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**TO:** Members of the State Board of Education

**FROM:** Karen B. Salmon, Ph.D. *KBS/CS*

**DATE:** February 28, 2017

**SUBJECT:** COMAR 13A.04.05  
*Education that is Multicultural*

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**PURPOSE:**

The purpose of this memo is to inform the State Board that COMAR 13A.04.05 *Education that is Multicultural* is being withdrawn for further action at this time.

**EXECUTIVE SUMMARY:**

COMAR 13A.04.05 was initially brought to the State Board on October 25, 2016 requesting permission to publish. The regulation was published in the Maryland Register (attached) and based on the comments received and discussion, I am removing this regulation, reconvening the committee for further review and study, and will bring the results back to the State Board upon completion.

**ACTION:**

Request permission to withdraw amendments to COMAR 13A.04.05 *Education that is Multicultural*.

Attachment

(3) For good cause shown, the Administration may issue additional dealer registration plates upon application of the dealer.

**.21 License Renewal—Staggered Basis.**

A. Each month during the calendar year, a proportionately uniform number of business licenses and salesmen licenses shall be renewed.

B. The Administration shall evaluate from time to time the monthly volume of renewals for the purpose of maintaining relatively uniform workloads. The monthly volume of renewals may be rescheduled by applying different expiration months.

C. Renewals shall be due on or before the last day of the month stated on the license. The license shall be considered suspended if the applicant has not met the requirements, or if the Administration is not in receipt of a properly completed renewal application at the close of business on the last day of the stated renewal month.

**.22 Dealer Fee—Electronic Transmission of Tinting and Registration Information.**

A. Dealers electronically transmitting tinting and registration information to the Administration as set forth by Transportation Article, §13-610, Annotated Code of Maryland, may charge the transferee of the vehicle a service fee in addition to any fees specified in Transportation Article, §15.311.1, Annotated Code of Maryland, and COMAR 11.11.05. This service fee may not exceed \$20.

B. Service fees charged under §A of this regulation are retained by the dealer and are not forwarded to the Administration.

**.23 Refund of Licensing Fees.**

A. If a dealer license issued under Regulation .01 of this chapter is voluntarily canceled before the:

(1) Beginning of the second full year, the Administration shall refund the fee paid for the second and third license years; or

(2) Beginning of the third full year, the Administration shall refund the fee paid for the third license year.

B. Requests for refunds shall be submitted in writing, on forms provided by the Administration, after the cancellation of the registration and before the first day of the second registration year.

CHRISTINE NIZER  
Administrator  
Motor Vehicle Administration

**Title 13A  
STATE BOARD OF  
EDUCATION**

**Subtitle 04 SPECIFIC SUBJECTS**

**13A.04.05 Education That Is Multicultural**

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

**Notice of Proposed Action**

[17-010-P]

The Maryland State Board of Education proposes to amend Regulations .01—.05, repeal Regulations .06 and .08, amend and recodify existing Regulation .07 to be Regulation .06, and adopt new Regulation .07 under COMAR 13A.04.05 **Education That Is Multicultural**. This action was considered by the State Board of Education at their meeting held on October 25, 2016.

**Statement of Purpose**

The purpose of this action is to provide updated definitions and aspirational goals for the Maryland State Department of Education and local school systems for the implementation of education that is multicultural “as a means to ensure the highest levels of academic achievement for all students.”

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has an impact on individuals with disabilities as follows:

Disability is included as a diversity factor in the regulations.

**Opportunity for Public Comment**

Comments may be sent to Susan Spinnato, Director of Instructional Programs, Division of Curriculum, Assessment and Accountability, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0349 (TTY 410-333-6442), or email to [susan.spinnato@maryland.gov](mailto:susan.spinnato@maryland.gov), or fax to 410-333-1146. Comments will be accepted through February 6, 2017. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on February 28, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

**.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.] *Education that is multicultural is a continuous, integrated, inclusive, transdisciplinary process that permeates all aspects of school practices, policies, and instruction as a means to ensure the highest levels of academic achievement for all students. Education that is multicultural prepares educators to live, teach, interact, and work productively in a culturally diverse school community by assessing cultural knowledge, adapting to changing demographics, and incorporating culturally responsive educational practice based on student needs. Education that is multicultural prepares students to live, learn, interact, and work creatively in an interdependent world community by valuing diversity and fostering mutual appreciation and respect. It is a process which is complemented by community and family engagement and support. Diversity factors include but are not limited to race, ethnicity, sex, age, color, national origin, language, religion, sexual orientation, gender identity, gender expression, socioeconomic status, and disability.*

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.] *Assurance of success for all students in Maryland is dependent upon quality and equity in educational practice which empowers school staff and students to recognize important social and personal educational issues, critically analyze and make informed decisions, and take constructive action to address them. The intent of this chapter is to provide definitions and goals for education that is multicultural that will enable local school systems to provide curricula, instruction, professional learning, and instructional resources that are culturally responsive and facilitate equitable student outcomes.*

[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) — (2) (text unchanged)

(3) "Cultural groups" means groups that identify by the factors of race, ethnicity, [region, religion, gender, language, socioeconomic status, age, or disability] sex, age, color, national origin, language, religion, sexual orientation, gender identity, gender expression, socioeconomic status, and disability.

(4) (text unchanged)

(5) "Cultural proficiency" means a process of professional and organizational development aimed at achieving excellence with equity in education that uses specific tools to assess culture, value diversity, manage the dynamics of difference, adapt to diversity, and institutionalize cultural knowledge.

(6) "Cultural responsiveness" means pedagogy that recognizes the importance of including culture in all aspects of learning through equitable and inclusive practices that ensure high expectations.

(7) "Culture" means a set of beliefs and practices that a person shares with a group.

[(5)] (8) (text unchanged)

[(6)] (9) "Diversity" means differences based on, but not limited to race, ethnicity, [region, religion, gender, language, socioeconomic status, age, and disability] sex, age, color, national origin, language, religion, sexual orientation, gender identity, gender expression, socioeconomic status, and disability.

[(7)] (10) (text unchanged)

[(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.]

(11) "Gender identity or expression" means the gender-related identity, appearance, expression, or behavior of a person regardless of the person's assigned sex at birth.

(12) "Heterosexism" means unequal or discriminatory treatment of or attitudes towards individuals or groups based on sexual orientation, with the assumption that all people are or should be heterosexual.

(13) "Multicultural" means relating to, or constituting several cultural or ethnic groups.

(14) "Multicultural education" means the approach used to effectively infuse diversity in the classroom fostering cultural pluralism and acknowledges the differences between race, culture, and ethnicity.

[(10)] (15) — [(12)] (17) (text unchanged)

[(13)] (18) "Sexism" means unequal or discriminatory treatment of, or attitudes towards, individuals or groups based on gender expectations, gender identity, and/or gender expression.

(19) "Sexual orientation" means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

[(14)] (20) (text unchanged)

(21) "Universal Design for Learning (UDL)" means a research-based framework for curriculum design that includes goals, methods, materials, and assessments to reduce barriers to learning by providing students multiple accessible support options for acquiring information and knowledge, demonstrating knowledge and skills in alternative forms of action and expression, and engaging in learning.

**.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.] *Public schools shall infuse education that is multicultural in all curricular and program offerings.*

B. [The State Department of Education shall provide:] *The State Department of Education shall collaborate with local school systems to develop:*

(1) [Staff development and other forms of technical assistance to help with implementation of this chapter;] *Professional learning and other forms of technical assistance to facilitate 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;] *Criteria for use by local school systems in evaluating and selecting culturally responsive instructional materials and assessments for schools which ensure that Maryland's, the nation's, and the world's cultural diversity is integrated into classroom instruction;*

(3) [An annotated resource guide that:] *Resources that assist local school systems in developing culturally responsive and responsible curricula, instruction, assessment, and professional learning; and*

[(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.] *Alignment of education that is multicultural goals with Maryland College and Career Readiness Standards 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.] *All State activities, including assessments, publications, and curricular frameworks in each content area, shall focus on achievement and cultural proficiency and align with the components of an education that is multicultural.*

**.04 Goals.**

A. The [guidelines] *goals set forth in §§B—D of this regulation [have been developed to assist] shall be used by 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.] *To provide PreK-12 culturally relevant and responsive curriculum aligned with Maryland College and Career Readiness Standards which enables students to explore and value the experiences, perspectives, and contributions of various cultures, groups, and individuals as an integral part of college and career readiness in a diverse and changing world. The curriculum shall enable students to apply this knowledge and 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;] *Emphasis on correcting omissions and misrepresentations of diverse cultures, groups, and individuals;*

(b) — (c) (text unchanged)

(d) Political, social, and economic conditions which *various* cultural groups have experienced and continue to experience [in the United States]; and

(e) [As appropriate, issues] *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:] *To provide PreK-12 curriculum which continuously affirms human diversity, demonstrates respect, and provides opportunities for teachers to practice and for students to attain cultural proficiency. The curriculum shall enable students to develop and teachers to model the following attitudes, skills, and behaviors:*

(a) [Valuing one's heritage;] *Celebrate and encourage differences within and among themselves;*

(b) [Valuing the uniqueness of cultures other than one's own;] *Value one's heritage;*

(c) [Valuing the richness of cultural diversity and commonality;] *Respect and value diversity as a resource that should be preserved and extended;*

(d) [Respecting diverse cultural groups throughout the world;] *Value the richness of cultural pluralism and commonality;*

(e) [Awareness of and sensitivity to individual differences within various cultural groups; and] *Develop inclusive relationships and work effectively in cross cultural environments; and*

(f) [Eliminating stereotypes related to race, ethnicity, region, religion, gender, socioeconomic status, age, and individuals with disabilities.] *Confront and eliminate stereotypes related to race, ethnicity, sex, age, color, national origin, language, religion, sexual orientation, gender identity, gender expression, socioeconomic status, and disability.*

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.] *To provide inclusive PreK-12 instruction which will enable teachers to model and students to develop cultural proficiency as an*

*integral part of education for college, career, and citizenship readiness in an interdependent world community.*

(2) The instructional program shall:

(a) Promote a school climate that [reflects the diversity of the community;] *is racially, culturally, and linguistically diverse;*

(b) Promote a school climate [in which different cultural linguistic patterns are respected;] *that is consciously and proactively inclusive;*

(c) [Promote grouping of students to reflect cultural diversity;] *Maintain high expectations for all students;*

(d) Ensure that a student may not be denied access to [equally] rigorous academic instruction on the basis of [cultural background;] *race, ethnicity, sex, age, color, national origin, language, religion, sexual orientation, gender identity, gender expression, socioeconomic status, and disability.*

(e) Use instructional activities [which recognize and appreciate] *that incorporates* students' cultural identities and learning styles;

(f) Address racism, sexism, *heterosexism, stereotyping, bias, discrimination, and prejudice;*

(g) [Use organizations promoting cultural and ethnic understanding;] *Infuse verbal and non-verbal cross-cultural communication skills;*

(h) [Use instructional activities that promote an understanding of and a respect for a variety of ways of communicating, both verbal and nonverbal;] *Embed culturally responsive instructional materials and resources in all content areas 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; and*

(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;] *Provide opportunities for students to analyze and evaluate social issues, challenge injustice, value diversity, support human rights, and take constructive action for positive change.*

(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.] *Professional Learning.*

(1) Goal. [To include in staff development experiences that prepare school system personnel] *To require sustained professional learning experiences that prepare all school system personnel to design, manage, implement, and evaluate [multicultural education.] education that is multicultural.*

(2) [The experiences in §D(1) of this regulation include:] *The professional learning experiences shall include:*

(a) Activities which involve [professional and support staff in exploring attitudes and feelings about their own cultural identity;] *all school system personnel in exploring their own cultural identities, attitudes, and values, and in raising their awareness to confront their own biases and behaviors;*

(b) Activities to [identify instructional strategies, techniques, and materials appropriate for] *implement practices, policies, and instruction that support [education that is multicultural;] and promote and environment that is culturally responsive;*

(c) Training in assessing the prior knowledge, attitudes, abilities, and learning styles of students [from varied backgrounds in order to develop multicultural instructional programs;] *in order to develop culturally responsive instructional programs aligned to the principles of Universal Design for Learning (UDL);*

(d) [Training] *Activities* to recognize and correct stereotyping, discrimination, bias, and prejudice;

(e) [Training for fostering greater intergroup understanding;] *Cross-cultural communication training and cultural proficiency training;*

(f) Training to recognize and correct the omissions and misrepresentations of *diverse cultures*, 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] *Analysis of academic and behavioral disaggregated data to identify areas of disproportionality underrepresentation, and educational inequities; and*

(h) Training [to identify human resources for education that is multicultural.] *on strategies to welcome, engage, and support the participation of a diverse community of school stakeholders.*

#### **.05 Criteria for Instructional Resources.**

A. Goal. To provide instructional resources which [assists students in demonstrating an understanding of and appreciation for cultural groups.] *enable students to attain cultural proficiency.*

B. Selection of [multicultural] *culturally responsive instructional materials and resources in all content areas* includes [all of] the following minimal criteria:

(1) Materials that [avoid stereotyping, discrimination, bias, and prejudice;] *teach about racism, sexism, heterosexism, bias, and prejudice in a culturally proficient manner;*

(2) Materials that reflect the diverse experiences relating to [cultural groups and individuals;] *cultures, groups, and individuals, acknowledge the contributions of diverse groups to Maryland and U.S. history, and honor diverse groups represented in the school community;*

(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.] *Materials that support the integration of personal, familiar, historical, and cultural contexts of society that is meaningful for a population of diverse students;*

(5) *Materials that portray positive role models from diverse communities; and*

(6) *Materials that reflect balanced images and information about diverse persons/groups that illustrate a wide array of broad choices and roles for all, and include representation within groups.*

#### **[.07] .06 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.] *thoughtfully selected content, response guidelines, and administration of strategies that are multicultural and culturally responsive in each subject area and reflect the student diversity and commonality factors described in Regulation .01B of this chapter.*

#### **.07 Reporting Requirements.**

A. *Each local school system shall annually report to the State Department of Education 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 update within established timelines to determine whether the plan or plan update complies with the implementation guidelines issued by the Department and the requirements of this chapter.*

KAREN B. SALMON, Ph.D.  
State Superintendent of Schools

## Title 21 STATE PROCUREMENT REGULATIONS

### Subtitle 02 STATE PROCUREMENT ORGANIZATION

#### **21.02.01 Board of Public Works**

Authority: [Article 41, §§4-104.1 and 4-104.2;] Education Article, §§14-204, 14-205, and 14-405; State Finance and Procurement Article, §§12-101, 12-107, 12-202, 12-203, 12-204, [and] 13-108, *and 15-112*; Annotated Code of Maryland; [Chapter 471, 1991 Laws of Maryland; Chapter 608, Acts of 1999] *Ch. 471, Acts of 1991; Ch. 608, Acts of 1999; Ch. 581, Acts of 2016*

#### **Notice of Proposed Action**

[17-005-P]

The Board of Public Works proposes to amend Regulations .04 and .05 under COMAR 21.02.01 **Board of Public Works**. This action was considered at a Board of Public Works Meeting held on November 16, 2016.

#### **Statement of Purpose**

The purpose of this action is to update the Code of Maryland Regulations for State Procurement (Title 21). Revisions include: Delegating to certain State agencies the approval and award of construction contract change orders in the amount of \$200,000 or less; requiring those agencies to report construction contract change orders in the amount of \$25,000 to \$200,000 on Procurement Agency Activity Reports (PAARs); and including information technology contracts in PAARs.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to Gabriel Gnall, Procurement Advisor, Board of Public Works, 80 Calvert Street, Annapolis, MD 21401, or call 410-260-7335, or email to [gabriel.gnall@maryland.gov](mailto:gabriel.gnall@maryland.gov), or fax to 410-974-5240. Comments will be accepted through February 6, 2017. A public hearing has not been scheduled.

#### **.04 Delegation of Procurement and Contracting Authority.**

A. (text unchanged)

B. The Department of General Services. The Board hereby delegates authority to the Secretary of General Services for the approval and award of the following procurement contracts within the Department's jurisdiction:

(1) Capital construction contracts *and change orders* in the amount of \$200,000 or less;

(2) Capital construction-related service contracts *and change orders* in the amount of \$200,000 or less;

(3) — (5) (text unchanged)