



October 9, 2026

Dr. Thomas W. Taylor
Superintendent of Schools
c/o Office of District Operations
Division of Appeals
Montgomery County Public Schools
850 Hungerford Drive, Room 200
Rockville, MD 20850

Sent Via Email: divisionofappeals@mcpsmd.org

Re: Appeal of Ian Chen and Pan Chen from the September 25, 2026, Response to Their Complaint Under Regulation KLA-RA

Dear Dr. Taylor:

Greetings from the Student Press Law Center. We write in support of the appeal filed by Ian Chen, a student journalist at Richard Montgomery High School, and his parent, Pan Chen. Since March, student journalists across Montgomery County have asked their district for one thing: to follow the law that protects their work. They have written open letters, testified before the Board of Education, and pursued every step the district's own complaint process requires. They did so with patience and professionalism through the spring, through the summer, and into a new school year.

They have earned a clear answer.

We welcome MCPS's decision to revisit its guidance. The September documents contain real progress, including the district's statement that "student journalists should control and publish editorial content." We write because the new framework undoes that promise in one critical respect, and because the fix is well within the district's reach.

Founded in 1974, the Student Press Law Center is a nonprofit legal-aid organization serving America's student media community nationwide with training, legal research and dispute resolution assistance. Our mission is to defend and advance the First Amendment and free speech rights of student journalists and their advisers. We have worked with student journalists, advisers, and



administrators under scholastic press freedom laws like Maryland's across the country. We do not represent the Chens as legal counsel, but this communication is a letter of support for them.

Section 7-121 of the Education Article of the Maryland Code provides our starting point. Ten years ago, the General Assembly made a deliberate choice: "a student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media." Md. Code Ann., Educ. § 7-121(c)(1). The statute then provides that "a county board may not exercise prior restraint of any school-sponsored media," except as content that is libelous or slanderous, constitutes an unwarranted invasion of privacy, violates federal or state law, or incites students to create a clear and present danger of an unlawful act, a violation of county board policy, or material and substantial disruption of the school. *Id.* § 7-121(d), (f). Even in those narrow cases, "[t]he administration of a public school shall have the burden of proving justification without undue delay before an action is taken." *Id.* § 7-121(g).

MCPS's own Regulation JFA-RA honors that choice. It places on principals "the burden of proving justification without undue delay before exercising prior restraint," and requires a meeting with the students and a written decision within two school days whenever a school-sponsored publication is rejected or halted. The structure of Maryland law and MCPS's regulation is simple: students publish. Where an administrator believes a particular piece falls within a narrow statutory exemption, the administrator must justify the restraint, promptly, and in writing.

The new [Student Print Publications Checklist](#) turns that structure upside down. It states that "Students, Advisers and Administrators Must All Review For" a list of concerns, sets "a responsive review timeline of 48 hours (weekends included)," and closes with a "Final Sign-Off" whose last box reads "The publication may proceed." The checklist also says that "the principal's role is safety and policy oversight, not editorial approval," and we take MCPS at its word about its intentions. Intentions, however, do not change what a document does. A box an administrator must check before any story may run is an approval requirement, and a "Student editors retain editorial control" box placed beside it cannot change that. A student editor whose story waits on an administrator's sign-off is not "determining" its content as § 7-121(c)(1) requires. A routine 48-hour hold on every story, whether or not anyone has identified a concern, is the kind of delay the statute forbids.

The harm here goes beyond procedure. Picture a student reporter working on a story about school safety, a disputed discipline decision, or a budget cut that closed a beloved program. She knows that before her story runs, it must be cleared by the very administrators whose decisions she is examining. Some students will press on. Many will soften a question, drop a source, or abandon the story altogether. No one ever has to say "no." The review requirement alone accomplishes the



silence, and the community loses reporting it never knew it was missing. Maryland's law was written exactly to prevent that loss.

Several of the new content standards also reach beyond the statute. "Materially harmful" content is not a category Maryland law allows schools to restrain. Content that "promotes... prejudice" sweeps more broadly than the statute's allowance for limits on language with "the intent to harass, threaten, or intimidate." *Id.* § 7-121(i)(2)(ii). "[M]aterial that incites substantial disruption" omits the statute's "clear and present danger" requirement, the safeguard that keeps the disruption standard workable. Because MCPS has not withdrawn the March 19 memorandum, its categories, including "embarrassing or private moments" and "ridicule of individuals or groups," may also remain in force. Much of the most important journalism a student newspaper produces is, to someone, embarrassing. Accountability reporting usually is.

Universal administrator review does not reduce the district's risk. It increases it, as I argued before the Board of Education on June 25. Maryland assigns editorial responsibility for school-sponsored media to student journalists. A rule requiring administrators to review and approve every story pulls them into editorial decisions the General Assembly placed in student hands. Every story an administrator approves becomes content the district has signed off on, and every story an administrator stops is a government act of censorship, exposing the district to lawsuits and liability from both directions. Student press freedom laws like § 7-121 exist in a growing number of states, some for decades. In our experience, the arrangement they establish works: students exercise editorial judgment, advisers teach professional standards, and administrators act on specific, documented concerns. JFA-RA's existing procedure already gives principals every tool Maryland law allows.

The remedy is straightforward. MCPS can (1) withdraw the March 19 memorandum as applied to school-sponsored student media, (2) remove the "Final Sign-Off" requirement, (3) align the checklist's content standards with the statute's language, and (4) confirm that JFA-RA governs any prior restraint. Doing so would preserve everything constructive in the September guidance and bring the district's framework into line with the law.

We would far prefer to see this matter resolved here, by the district, at the level closest to the students it affects. Maryland law provides further review before the Board of Education, the State Board of Education and, ultimately, the courts, and the record built in this appeal **will follow the matter wherever it goes**. The students have shown, at every step, that they intend to see this through. We hope it will not need to go further. The district can settle this question today with a few clear sentences, and doing so would show its students that their voices were heard.



MCPS is home to award-winning student journalism, and more than 160 student journalists and teachers from all 25 of its high schools have spoken up for it this year. We hope this letter is of some help. We are here for your administrators, advisers, and students, and we offer training on the law of scholastic journalism to any of these groups free of charge. We respectfully urge you to grant the relief the Chens request. If you have questions, please feel free to contact us. We would welcome and value the opportunity to discuss these issues further.

With Respect,

A handwritten signature in black ink, appearing to read "Jonathan Gaston-Falk". The signature is written in a cursive, flowing style with some bold strokes.

Jonathan Gaston-Falk
Senior Staff Attorney
Student Press Law Center

CC:

Ian Chen and Pan Chen, Appellants
Dr. Thomas W. Taylor, Superintendent of Schools
Dr. Peter Moran, Chief of Schools