
TO: Members of the Education Policy Committee

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

DATE: September 10, 2026

SUBJECT: COMAR 13A.08.01.10-.10.01
General Regulations
Request for Adoption

Purpose

The purpose of this item is to request adoption of amendments to COMAR 13A.08.01 *General Regulations*, in particular 13A.08.01.10 *Guidelines for Students' Responsibilities and Rights* and 13A.08.01.10-01 *Student Expression*.

Background and Historical Perspective

Several recent cultural and political events have brought the issue of student expression into sharp focus. K-12 schools are tasked with both upholding students' First Amendment freedoms and providing an educational environment conducive to academic achievement and free from harassment. In certain circumstances, these key values may come into direct conflict. To ensure that all student rights are adequately protected, COMAR 13A.08.01.10-.10.01 *General Regulations* adds a requirement that each local education agency (LEA) adopt a policy on student expression.

Executive Summary

COMAR 13A.08.01.10-01 *Student Expression* is added to COMAR 13A.08.01.10 *Student Rights and Responsibilities* and requires each LEA to have a policy on student expression. The amended regulation outlines the elements that must be included in the policy on student expression to:

- Contain a statement on the rights of students to express themselves, consistent with federal and state law.
- Outline reasonable time, place, and manner restrictions on student expression.
- Limit profane, vulgar, lewd, obscene language, or language that has the intent to harass, threaten, or intimidate.

COMAR 13A.08.01.10-01 also requires that each LEA have procedures for filing and investigating complaints of student expression that are:

1. Profane, vulgar, lewd, or obscene, or
2. Intended to harass, threaten, or intimidate

Additionally, the policy must be made publicly available on the LEA's website and included in the student rights and responsibilities document required under regulation .10 of this chapter.

The Maryland State Department of Education (MSDE) brought COMAR 13A.08.01.10-.10.01 *General Regulations* to the State Board at the November 4, 2025, State Board meeting requesting permission to publish the amendment. The State Board voted unanimously to approve the request. COMAR 13A.08.01.10-10.01 was posted in the Maryland Register from February 6, 2026, to March 9, 2026. Comments were received and further amendments to the regulation previously were presented to the State Board.

Addition of COMAR 13A.08.01.10 E, which states:

E. The document shall include a statement regarding local board appeal procedures.

Addition of COMAR 13A.08.01.10-01 C, which states:

This policy may include prohibitions on activities of student expression that violate school discipline policies and regulations adopted under Regulation .11 of this chapter. (Note: Regulation 13A.08.01.11 is *Disciplinary Action*.)

Revision of the school year by which the LEAs must have a policy governing student expression
COMAR 13A.08.01.10-01 F.

Beginning in the 2027-2028 school year, each local board of education shall have a policy governing student expression.

The State Board voted to accept the amendments and to republish the revised regulation. The regulation was republished in the Maryland Register from July 24, 2026, to August 24, 2026. No comments were received. Given that the State Board voted to republish the revised regulation and that no comments were received, MSDE requests adoption of COMAR 13A.08.01.10-.10.01.

Action

MSDE requests adoption of COMAR 13A.08.01.10-.10.01 *General Regulations*

Attachments

COMAR 13A.08.01.10-.10.01 *General Regulations*

Title 13A

STATE BOARD OF EDUCATION

Subtitle 08 STUDENTS

Chapter 01 General Regulations

.10 Guidelines for Students' Responsibilities and Rights.

- A. Each local board of education shall have a document on students' responsibilities and rights.
- B. This document shall conform to guidelines established by the State Board of Education.
- C. The local document shall be disseminated periodically to all members of the school community, including students, teachers, administrators, and parents or guardians.
- D. There shall be broad involvement of representatives of the school community in the review of the document.

E. The document shall include a statement regarding local board appeal procedures.

.10-01 Student Expression

A. Each local board of education shall have a policy governing student expression.

B. This policy shall include:

- 1. A statement on the rights of a student to express themselves, consistent with federal and State law;***
- 2. Reasonable provisions for the time, place, and manner of expression by a student; and***
- 3. Limitations on language that may be defined as profane, vulgar, lewd, or obscene, or language that has the intent to harass, threaten, or intimidate;***

C. This policy may include prohibitions on activities of student expression that violate school discipline policies and regulations adopted under Regulation .11 of this chapter.

D. Each local board of education shall have procedures for filing and investigating complaints of student expression that are:

- 1. profane, vulgar, lewd, or obscene, or***
- 2. intended to harass, threaten, or intimidate.***

E. The policies in §§B-D of this regulation shall be made publicly available on the website of the local board of education and included in the document on students' responsibilities and rights required under regulation .10 of this chapter.

F. Beginning in the 2027-2028 school year, each local board of education shall have a policy governing student expression.