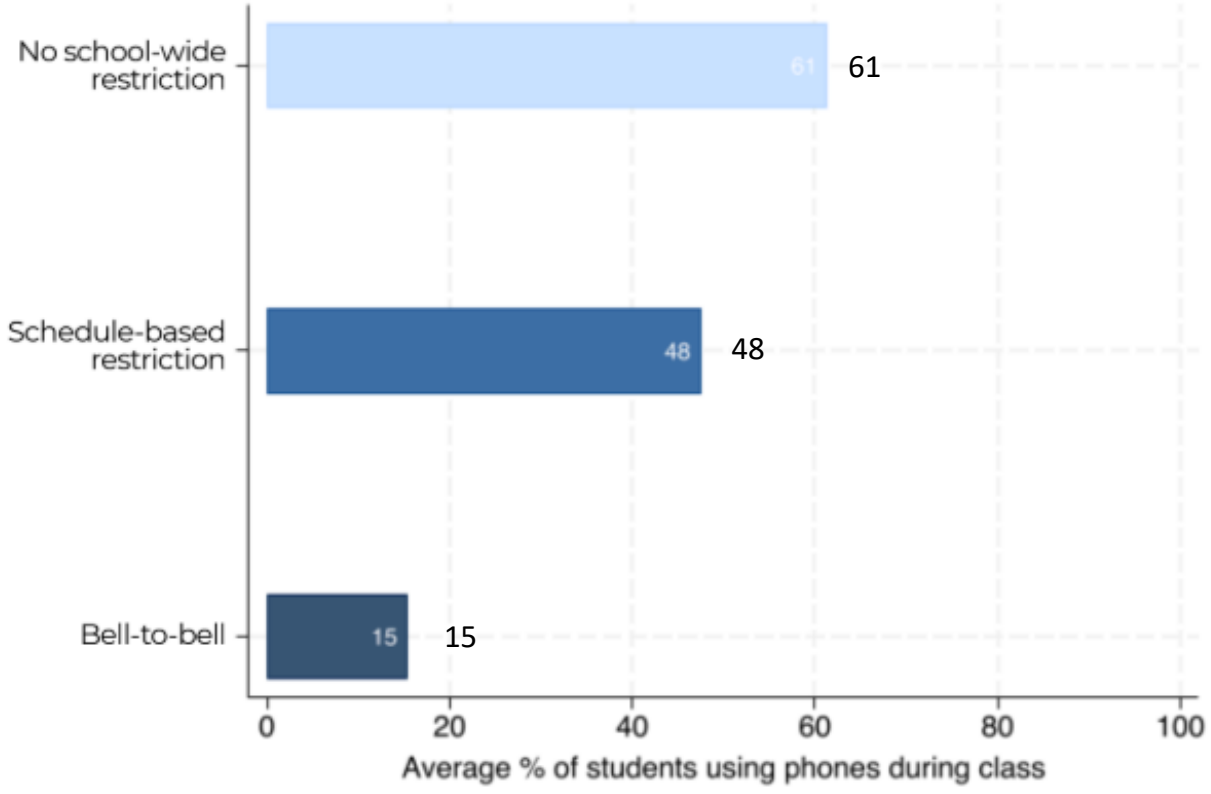
The stricter the policy, the more consistent the enforcement in MD

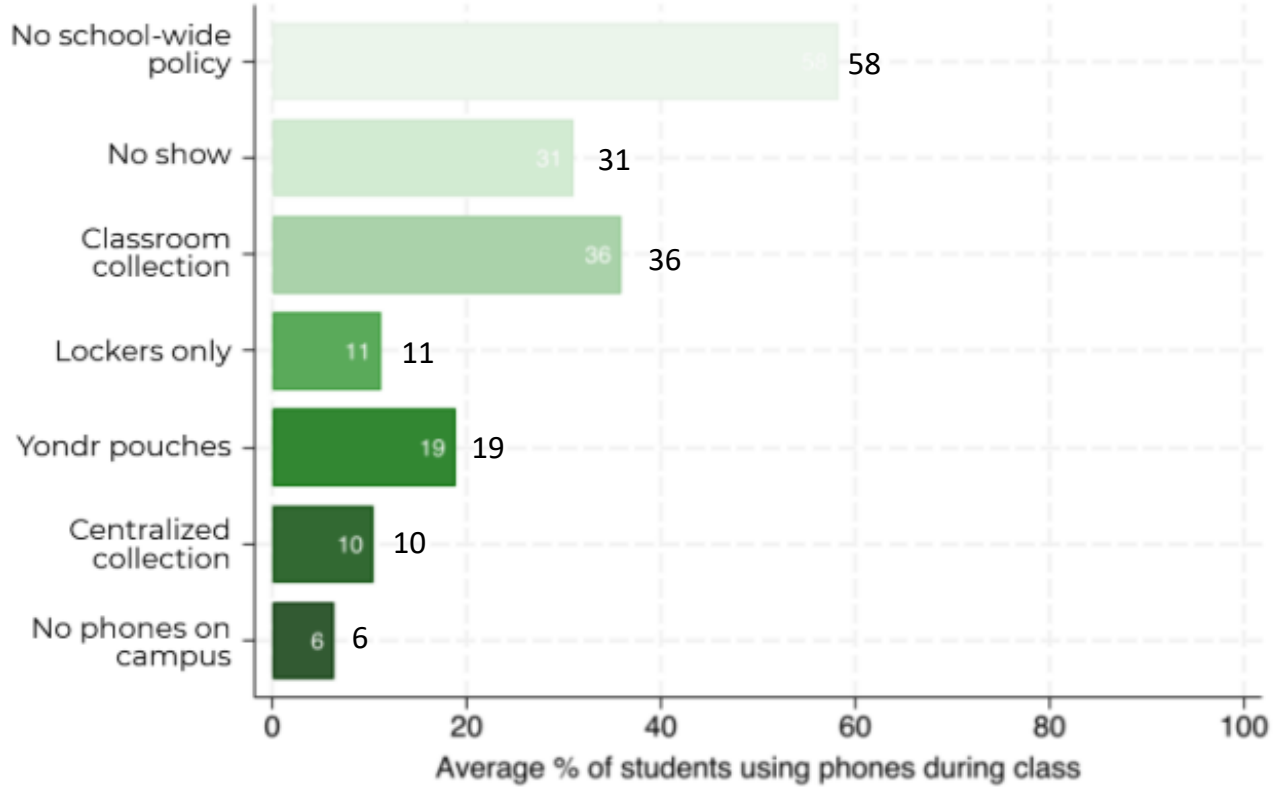




Data from: April 8, 2025 - July 2, 2026 (10,407 educator responses)

The stricter the policy, the less MD students are distracted in class



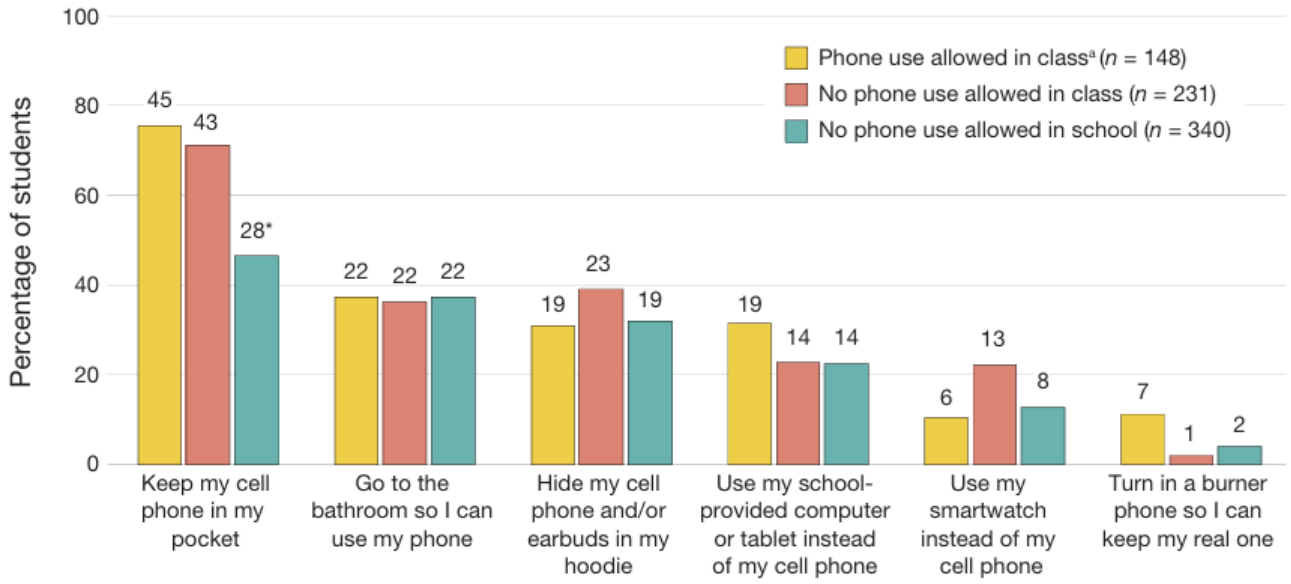


Data from: April 8, 2025 - July 2, 2026 (10,407 educator responses)

“How School Cell Phone Policy Strictness Shapes Student Phone Use” Findings from RAND Corp.’s American Youth Panel

FIGURE 9

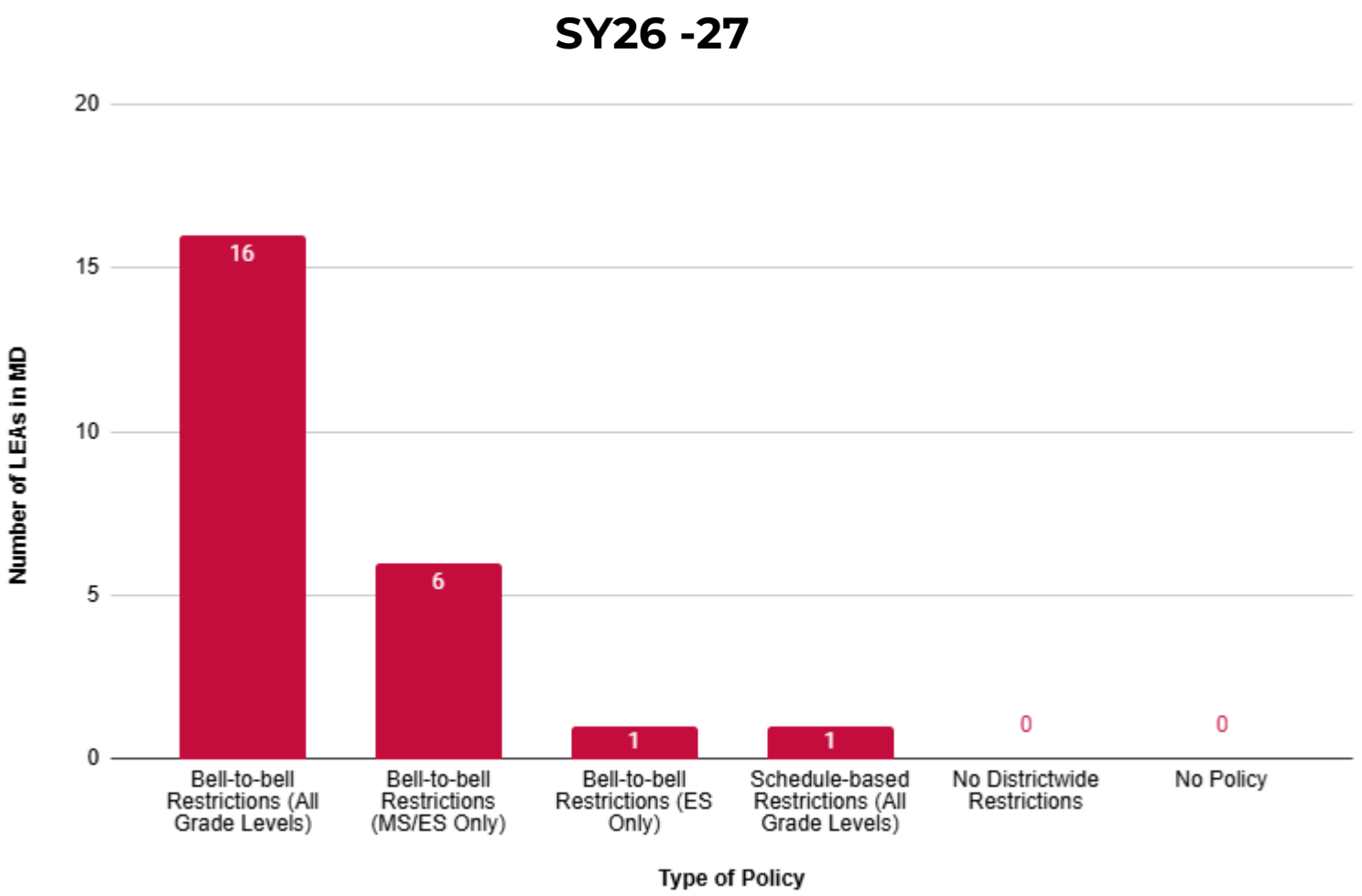
Percentage of Students Who Reported Getting Around Their School’s Cell Phone Policies Using Different Tactics, by School Cell Phone Policy



- Students reported that more-restrictive cell phone policies mitigate but do not fully eliminate their cell phone checking.
- Even in the most-restrictive policy environments, one-half of students reported checking their cell phones during their classes at least once during the school day and roughly one-sixth reported checking them more than five times per day.
- Students said more-restrictive policies have stricter enforcement.

https://www.rand.org/pubs/research_reports/RRA4742-2.html

Personal Electronic Device Policies in Maryland LEAs



- 6 LEAs' policies explicitly require off-person storage for all grades (includes backpacks)
- 3 LEAs' policies require off-person for specific grades
- 15 LEAs' policies allow for on-person storage, though some LEAs are piloting or implementing stricter models

Requirements of the Joanne C. Benson Maryland Phone-Free Schools Act

By the **2027–2028 school year**, local boards must implement aligned device policies. The definition includes students' personal cell phones, laptops, tablets, smart watches, earbuds, headphones, and geolocation devices.

Policies must include the following:

- **Exemptions:** IEP/504 requirements, documented health issues, language translation (if school devices are unavailable), and administrator-approved caregiving responsibilities.
- **Instructional Use:** Administrator approval required for personal devices if school-issued ones are unavailable.
- **Policy Development:** Engagement with parents, students, educators, and community members.
- **Communication:** Multilingual availability in handbooks, on websites, and at school events.
- **Discipline:** Tiered measures enforced by administrators; suspension or expulsion is prohibited solely for policy violations.

Reporting:

- **Submission:** Submit policies to MSDE by September 1, 2027, for public posting.
- **Data:** Annually from July 30, 2028, to 2033, report disaggregated disciplinary referrals and exemption data for MSDE publication.

Additional Areas Addressed by the Proposed Regulations

Supporting Consistent Local Implementation

- Clarifying ***"device storage"*** as ***inaccessible to the student,*** consistent with research on reducing distractions and overall efficacy.
- Defines ***caregiving responsibilities*** and standards for approving time-sensitive family care needs.
- Requires ***family communication protocols*** for parents to reach students during the day.
- Establishes parameters for ***instructional use*** when school-issued devices are unavailable.
- Integrates ***emergency communication plans*** into the School Emergency Plan.
- Requires local boards to ***review device policies every three years***, including student discipline data, to support equitable implementation.

Forthcoming MSDE guidance will provide implementation tools and insight, including sample caregiving plans, communication scenarios, and emergency communication plan component

Stakeholder Feedback

Who Was Consulted

Previewed draft regulations with a broad representation of state and local educational leadership:

- PSSAM, MABE, MSEA & LEA Legislative Representatives
- Education Advisory Council (EAC)
- LEA Digital Learning Coordinators
- Directors of Student Services
- Cell Phone Use in Schools Task Force
- MSDE's teacher, principal, parent & student advisory groups

Key Feedback Themes (What We Heard)

Managing Exemptions
Protecting principals' time and student privacy while ensuring all school staff remain fully informed.

Off-Person Storage & Liability Implications
LEA concerns have centered around the operational impact of standing up off-person storage solutions.

Communication Norms/Emergency Communications
Reestablishing predictable, healthy family-student-school communication channels/expectations & protocols for emergencies

Specialized Courses & Device Transitions
Guidance for specialized courses, dual enrollment, and workarounds as LEAs transition away from 1-1 devices.

De-Escalation & Instructional Time
De-escalation protocols and preventing unnecessary instructional loss when handling violations or refusal.

Education Policy Committee

Storage Policy Options

The committee discussed restricting both use and physical access compared to “off and away” policies, ultimately affirming that simple "no-show" rules do not meet regulatory standards.

Perspectives on Enforcement & Safety

Committee members discussed implementation challenges, with members favoring restrictive policies to improve safety, learning, and well-being. There was also discussion about balancing teacher workloads, parental communication concerns, and supporting day-to-day implementation.

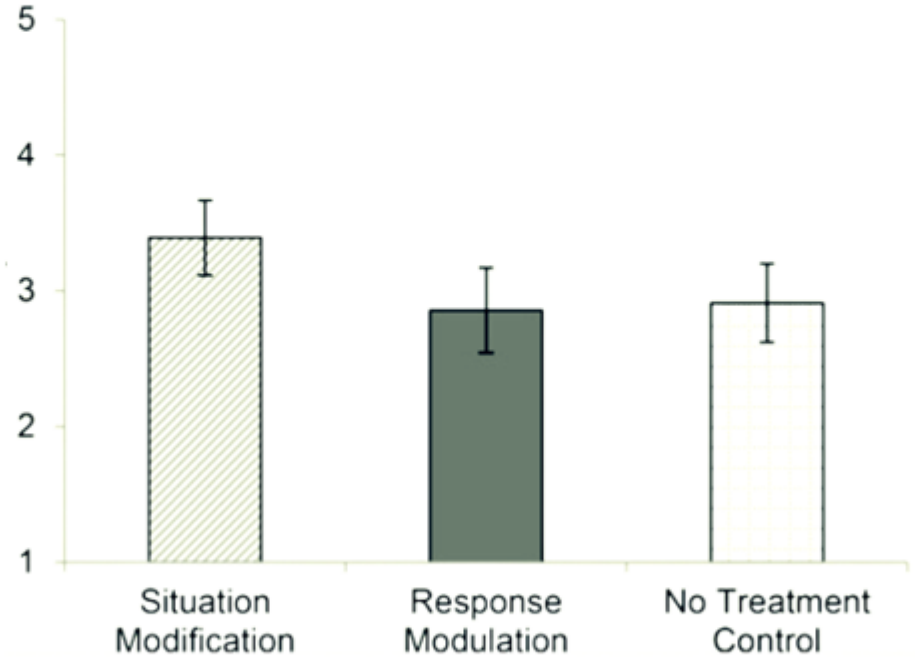
Scope of Future Guidance

The committee raised questions about unique scenarios like open lunch and off-campus activities, which will be addressed through forthcoming guidance rather than formal regulation changes.

Q&A

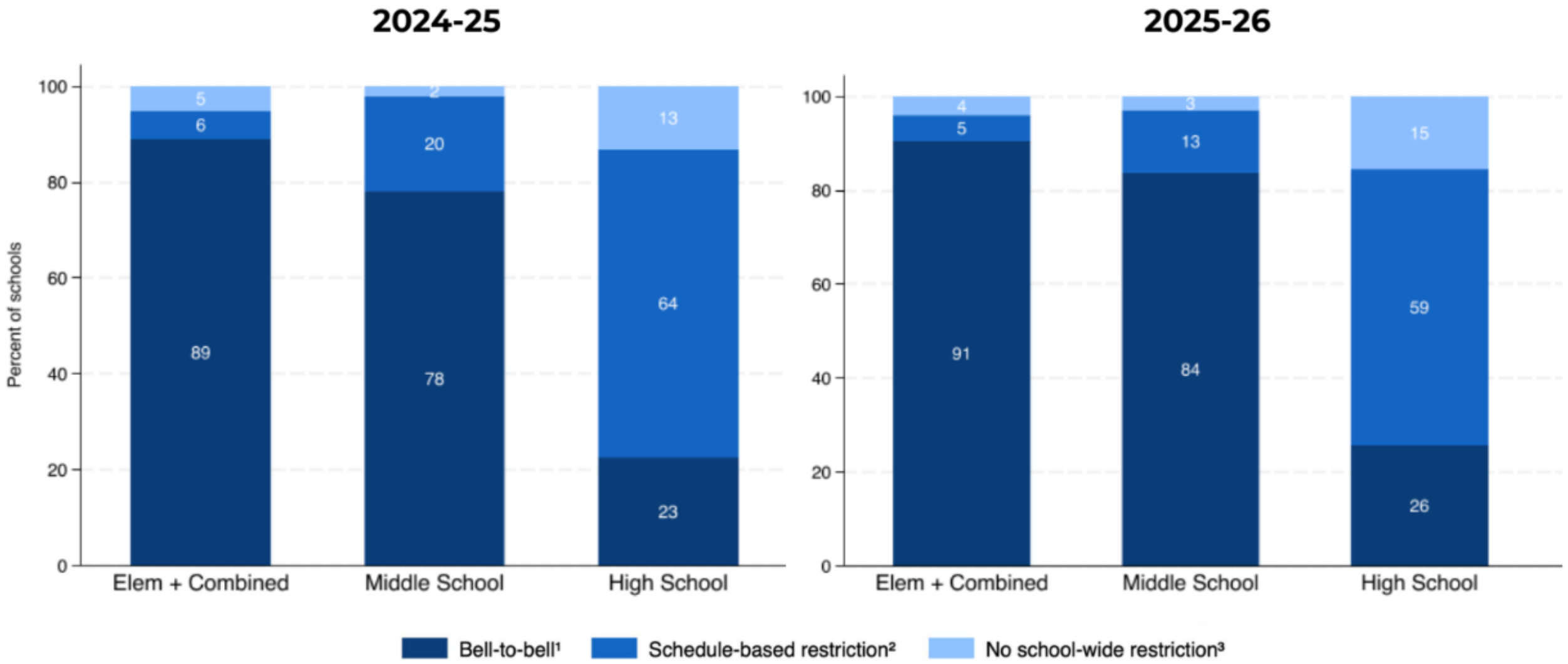
Appendix

Situation modification helps students achieve their academic goals



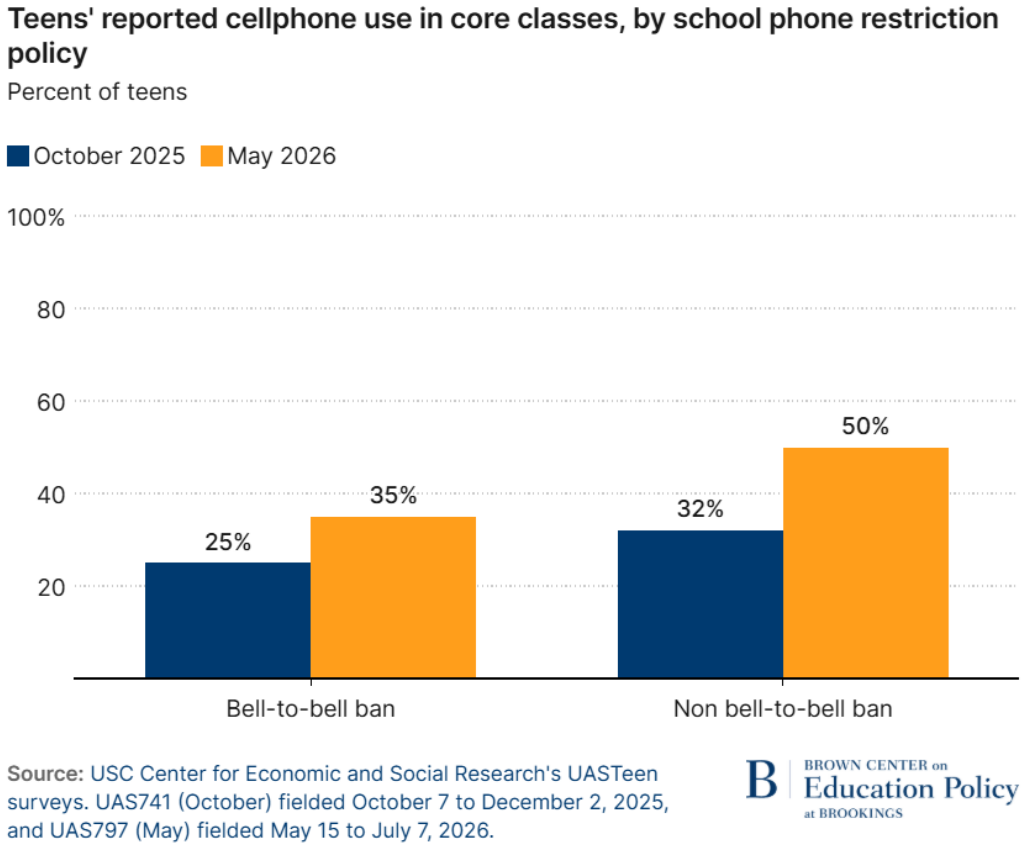
Duckworth, A. L., White, R. E., Matteucci, A. J., Shearer, A., & Gross, J. J. (2016). A stitch in time: Strategic self-control in high school and college students. *Journal of Educational Psychology*, 108(3), 329–341.

Bell-to-bell policies are more common in MD elementary/middle schools (than HS)



Data from: (i) April 8, 2025 - July 14, 2025 (7,905 educator responses) (ii) July 15, 2025 - July 2, 2026 (2,502 educator responses)

“A Year Later, What Teens Tell Us About School Cell Phone Bans” *Brookings Institution*



- Bell-to-bell policies may be more durable over time compared to less strict cell phone policies.
- Under bell-to-bell policies, there was a 10 percentage-point increase in the proportion of teens reporting using their phones during core classes (25% to 35% from October 2025 to May 2026). In schools with less-strict policies, there was an 18 percentage-point increase (from 32% to over 50%).

https://www.brookings.edu/articles/a-year-later-what-teens-tell-us-about-school-cellphone-bans/?_sp=c4b85acc-ebf4-4963-a88d-514b645dbff4.1789655878019