



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: December 4, 2018

SUBJECT: COMAR 13A.04.05
Education That is Multicultural
REPEAL

COMAR 13A.01.06
Educational Equity (NEW)
PERMISSION TO PUBLISH

PURPOSE:

The purpose of this action is to request the repeal of COMAR 13A.04.05 *Education That is Multicultural* and request permission to publish new regulation COMAR 13A.01.06 *Educational Equity*, which replaces COMAR 13A.04.05.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, the Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

The State Board of Education granted permission to publish amendments to COMAR 13A.04.05, *Education That is Multicultural*, in October 2016. Based upon input from Board members and public

comment, the proposed amendments were withdrawn in February 2017. Using the Council of Chief State School Officers' (CCSSO) document, *Leading for Equity: Opportunities for State Education Chiefs*, the State Superintendent collaborated with the Network for Equity and Excellence in Education (NE3) to develop new regulations focused on educational equity. There was representation and involvement from each local school system. The State Board reviewed the new regulations on September 25, 2018 and suggested changes, including annual updates to the State Board. The State Superintendent met with NE3 to facilitate the revisions.

EXECUTIVE SUMMARY:

The new educational equity regulations establish equity as a priority for the Maryland State Department of Education and all local school systems. The regulation has been shared with the NE3 and revised to reflect input from the State Board at its September 25, 2018 meeting.

ACTION:

Request permission to repeal COMAR 13A.04.05 *Education that is Multicultural* and permission to publish COMAR 13A.01.06 *Educational Equity*.

Attachments:

COMAR 13A.01.06 *Educational Equity*

COMAR 13A.04.05 *Education that is Multicultural*

Maryland Equity Regulation Analysis and Recommendations by Reid Saaris, CEO, and Founder,
Equal Opportunity Schools

Title 13A STATE BOARD OF EDUCATION

Subtitle 01 STATE SCHOOL ADMINISTRATION

Chapter 06 Educational Equity

Authority: Education Article, §2-205(c) and (h), Annotated Code of Maryland

.01 Purpose

The purpose of this chapter is to establish as a matter of policy and priority that:

- A. Each Maryland public school will provide every student equitable access to the educational rigor, resources, and supports that are designed to maximize the student's academic success and social/emotional well-being.
- B. Each local school system's procedures and practices provide for educational equity and ensure that there are no obstacles to accessing educational opportunities for any student.
- C. Achievement improves for all Maryland students and achievement gaps are eliminated.

.02 Scope

This chapter applies to all local school systems, the Maryland State Department of Education, and public agencies that provide educational services to all children birth -12th grade, including licensed childcare facilities and programs.

.03 Definitions

- A. In this chapter the following terms have the meanings indicated:
- B. Terms Defined.
 - (1) "Educational equity" means that every student has access to the opportunities, resources and educational rigor they need throughout their educational career to maximize academic success and social emotional well-being and to view each student's individual characteristics as valuable. The characteristics of each individual student include but are not limited to ability (cognitive, social emotional and physical), ethnicity, family structure, gender identity and expression, language, race, religion, sexual orientation, and socio-economics.
 - (2) "Accountability measures" mean those Maryland accountability framework indicators in place to guarantee oversight of opportunities, resources, and educational rigor that will lead to achievement for all students.
 - (3) "Educational opportunities" mean all students have access to rigorous well-rounded academic programs and experiences that enrich their educational career.
 - (4) "Equity lens" means that for any program, practice, decision, or action, the impact on all students is addressed, with strategic focus on marginalized student groups.

.04 Requirements - Educational Equity in Maryland

The Maryland State Department of Education shall establish systems of structure and support for school systems, students, teachers, and other stakeholders that ensure equity and excellence.

Each local school system shall develop an equity policy and regulations, to be reviewed every three years, with the goal of providing educational equity to all students. The policy and regulations shall be designed to create and maintain environments that are equitable, safe, diverse, and inclusive. The policy and regulations shall:

- A. Be based on the goal of providing educational equity for all students.
- B. Direct the identification and utilization of resources to provide equitable access to educational opportunities and services, by among other steps, demonstrating the use of disaggregated student data to analyze trends and identify gaps and equitable solutions.
- C. Identify partnerships with the Maryland State Department of Education, local government agencies, and stakeholders, to support educational equity.
- D. Provide tailored and differentiated professional learning to build capacity for cultural responsiveness to address areas of inequity identified by the school system.
- E. Ensure equitable access to effective teachers for all students.
- F. Require that an equity lens be used in reviews of staff, including administrators, teacher and instructional leader candidates, curriculum, pedagogy, professional learning, instructional materials, and assessment design.
- G. Provide the access and opportunity for all students to successfully read on level by the end of grade 2.
- H. Direct that equity be addressed in the Local Every Student Succeeds Act (ESSA) Consolidated Strategic Plan.
- I. Identify the school system's process for analyzing data to develop goals, objectives, strategies, and timelines for the implementation of equitable and culturally competent practices in each school
- J. Identify the method of evaluation to measure the effect of equitable practices in the school system and schools.
- K. Designate an individual responsible for the facilitation, monitoring, and implementation of the system equity initiatives within the Local ESSA Consolidated Strategic Plan

.05 Monitoring and Reporting

- A. Each local school system shall:
 - (1) Address implementation of the equity policy through its Local ESSA Consolidated Strategic Plan.
 - (2) Beginning September 1, 2019, each local board of education shall include its equity initiatives as an integrated component of its Local ESSA Consolidated Strategic Plan.

- (3) Beginning September 1, 2020, and every three years thereafter, in its Local ESSA Consolidated Strategic Plan, each local board of education shall submit to the State Superintendent an analysis of the results of the accountability measures related to data collected on achieving equity goals and objectives.

B. The Maryland State Department of Education shall:

- (1) Conduct needs assessments for the Department and local school systems.
- (2) Convene the Network for Equity and Excellence in Education with representation from each local school system to review statewide progress and to develop implementation and peer review guidelines for this chapter.
- (3) Develop a guide for implementation of equity initiatives at the local level which includes sample components of high-quality equity policies, guidance around how to apply an equity-lens within priority K-12 focus areas, and strategies on how to measure and evaluate the application of an equity lens.
- (4) Review and assess progress of the Department and local school systems on implementing the requirements of this chapter.
- (5) Beginning December 1, 2020, and every three years thereafter, the State Superintendent shall report progress on the implementation of this chapter to the State Board.
- (6) Beginning in 2020 and annually thereafter, the State Board of Education and the Superintendent will recognize schools, school staff, and local school systems, that demonstrate the most significant advances in promoting equity and excellence.

Title 13A

STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

Chapter 05 Education That is Multicultural

Authority: Education Article, §2-205(c) and (h), Annotated Code of Maryland

[.01 Scope.

A. Assurance of success for all students in Maryland is dependent upon quality and equity in education, which empowers students to make decisions on important social and personal issues, and take action to help solve them. The intent of this chapter is to provide for local school systems' guidelines and goals for education that is multicultural, that will enable the school systems to provide curricula, instruction, staff development, and instructional resources that are multicultural while recognizing our common ground as a nation. These will enable students to demonstrate knowledge, understanding, and appreciation of cultural groups in the State, nation, and world.

B. Education that is multicultural is a continuous, integrated, multiethnic, multidisciplinary process for educating all students about diversity and commonality. Diversity factors include but are not limited to race, ethnicity, region, religion, gender, language, socioeconomic status, age, and individuals with disabilities. It encompasses curricular infusion and instructional strategies in all subject areas. Education that is multicultural prepares students to live, learn, interact, and work creatively in an interdependent global society by fostering mutual appreciation and respect. It is a process which is complemented by community and parent involvement in support of multicultural initiatives.

C. In studying other cultures, teachers may not imply that there are no universal values.

.02 Definitions.

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

B. Terms Defined.

- (1) "Bias" means a mental leaning or inclination, or partiality.
- (2) "Commonality" means a sharing of common features, characteristics, or traits, or all of these.
- (3) "Cultural groups" means groups that identify by the factors of race, ethnicity, region, religion, gender, language, socioeconomic status, age, or disability.
- (4) "Cultural linguistic patterns" means the patterns of language unique to each cultural group.
- (5) "Discrimination" means an act of exclusion prompted by prejudice.
- (6) "Diversity" means differences based on, but not limited to race, ethnicity, region, religion, gender, language, socioeconomic status, age, and disability.
- (7) "Ethnicity" means the classification or affiliation of any of the racial groups or national divisions of people.

(8) "Master plan" means the comprehensive plan required by Education Article, §5-401, Annotated Code of Maryland, that describes the goals, objectives, and strategies that will be used to improve student achievement and meet State performance standards and local performance standards in each segment of the student population.

(9) "Master plan annual update" means the annual plan update submitted by each local board for review and approval by the State Superintendent on or before October 15 of each year as required by Education Article, §5-401, Annotated Code of Maryland.

(10) "Pluralistic society" means the existence within a nation or a society of groups distinctive in ethnic origin, cultural patterns, religion, or the like.

(11) "Prejudice" means an implied, preconceived, and unreasonable judgment or opinion, usually an unfavorable one marked by suspicion, fear, intolerance, or hatred.

(12) "Racism" means unequal or discriminatory treatment of, or attitudes towards, individuals or groups based on race.

(13) "Sexism" means unequal or discriminatory treatment of, or attitudes towards, individuals or groups based on gender.

(14) "Stereotype" means the belief that all the individuals of a certain group will be the same and behave in the same way.

.03 Programs.

A. Public schools shall include as part of curricular and program offerings appropriate instruction for developing knowledge, understanding, and appreciation of cultural groups in society.

B. The State Department of Education shall provide:

(1) Staff development and other forms of technical assistance to help with implementation of this chapter;

(2) Criteria, for use by local school systems in evaluating and selecting instructional materials and assessments for schools, which ensure that proper recognition is given to cultural groups:

(3) An annotated resource guide that:

(a) Assists local school systems in developing effective instruction, curricula, and staff development programs, and

(b) Is a synthesis of multicultural education resources identified; and

(4) Cross-referenced matches of multicultural goals with Maryland School Performance Program outcomes and curricular frameworks for all disciplines.

C. A multicultural focus in all State activities shall include assessments, publications, and curricular frameworks in each subject area.

.04 Goals.

A. The guidelines in §§B—D of this regulation have been developed to assist local school system personnel in the design, management, implementation, and evaluation of education that is multicultural in the context of the 5-year master plan and master plan annual update cycles. The guidelines are divided into three areas of curriculum, instruction, and staff development, each of which includes a goal statement and objectives.

B. Curriculum.

(1) Goal. To provide Pre-K—12 curriculum, which enables students to demonstrate an understanding of and an appreciation for cultural groups in the United States as an integral part of education for a culturally pluralistic society. The curriculum shall enable students to apply these skills to fully participate in the democratic process of their community, State, nation, and world. The curriculum includes the following content:

- (a) Emphasis on correcting the omissions and misrepresentations of African Americans, Asian Americans, Latinos, Native Americans, women, and individuals with disabilities;
- (b) The history of cultural groups and their contributions in Maryland, in the United States, and in the world;
- (c) Historic events, situations, conflicts, and interpretations from diverse perspectives;
- (d) Political, social, and economic conditions which cultural groups have experienced and continue to experience in the United States; and
- (e) As appropriate, issues of racism, sexism, bias, and prejudice as these affect the behavior and experience of individuals and groups.

(2) Goal. To provide Pre-K—12 curriculum, which develops the valuing of cultural groups in the United States as an integral part of education for a culturally pluralistic society. The curriculum shall provide opportunity for students to demonstrate the following attitudes and actions:

- (a) Valuing one's heritage;
- (b) Valuing the uniqueness of cultures other than one's own;
- (c) Valuing the richness of cultural diversity and commonality;
- (d) Respecting diverse cultural groups throughout the world;
- (e) Awareness of and sensitivity to individual differences within various cultural groups; and
- (f) Eliminating stereotypes related to race, ethnicity, region, religion, gender, socioeconomic status, age, and individuals with disabilities.

C. Instruction.

(1) Goal. To provide Pre-K—12 instruction which will enable students to develop an understanding of and appreciation for cultural groups as an integral part of education for a culturally pluralistic society.

(2) The instructional program shall:

- (a) Promote a school climate that reflects the diversity of the community;
- (b) Promote a school climate in which different cultural linguistic patterns are respected;
- (c) Promote grouping of students to reflect cultural diversity;
- (d) Ensure that a student may not be denied access to equally rigorous academic instruction on the basis of cultural background;
- (e) Use instructional activities which recognize and appreciate students' cultural identities and learning styles;
- (f) Address racism, sexism, bias, discrimination, and prejudice;
- (g) Use organizations promoting cultural and ethnic understanding;
- (h) Use instructional activities that promote an understanding of and a respect for a variety of ways of communicating, both verbal and nonverbal;
- (i) Use instructional materials which reinforce the concept of the United States as a pluralistic society within a globally interdependent world while recognizing our common ground as a nation;
- (j) Incorporate multicultural instructional materials in all subject areas; and
- (k) Provide opportunities for students to analyze and evaluate social issues and propose solutions to contemporary social problems.

D. Staff Development.

(1) Goal. To include in staff development experiences that prepare school system personnel to design, manage, implement, and evaluate multicultural education.

(2) The experiences in §D(1) of this regulation include:

- (a) Activities which involve professional and support staff in exploring attitudes and feelings about their own cultural identity;
- (b) Activities to identify instructional strategies, techniques, and materials appropriate for education that is multicultural;
- (c) Training in assessing the prior knowledge, attitudes, abilities, and learning styles of students from varied backgrounds in order to develop multicultural instructional programs;
- (d) Training to recognize and correct stereotyping, discrimination, bias, and prejudice;
- (e) Training for fostering greater intergroup understanding;
- (f) Training to recognize and correct the omissions and misrepresentations of groups and individuals in curriculum and instruction;

(g) Training to recognize and correct inequitable participation in school activities by students and staff from different backgrounds; and

(h) Training to identify human resources for education that is multicultural.

.05 Criteria for Instructional Resources.

A. Goal. To provide instructional resources which assists students in demonstrating an understanding of and appreciation for cultural groups.

B. Selection of multicultural resources includes all of the following minimal criteria:

(1) Materials that avoid stereotyping, discrimination, bias, and prejudice;

(2) Materials that reflect the diverse experiences relating to cultural groups and individuals;

(3) Instructional materials in all content areas that represent society as multicultural; and

(4) Human resources to help students demonstrate an understanding of and respect for cultural diversity.

.06 Planning and Implementation.

A. Each local school system shall incorporate into the master plan and master plan annual updates information relating to the progress toward achieving the goals and guidelines set out in Regulations .03—.05 of this chapter.

B. The Department shall review each master plan or master plan update within established timelines to determine whether the plan or plan update complies with the requirements of Education Article, §5-401, Annotated Code of Maryland, the implementation guidelines issued by the Department, and the requirements of this chapter.

C. The State Superintendent shall report annually to the State Board the results of the reviews of the master plans and master plan updates.

.07 Tests and Assessments.

All tests and assessments administered by or through the Department shall include strategies and content that are multicultural in each subject area and reflect the student diversity and commonality factors described in Regulation .01B of this chapter.

.08 Monitoring and Reporting.

A. The State Superintendent of Schools shall designate staff to conduct monitoring to review, assess progress, and determine needs and deficiencies of the local boards of education in implementing the requirements of this chapter.

B. Beginning March 1, 2006 and every 3 years thereafter, the State Superintendent shall report the results of the Department monitoring to the State Board, to the Governor, and to the members of the General Assembly.]



To: Karen B. Salmon, Ph.D., Superintendent, Maryland Schools
From: Reid Saaris, CEO and Founder, Equal Opportunity Schools
Re: COMAR 13A.01.06, Educational Equity
Date: November 15, 2018

Maryland Equity Regulation Analysis and Recommendations

Equal Opportunity Schools commends the Maryland Department of Education (MSDE) and Board of Education for the necessary leadership in ensuring every student in Maryland receives an education that prepares them for lifelong learning, success in work and participation in their community. This memo offers our analysis of the regulation brought forth during the September 2018 board meeting. We hope this analysis adds to the fruitful and necessary work by MSDE leaders to ensure that districts make specific, measurable commitments to equity, and hold schools accountable.

In this memo, EOS praises MSDE for the positive steps it is taking to ensure all districts define equity and create local plans for addressing equity issues. This memo also highlights opportunities that could strengthen the regulation and increase the likelihood that districts will create high-quality equity policy.

As we continue to partner with MSDE and districts, we would be glad to provide additional resources, support or technical assistance requested by MSDE to ensure the successful adoption and roll out of this regulation.

Praise

Maryland's leadership is well ahead of many other states to define and execute on statewide equity priorities, and to more directly push and support districts to take steps toward addressing local equity issues.

- The regulation offers a strong, explicit statement of principle.
- The regulation includes definitions of *equity* and *equity lens* at the outset and clearly states that Maryland's goal is ensure *educational equity* for all students from birth to 12th grade.
- The regulation is inclusive and provides clear, succinct definitions to some important terms.
- There is real commitment in housing this regulation within the School Admin section as it brings attention to the issue of equity as a key focus that all district staff and school administrators need to be thinking about.

Overall, these regulations come from a great foundation and will push Maryland schools to improve outcomes for all students. Many Kudos to Dr. Salmon and her staff for these.

Considerations

Below are some considerations for MSDE's review. As we were not part of drafting this regulation, we acknowledge that the state may have already considered these recommendations.

#1. Strengthen MSDE’s role to set district requirements, provide ongoing support and technical assistance, and monitor and report district progress.

Last year MSDE made huge strides in setting and communicating an equity vision (e.g., cross-agency focus on equity, ESSA reporting, differentiating support to districts). At the September 2018 State Board meeting, Board members applauded MSDE’s leadership and requested that MSDE consider additional requirements for itself, and additional ways to offer high-quality support to districts. Here are a few suggestions related to that conversation.

Through regulation

Draft Regulation Language	Recommendations
<p><u>.04 Requirements</u> <i>The Maryland State Department of Education shall establish systems of structure and support for school systems, students, teachers, and other stakeholders that ensure equity and excellence.</i></p>	<p>While we appreciate the need to avoid too much specificity in drafting regulations, consider these additions to strengthen the demonstration of state’s commitment to equity:</p> <ul style="list-style-type: none"> ▪ Require that MSDE highlight and share with districts sample components of high-quality equity policies (e.g., stakeholder engagement procedures, school technical assistance offerings, professional development and personnel management strategies, reporting and accountability structures). ▪ Require that MSDE provide districts with guidance around how to apply an equity-lens within priority K12 focus areas (e.g., representative examples include teacher placement, educator effectiveness, curriculum adoption and access, major Kirwan recommendations)

Through guidance and support (not to be specified in regulation)

- **Develop an annual, state-level progress report highlighting implementation successes, challenges and outcomes achieved.** This could include special views of report card data that highlight progress and gaps (teacher access, course access, achievement gaps, funding gaps, etc.).
- **Design a rubric that guides districts through creating a high-quality equity policy including, but not limited to, stakeholder engagement procedures, school technical assistance offerings, professional development and personnel management strategies, and reporting and accountability structures.** EOS could be a thought partner on this.
- **Showcase outstanding outcomes and practices during the state’s annual equity conference** in order to promote those who are making great gains and to spread the good word.
- **Develop district-level communications toolkits designed to increase local stakeholder engagement and increase the district’s reach to diverse audiences** (e.g., greater public transparency, making reports accessible via multiple languages, wide distribution channels, accessibility from mobile devices, etc.).
- **If feasible, provide incentives for districts to develop high-quality policy and sets of regulations.** This could be additional resources for planning and implementation of key initiatives or special invites to state-sponsored equity workshops.

#2. Ensure districts prioritize the development and use of high-quality equity policy.

The below recommendations aim to help MSDE hold districts accountable for designing and implementing high-quality equity policies within the state and local accountability parameters that exist and with regard for Maryland’s state and local context. Based on our interpretation of the current policy and our review of the September Board meeting, we believe Maryland would benefit by adding to equity policy requirements that districts demonstrate the use of disaggregated data in directing resources to provide equitable access to educational opportunities and services.

Through regulation

Draft Regulation Language	Recommendations
<p><u>.04 Requirements</u> <i>A. Direct the use of resources to provide equitable access to educational opportunities and services.</i></p>	<ul style="list-style-type: none"> Be more directive about <i>how</i> districts must direct the use of resources; for example, local equity plans must include that districts “Direct the use of resources to provide equitable access to educational opportunities and services <u>by, among other steps, demonstrating the use of disaggregated student data to analyze trends, identify gaps and steer the district to equitable solutions.</u>
<p><u>.04 Requirements</u> <i>D. Require that an equity lens be used in reviews of teacher and instructional leader candidates, curriculum, pedagogy, professional learning, instructional materials, and assessment design.</i></p>	<ul style="list-style-type: none"> Consider <i>requiring</i> each school system to first define its approach and/or framework for applying an equity lens as a key component of their equity plan. Provide additional guidance on how districts can measure their ability to apply an equity lens. This could be a framework within the regulation or in the model policy covering areas that you’d like to see districts regularly focusing on (e.g., funding gaps by school poverty level & race, access to early childhood ed and advanced learning opportunities, discipline & absenteeism by race and program type, assignment to new teachers, teacher diversity)

Through guidance and support (not to be specified in regulation)

- Push LEAs to be more rigorous and inclusive in how they identify, prioritize and solve equity issues, such as by **explicitly encouraging public data sharing and analysis of disaggregated data**; and through meaningful and frequent engagement with a diverse set of stakeholders.
- Require more reporting at the local level of equity goals.** This could include requiring the district board to have at least one hearing on the equity policy each year and include certain stakeholders.
- Conduct district equity audits if district accountability measures indicate outcome gaps.** If followed up by technical assistance, this is accountability-lite. The state could put an uncomfortable spotlight on the district’s policies without pushing for school closings or funding consequences.
- Add the equity policy implementation to the state ESSA compliance,** not just including it in the district’s plan as an attachment. This would allow MSDE to withhold federal funds—in some circumstances—from districts not implementing meaningful equity strategies.
- Encourage district-to-district resource sharing and technical assistance.** The state should specifically focus on districts with the greatest opportunity gaps, using the equity conference.