



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

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

**FROM:** Karen B. Salmon, Ph.D.

**DATE:** October 22, 2019

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

COMAR 13A.01.06  
*Educational Equity (NEW)*  
**ADOPTION**

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**PURPOSE:**

The purpose of this action is to request the repeal of COMAR 13A.04.05 *Education That is Multicultural* and the adoption of COMAR 13A.01.06 *Educational Equity*.

**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:**

In October 2016, the State Board of Education granted permission to publish amendments to COMAR 13A.04.05 *Education That is Multicultural*. Based upon input from Board members and public comment, the proposed amendments were withdrawn in February 2017.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 in the network. 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.

At the December 4, 2018, State Board meeting, the State Board granted permission to publish the request to repeal COMAR 13A.04.05 *Education that is Multicultural* and to adopt COMAR 13A.01.06 *Educational Equity*. The repealed and proposed COMAR regulations were published in the Maryland Register from March 29, 2019, to April 29, 2019. Seven comments were received. The MSDE supported many of the recommended revisions to COMAR 13A.01.06 received through public comment and incorporated the revisions into the regulation. At the June 25, 2019, State Board meeting, the State Board granted permission to publish the regulations as amended.

The repealed and proposed COMAR regulations were published in the Maryland Register from August 30, 2019 to September 30, 2019. Ninety-eight comments were received. A summary of comments and full letters are attached. Of the comments, 70 percent of the comments were in support of COMAR 13A.01.06 *Educational Equity*. After reviewing all comments to determine if any suggested changes are legally necessary or would improve the proposed regulation, the MSDE does not recommend further changes to the proposed regulation. Several questions and requests for clarification are answered in *A Guide to Educational Equity in Maryland* and will inform the ongoing development of supporting resource documents.

### **EXECUTIVE SUMMARY:**

The new educational equity regulation, COMAR 13A.01.06 *Educational Equity* establishes equity as a priority for the MSDE and all local school systems. The regulation ensures that "...for any program, practice, decision, or action, the impact on all students is addressed, with strategic focus on marginalized student groups."

### **ACTION:**

Request the repeal of COMAR 13A.04.05 *Education that is Multicultural* and the adoption of COMAR 13A.01.06 *Educational Equity*.

### **ATTACHMENTS:**

COMAR 13A.01.06 *Educational Equity*

Summary of Public Comments Regarding COMAR 13A.01.06 *Educational Equity*

Comments:

Delegate Dan Cox

Wellspring Christian Family Schools

LGBTQ Affairs Liaison, Office of the Mayor, Baltimore City

Family Heritage Matters

Free State Justice

PFLAG Columbia-Howard County

Montgomery County Public Schools

Washington County Public Schools

- (c) *The signature of inmate and personnel upon confiscation and return;*
- (d) *A semiannual inventory of property retained by the facility;*
- (e) *Replacement of damaged or lost items;*
- (f) *Recorded disposition of property abandoned by an inmate; and*
- (g) *Recorded modifications to an established listing.*

B. *The managing official shall ensure that the facility provides sufficient toilet, shower, and bathing accommodations to maintain basic health and personal hygiene.*

### 12.14.04 Minimum Standards for Adult Correctional Institutions

Authority: Correctional Services Article, §§4-214, 8-112, and 9-616, Annotated Code of Maryland

#### .04 Standards — Inmate Housing and Sanitation.

A. The managing official shall have a written policy and procedure:

- (1) — (2) (text unchanged)
  - (3) Governing facility housekeeping, which includes provisions for:
    - (a) (text unchanged)
    - (b) Quarterly vermin and pest control services; [and]
    - (c) (text unchanged)
    - (d) *A secure paper or plastic receptacle for daily disposal of soiled menstrual hygiene products; and*
    - (e) *Weekly removal of paper or plastic receptacles containing soiled menstrual hygiene products;*
  - [(4) Requiring that articles necessary to maintain proper personal hygiene are available to an inmate upon admission and routinely after that, and to an indigent inmate, and with the articles including:
    - (a) A toothbrush;
    - (b) Toothpaste or tooth powder;
    - (c) Toilet tissue;
    - (d) Soap;
    - (e) Shaving items; and
    - (f) Feminine hygiene articles;]
    - (4) *Governing the availability and distribution of personal hygiene articles, which includes provisions for:*
      - (a) *The issue of no-cost personal hygiene articles to an inmate at the time of admission to a facility,*
      - (b) *The issue of no-cost personal hygiene articles to an indigent inmate;*
      - (c) *The issue of no-cost menstrual hygiene products to a female inmate at the time of admission to a facility, on a routine basis, and upon request;*
      - (d) *Routine commissary access for the purchase of personal hygiene articles; and*
      - (e) *A record of inventory for menstrual hygiene products;*
  - (5) — (8) (text unchanged)
- B. (text unchanged)

### 12.14.05 Minimum Standards for Adult Community Correctional Facilities

Authority: Correctional Services Article, §§4-214, 8-112, and 9-616, Annotated Code of Maryland

#### .04 Standards — Inmate Housing and Sanitation.

A. The managing official shall have a written policy and procedure:

- (1) — (2) (text unchanged)

(3) Governing facility housekeeping, which includes provisions for:

- (a) (text unchanged)
  - (b) Quarterly vermin and pest control services; [and]
  - (c) (text unchanged)
  - (d) *A secure paper or plastic receptacle for daily disposal of soiled menstrual hygiene products; and*
  - (e) *Weekly removal of paper or plastic receptacles containing soiled menstrual hygiene products;*
  - [(4) Requiring that articles necessary to maintain proper personal hygiene are available to an inmate upon admission and routinely after that, and to an indigent inmate, and with the articles including:
    - (a) A toothbrush;
    - (b) Toothpaste or tooth powder;
    - (c) Toilet tissue;
    - (d) Soap;
    - (e) Shaving items; and
    - (f) Feminine hygiene articles;]
    - (4) *Governing the availability and distribution of personal hygiene articles, which includes provisions for:*
      - (a) *The issue of no-cost personal hygiene articles to an inmate at the time of admission to a facility;*
      - (b) *The issue of no-cost personal hygiene articles to an indigent inmate;*
      - (c) *The issue of no-cost menstrual hygiene products to a female inmate at the time of admission to a facility, on a routine basis, and upon request;*
      - (d) *Routine commissary access for the purchase of personal hygiene articles; and*
      - (e) *A record of inventory for menstrual hygiene products;*
  - (5) — (8) (text unchanged)
- B. (text unchanged)

ROBERT L. GREEN

Secretary of Public Safety and Correctional Services

## Title 13A STATE BOARD OF EDUCATION

### Notice of Proposed Action

[19-170-P]

The Maryland State Board of Education proposes to:

- (1) Adopt new Regulations .01—.05 under a new chapter, **COMAR 13A.01.06 Educational Equity**; and
- (2) Repeal Regulations .01—.08 under **COMAR 13A.04.05 Education That Is Multicultural**.

Also at this time, the Maryland State Board of Education is withdrawing the proposal to adopt new Regulations .01—.05 under new chapter **COMAR 13A.01.06 Educational Equity** and repeal Regulations .01—.08 under **COMAR 13A.04.05 Education That Is Multicultural** that was published in 46:7 Md. R. 373—374 (March 29, 2019).

This action was considered by the State Board of Education at their June 25, 2019, meeting.

### Statement of Purpose

The purpose of this action is to establish educational equity as a priority for the Maryland State Department of Education and all local school systems.

**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:

The proposed action requires that school systems provide educational equity for all students and maintain environments that are equitable, diverse, and inclusive.

**Opportunity for Public Comment**

Comments may be sent to Susan C. Spinnato, Director of Instructional Programs, Improvement and Professional Learning, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0349 (TTY 410-333-6442), or email to susan.spinnato@maryland.gov, or fax to . Comments will be accepted through September 30, 2019. 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 October 22, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

**Subtitle 01 STATE SCHOOL ADMINISTRATION**

**13A.01.06 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; and*

*C. Achievement will improve for all Maryland students and achievement gaps will be eliminated.*

**.02 Scope.**

*This chapter applies to all local school systems, the Maryland State Department of Education, and entities that provide educational services to children birth—age 21, including licensed childcare facilities and programs.*

**.03 Definitions.**

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

**B. Terms Defined.**

*(1) "Accountability measures" means those Maryland accountability framework indicators in place to guarantee oversight of opportunities, resources, and educational rigor that will lead to achievement for all students.*

*(2) "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.*

*(3) "Educational opportunities" means all students have access to rigorous, well-rounded academic programs and experiences that enrich their educational career and prepare them for academic and career success.*

*(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.*

*(5) "Individual characteristics" means the characteristics of each individual student, which include but are not limited to:*

- (a) Ability (cognitive, social/emotional, and physical);*
- (b) Ethnicity;*
- (c) Family structure;*
- (d) Gender identity and expression;*
- (e) Language;*
- (f) National origin;*
- (g) Nationality;*
- (h) Race;*
- (i) Religion;*
- (j) Sexual orientation; and*
- (k) Socio-economic status.*

**.04 Requirements—Educational Equity in Maryland.**

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

*B. Each local school system shall develop an educational equity policy and regulations, to be reviewed every 3 years, with the goal of providing educational equity to all students.*

**C. The policy and regulations shall:**

*(1) Be designed to create and maintain environments that are equitable, fair, safe, diverse, and inclusive;*

*(2) Be based on the goal of providing educational equity for all students;*

*(3) Direct the identification and utilization of resources to provide equitable access to educational opportunities and services, by among other steps, the use of disaggregated student data to analyze trends and identify gaps and equitable solutions;*

*(4) Identify partnerships with the Maryland State Department of Education, local government agencies, and stakeholders to support educational equity;*

*(5) Provide tailored and differentiated professional learning to build capacity for cultural responsiveness to address areas of inequity identified by the school system;*

*(6) Ensure equitable access to effective teachers for all students;*

*(7) Require that an equity lens be used in all staff recruiting, hiring, retention, and promotion processes;*

*(8) Require that an equity lens be used in reviews of staff, curriculum, pedagogy, professional learning, instructional materials, and assessment design;*

*(9) Provide the access and opportunity for all students to successfully read on level by the end of grade 2;*

*(10) Direct that equity be addressed in the Local Every Student Succeeds Act (ESSA) Consolidated Strategic Plan;*

*(11) 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;*

*(12) Identify the method of evaluation to measure the effect of equitable practices in the school system and schools; and*

(13) 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, include its equity initiatives as an integrated component of its Local ESSA Consolidated Strategic Plan; and

(3) Beginning September 1, 2020, and every 3 years thereafter, in its Local ESSA Consolidated Strategic Plan, submit to the State Superintendent an analysis of the results of the accountability measures related to data collected on achieving equity goals and objectives that will be published and made accessible to the public.

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 and other stakeholders 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 birth—age 21 focus areas as defined by the Department, and strategies on how to measure and evaluate the application of an equity lens; and

(4) Review and assess progress of the Department and local school systems on implementing the requirements of this chapter.

C. Beginning December 1, 2020, and every 3 years thereafter, the State Superintendent shall report progress on the implementation of this chapter to the State Board, publish the data, and make it easily accessible for public viewing.

D. 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.

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

**Subtitle 04 SPECIFIC SUBJECTS**

**13A.04.18 Program in Comprehensive Health Education**

Authority: Education Article, §§2-205(c) and (h), 4-111.2, 7-205.2, 7-401, 7-410, 7-411, 7-411.1, [and] 7-413, 7-439, and 7-445, Annotated Code of Maryland

**Notice of Proposed Action**

[19-169-P]

The Maryland State Board of Education proposes to repeal existing Regulations .01 and .02 and adopt new Regulations .01 and .02 under **COMAR 13A.04.18 Program in Comprehensive Health Education**. This action was considered by the State Board of Education at their June 25, 2019, meeting.

**Statement of Purpose**

The purpose of this action is to include new health education standards, incorporate mandated instruction, and update disease prevention language in Programs in Comprehensive Health Education, Grades Prekindergarten—12.

**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:

The amended regulations require family life and human sexuality instruction to represent all students regardless of ability.

**Opportunity for Public Comment**

Comments may be sent to Susan C. Spinnato, Director of Instructional Programs, Improvement and Professional Learning, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0349 (TTY 410-333-6442), or email to susan.spinnato@maryland.gov. Comments will be accepted through September 30, 2019. 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 October 22, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

**.01 Comprehensive Health Education Instructional Programs for Grades Prekindergarten—12.**

A. Each local school system shall:

(1) Provide in public schools an instructional program in comprehensive health education each year with sufficient frequency and duration to meet the requirements of the State Framework for all students in grades prekindergarten—8;

(2) Offer in public schools a comprehensive health education program in grades 9—12 which enables students to meet graduation requirements and to select health education electives; and

(3) Provide access to the curriculum for non-diploma-bound students.

B. Maryland Comprehensive Health Education Program.

(1) The comprehensive instructional program shall help students adopt and maintain healthy behaviors and skills that contribute directly to a student's ability to successfully practice behaviors that protect and promote health and avoid or reduce health risks.

(2) The instructional program shall provide for the diversity of student needs, abilities, and interests at the elementary, middle, and high school learning years, and shall include the Maryland Health Education Standards with related indicators and objectives as set forth in §C(1)—(8) of this regulation.

C. Comprehensive Health Education Standards.

(1) Students will comprehend concepts related to health promotion and disease prevention to enhance health, including:

- (a) Mental and emotional health;
- (b) Substance abuse prevention;
- (c) Family life and human sexuality;
- (d) Safety and violence prevention;
- (e) Healthy eating; and
- (f) Disease prevention and control.

(2) Students will analyze the influence of family, peers, culture, media, technology, and other factors on health behaviors.

(3) Students will demonstrate the ability to access valid information, products, and services to enhance health.

October 22, 2019: Public Comments Regarding COMAR 13A.01.06 Educational Equity

Name	Comment/Question
Abbey Cox	<p>As a Maryland parent, I am very concerned about the proposed implementation of the Educational Equity policy (COMAR 13A.01.06) in our education and childcare systems. I am urging the Board of Education to reject it.</p> <p>This new policy, while purporting to provide equal treatment for all students, appears to have the capacity to treat students and staff unequally, where some students' individual characteristics are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional view of family and sexuality from speaking about those beliefs on the school campus, for fear that such action would not be within the scope of the rule's 'equity lens.'</p> <p>I am concerned that this new rule's 'accountability measures' will inhibit educators from providing a quality education to children and will create an atmosphere of intimidation for staff and students alike.</p> <p>I would urge the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22. I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance. Thank you.</p> <p>As a Maryland parent and president of the Maryland Association of Christian Schools, I am very concerned about the proposed implementation of the Educational Equity policy (COMAR 13A.01.06) in our education and childcare systems. I am urging the Board of Education to reject it.</p> <p>This new policy, while purporting to provide equal treatment for all students, appears to have the capacity to treat students and staff unequally, where some students' individual characteristics are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional view of family and sexuality from speaking about those beliefs on the school campus, for fear that such action would not be within the scope of the rule's 'equity lens.'</p> <p>I am concerned that this new rule's 'accountability measures' will inhibit educators from providing a quality education to children and will create an atmosphere of intimidation for staff and students alike.</p> <p>I would urge the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22. I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance.</p>
Abby Brown	<p>As a Maryland parent, I am very concerned about the proposed implementation of the Educational Equity policy (COMAR 13A.01.06) in our education and childcare systems. I am urging the Board of Education to reject it.</p> <p>This new policy, while purporting to provide equal treatment for all students, appears to have the capacity to treat students and staff unequally, where some students' individual characteristics are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional</p>

Name	Comment/Question
	<p>view of family and sexuality from speaking about those beliefs on the school campus, for fear that such action would not be within the scope of the rule's 'equity lens.'</p> <p>I am concerned that this new rule's 'accountability measures' will inhibit educators from providing a quality education to children and will create an atmosphere of intimidation for staff and students alike.</p> <p>I would urge the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22. I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance.</p>
Adrien-Alice Hansel	<p>I also stand in strong support of the Educational Equality legislation. My own children live in a two-mom household; seeing their teachers use words like "parents" and "grown-ups", not assume everyone has two parents or that they are living with parents has opened my kids' eyes and helped them feel included. And a full equity requirement could transform the feel of schools in ways that create both belongingness and the innovation that is only possible when teachers and other educators know that their insights are taken seriously.</p> <p>As a parent, I am grateful for your and Maryland's leadership. As a citizen, I am grateful as well.</p> <p>Many thanks for listening to my thoughts.</p>
Anna Weissman	Good evening, am a Montgomery County resident and want to express my support for COMAR 13A.01.06.
Ben & Steven Skerritt-Davis	Please act in favor of regulations COMAR 13A.01.06 and 13A.04.18.
Bill Hauf	<p>As a Maryland parent, I am very concerned about the implementation of the Educational Equity Policy (COMAR 13A.01.06) in our education and child care systems. I am urging the Board of Education to reject it.</p> <p>This new policy, while purporting to provide equal treatment for all students, appears to have the capacity to treat students and staff unequally, where some students' individual characteristic are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional view of family and relationships from speaking about those beliefs on the school campus, for fear that such actions would not be within the scope of the rule's "equity lens".</p> <p>I would urge the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22, 2019.</p>
Brian A. Haugh	I urge you to support regulation numbers COMAR 13A.01.06 and 13A.04.18.
Carmela Powell	<p>As a Maryland parent, I am very concerned about the proposed implementation of the Educational Equity policy (COMAR 13A.01.06) in our education and childcare systems. I am urging the Board of Education to reject it.</p> <p>This new policy, while purporting to provide equal treatment for all students, appears to have the capacity to treat students and staff unequally, where some students' individual characteristics are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional</p>

Name	Comment/Question
	<p>view of family and sexuality from speaking about those beliefs on the school campus, for fear that such action would not be within the scope of the rule's 'equity lens.'</p> <p>I am concerned that this new rule's 'accountability measures' will inhibit educators from providing a quality education to children and will create an atmosphere of intimidation for staff and students alike.</p> <p>I would urge the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22. I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance. Thank you.</p>
Carol Brown	I would like to express my support for this regulation!
Carolyn Machnicki	<p>As a Maryland parent, I am very concerned about the proposed implementation of the Educational Equity policy (COMAR 13A.01.06) in our education and childcare systems. I am urging the Board of Education to reject it.</p> <p>This new policy, while purporting to provide equal treatment for all students, appears to have the capacity to treat students and staff unequal where some students' individual characteristics are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional view of family and sexuality from speaking about those beliefs on the school campus, for fear that such action would not be within the scope of the rule's 'equity lens.'</p> <p>I am concerned that this new rule's 'accountability measures' will inhibit educators from providing a quality education to children and will create an atmosphere of intimidation for staff and students alike. I would urge the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22. I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance.</p>
Name redacted to protect the privacy of the child	I am writing to encourage the adoption of COMAR 13A.04.18 and COMAR 13A.01.06. As the parent of an LGBTQIA+ child who struggles with acceptance in our school system in Charles County, these regulations would promote crucial opportunities for inclusivity and education that are desperately needed in our schools to promote the health, safety, and well being of all children.
Chris Collins	Please support these important initiatives to ensure science-based, LGBT inclusive education in Maryland.
Chris Tucker	<p>As a just retired public school teacher in Montgomery County, after 30 years in the classroom, I am writing to strongly urge you to change direction in your attempt to mold the minds of students and staff with politically correct indoctrination. This recent regulation is another attempt in a long line of decisions that I have seen and experienced where administrators and the education establishment have a mindset that they believe is best and everyone ought to have, but rather than present it as a choice and convince others that it is a value worth adhering to; which would involve healthy dialogue and reveal potentials errors in their thinking; rather they mandate their "correct" thinking through policy and punish those, as proposed in this regulation, who will not comply.</p> <p>The direction you are headed in is increasingly authoritarian and you ought to stop and consider the implications of what I am sure you do not see as "thought control" and manipulation.</p>

Name	Comment/Question
Corita Waters	<p>I am writing in support of COMAR 13A.04.18 and 13A.01.06.</p> <p>As an queer parent in PG county schools and as a mom who values equity, advocating and requiring inclusive language, curricula, and education is important for me and my family.</p> <p>Our kids need to see their stories and all kids need to have equitable places to thrive.</p>
Name redacted to protect the privacy of the child	<p>I am emailing to indicate my support for the proposed regulations of COMAR 13A.01.06 and COMAR 13A.04.18.</p> <p>A persons education is the bedrock of their future. Both of these proposed regulations strive to level the playing field so that no one feels left behind or misunderstood. Feelings such as those can be tremendously distracting and disheartening to anyone experiencing them. As a parent of a child that is LGBTQ+ and autistic, I spend many waking hours worrying about his time in school. I commend the state for trying to bring awareness of LGBTQ+ youth through the proposed health education regulations; so often bullying and hate comes from a place of misinformation, and I am hopeful that this will be a positive step forward in safeguarding their time in and out of school.</p> <p>I look forward to the adoption of the proposed regulations.</p>
Danielle Jones-Dent	<p>I am emailing to show support for <b>COMAR 13A.01.06 and 13A.04.18</b> This regulation would greatly impact families throughout our amazing country, the United States of America. Thank you in advance for working towards change on our behalf.</p>
Name redacted to protect the privacy of the child	<p>I am writing to express my FULL and sincere support for these two regulations' approval.</p> <p>As the parent of a non-binary child IN CHARLES COUNTY MARYLAND, comprehensive education to make them feel included and receive appropriate, relevant quality education and support is critical to their growth, development and health.</p>
David Rathert	<p>As a Maryland parent, I am very concerned about the proposed implementation of the Educational Equity policy (COMAR 13A.01.06) in our education and childcare systems. I am urging the Board of Education to reject it.</p> <p>This new policy, while purporting to provide equal treatment for all students, appears to have the capacity to treat students and staff unequally, where some students' individual characteristics are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional view of family and sexuality from speaking about those beliefs on the school campus, for fear that such action would not be within the scope of the rule's 'equity lens.'</p> <p>I am concerned that this new rule's 'accountability measures' will inhibit educators from providing a quality education to children and will create an atmosphere of intimidation for staff and students alike.</p> <p>I would urge the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board</p>

Name	Comment/Question
	meeting on October 22. I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance. Thank you.
Delegate Dan Cox, District 4 Frederick and Carroll Counties	See attached.
Diane Teichert, Board Member, Unitarian Universalist Legislative Ministry of Maryland	I write in support of proposed changes to state regulations requiring 1) that all health education and family life programs represent, and affirm the rights and needs of, all students and families, regardless of ability, sexual orientation, gender identity, and gender expression; and 2) requiring local school systems to develop educational equity policy and regulations, using an equity lens in reviews of staff, curriculum, pedagogy, materials, continuing professional education, and assessment design.
Dr. Kent Ramler, President of the Maryland Association of Christian Schools	<p>As a Maryland parent and president of the Maryland Association of Christian Schools, I am very concerned about the proposed implementation of the Educational Equity policy (COMAR 13A.01.06) in our education and childcare systems. I am urging the Board of Education to reject it.</p> <p>This new policy, while purporting to provide equal treatment for all students, appears to have the capacity to treat students and staff unequally, where some students' individual characteristics are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional view of family and sexuality from speaking about those beliefs on the school campus, for fear that such action would not be within the scope of the rule's 'equity lens.'</p> <p>I am concerned that this new rule's 'accountability measures' will inhibit educators from providing a quality education to children and will create an atmosphere of intimidation for staff and students alike.</p> <p>I would urge the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22. I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance.</p>
Edgar Burns	<p>"As a Maryland parent, I am very concerned about the proposed implementation of the Educational Equity policy (COMAR 13A.01.06) in our education and childcare systems. I am urging the Board of Education to reject it.</p> <p>This new policy, while purporting to provide equal treatment for all students, appears to have the capacity to treat students and staff unequally, where some students' individual characteristics are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional view of family and sexuality from speaking about those beliefs on the school campus, for fear that such action would not be within the scope of the rule's 'equity lens.'</p> <p>I am concerned that this new rule's 'accountability measures' will inhibit educators from providing a quality education to children and will create an atmosphere of intimidation for staff and students alike.</p> <p>I would urge the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board</p>

Name	Comment/Question
	meeting on October 22. I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance. Thank you."
Elizabeth Handy	I would like to voice my support for COMAR 13A.04.18 and COMAR 13A.01.06. Changing these regulations to be more inclusive of LGBT individuals and families is an important step for Maryland. I look forward to seeing policies in place that have my family in mind.
Ellen Weich (transcribed from a voicemail message)	Hi, Ms. Spinnato, my name is Ellen Weich, and I'm calling in regards to the Educational Equity proposed law, the COMAR 13A.01.06. I am just wanting to comment that I am requesting the Board of Education to reject that proposed law. I feel that as a parent, the staff members of the school or childcare services won't have any impact on good morals and values for the children. If we select a place that we would like our children to go because of good morals and values and standards, we have no way to control what the peers might do, the kids that are their own ages. It seems to me that if this would pass, any child can break a rule because of his own opinion or viewpoint, and there won't be any adult who will be able to stop that, so I just feel like that will be a worse environment. The kids would be able to bring in guns or anything in the school because they feel like they're a minority, and you wouldn't be able to stop them as a staff member because it would upset their social or emotional well-being. So I just really think that if you all would reject it, that would be in the children's and my children's best interest. Thank you so much for making it available that I can leave a message. Thank you. Bye.
Erica Clark	I would like to advise you that I, Erica Clark, support the COMAR13A.01.06 -Educational Equality (the replacement for the "Education that is Multicultural") regulation. I look forward to this regulation being implemented in our school system so "that every student has access to the opportunities, resources, and educational rigor they need throughout their educational career."  If you have any questions please do not hesitate to contact me.
Erin Nortrup	I'm writing to express my strongest support for COMAR 13A.01.06 and 13A.04.18. If passed, these measures will provide students with the medically accurate information that they need to make sound, informed choices about their health. It will also provide critical information to all young people about sexuality and gender identity. As the parent of a child who will attend Maryland public schools and as a clinical social worker, I support these measures 100%.
Ernest and Carol Brown	As a Maryland parent, I am very concerned about the proposed implementation of the Educational Equity policy (COMAR 13A.01.06) in our education and childcare systems. I am urging the Board of Education to reject it.  This new policy, while purporting to provide equal treatment for all students, appears to have the capacity to treat students and staff unequally, where some students' individual characteristics are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional view of family and sexuality from speaking about those beliefs on the school campus, for fear that such action would not be within the scope of the rule's 'equity lens.'  I am concerned that this new rule's 'accountability measures' will inhibit educators from providing a quality education to children and will create an atmosphere of intimidation for staff and students alike.

Name	Comment/Question
	<p>I would urge the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22. I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance. Thank you.</p>
<p>Frances Troy</p>	<p>As a parent of two elementary students who attend Montgomery County Public Schools I urge you to pass the revisions pending for the above regulations. These revisions not only send a message of inclusivity and equity to students, families, and all stakeholders, but create a educational system where all students and families are valued equally. The impact of being educated through a lens of equity, particularly when it comes to family structure, gender expression, and sexual orientation, cannot be underestimated. When students see their own families, and their identities, as part of the whole, they have a safe and secure foundation for thriving academically, emotionally, and socially.</p> <p>Thank you for your leadership and your time.</p>
<p>Gary L. Cox, Superintendent, Wellspring Christian Family Schools</p>	<p>See attached.</p>
<p>Gerrie Johnston, CEO, Men and Women for Representative Democracy in America (transcribed from a voicemail message)</p>	<p>This is Mrs. Johnston, good afternoon. I am founder and CEO of Men and Women for Representative Democracy in America. I just received an email pertaining to what the state school administration is putting out, and my email says that Maryland Board of Education to add citizenship status that prevents off-duty employees from supporting Trump. 287G. ICE allowing off-duty teachers and even janitors if they have shown support for Trump. 287G, ICE and the like. The state will create an equity czar. I respect the sender that sent that to me, and this needs to be looked into in a detailed manner because I oppose it. My number is 410-458-2684. Gerrie Johnston, founder and CEO of Men and Women for Representative Democracy in America, who have grandchildren and great-grandchildren in public schools.</p>
<p>Gus Baker</p>	<p>I would urge the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22. I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance.</p>
<p>Heather Burkholder</p>	<p>I am writing in support of COMAR 13A.04.18 and 13A.01.06. My family and pretty much everyone I know, is very much in support of these changes. It would only benefit our children and hopefully lead to less ignorance and bullying.</p>
<p>Inge Mansperger</p>	<p>I am writing to let you know that as a tax paying Maryland resident and a mother of three school aged students, I firmly do not want the revised version COMAR 13A.01.06 to be put in place.</p> <p>I don't believe schools need to have a sexual health education for Pre-K or elementary students.</p> <p>I am very concerned about agendas being forced upon Maryland students under the guise of inclusion.</p>
<p>Isabelle Melese-d'Hospital</p>	<p>Please support the education equity to allow ALL students to succeed. We also badly need the revised health education standards to be comprehensive and medically accurate. We want the children and adolescents in our communities to be respectful of families like mine, to be safe and feel good about who they are.</p>

Name	Comment/Question
	I look forward to Maryland moving forward to improve the lives of all our students.
Jabari M. Lyles LGBTQ Affairs Liaison Office of the Mayor, Baltimore City	See attached.
Jamie Shepard	Hello, I'm writing to support COMAR 13A.04.18 and 13A.01.06. These are vital for making sure education represents everyone.
Jean Liang	I support for these initiatives, COMAR 13A.04.18 and COMAR 13A.01.06. They are very important to the LGBTQ schoolchildren in MD.
Jen Skerritt	I'd like to share my support for these two regulations. They are critical for creating a more equal, just, and informed population in the future.
Jennifer Jimenez	<p>I am pleased to see the proposed regulations. In particular, both COMAR 13A.01.06 and COMAR 13A.04.18 are very important to our children's education.</p> <p>My hope is that the education integrity regulation will help to close achievement gaps in our state and, in particular, provide support to children--especially those in groups that have experienced discrimination--so that each child is able to reach their full academic potential.</p> <p>I look forward to the adoption of the proposed regulations.</p>
Jennifer Sartorelli	<p>I am contacting you to express my enthusiastic support of regulations COMAR 13A.04.18 and COMAR 13A.01.06.</p> <p>Maryland is a state that values inclusion, equity and diversity. These two regulations would align with these values.</p> <p>Currently, too many students in the LGBRQ+ community feel excluded, invisible or worse at school.</p> <p>LGBTQ+ inclusion and equity need to be demonstrated and modeled starting as young as Pre-K. These lessons serve cis hetero children as well by teaching them how to be good citizens of the world.</p> <p>I am very proud of the steps taken by the MSDE.</p>
Jennifer Sartorelli	<p>I am contacting you to express my enthusiastic support of regulations COMAR 13A.04.18 and COMAR 13A.01.06.</p> <p>Maryland is a state that values inclusion, equity and diversity. These two regulations would align with these values.</p> <p>Currently, too many students in the LGBRQ+ community feel excluded, invisible or worse at school.</p>

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	<p>LGBTQ+ inclusion and equity need to be demonstrated and modeled starting as young as Pre-K. These lessons serve cis hetero children as well by teaching them how to be good citizens of the world.</p> <p>I am very proud of the steps taken by the MSDE.</p>
Name redacted to protect the privacy of the child	<p>I am the parent of a 4th grade MCPS student (at Forest Knolls Elementary) who identifies as gender non-binary and an 11th grade student (at Einstein High School) who identifies as pansexual.</p> <p>I am writing to ask that MSDE adopt COMAR 13A.01.06 and COMAR 13A.04.18 regulations. These regulations are critical to my children's health and education.</p> <p>As a long time Maryland resident, I am aware of the challenges that LGBTQ youth face in Maryland schools. With a disproportionately higher rate of suicide among LGBTQ youth, this is a life or death matter. My kids need to learn about their sexual health and be validated in their gender identities in school.</p> <p>I would be happy to speak at a hearing or with anyone at MSDE who would like to hear more.</p>
Jeremy L. León	I also support the proposal to repeal 13A.01.06 and replace "education that is multicultural" with language would require local school systems to develop policies and regs that consider a broad range of family structures, non-binary sexes, all gender identities and expressions, and all sexual orientations and lack thereof.
Joanna Abrahams	I am a parent of two children in public school and I am writing in support of the revisions to MD COMAR 13A.01.06 and 13A.04.18. I believe these regulations are critical to the health and well being of all children in the MD education system.
Joe Ryan	I am writing you in support of the above reference regulation. It is important that sex education is inclusive and comprehensive.
Joel Fischer, Legislative Assistant, Family Heritage Matters	See attached.
Joelle Retener	<p>I am a resident of Southern MD and have lived in parts of Maryland for most of my life. I am now a parent of a school aged child who will be attending public school in the fall.</p> <p>I am writing to urge you to pass COMAR 13A.01.06. These new regulations would send an important message to all children in Maryland that their government values them regardless of their ability, gender identity, sexual orientation or gender expression. Learning LGBTQ inclusive, medically accurate sexual education is imperative to ensuring that all of our children are knowledgeable about their bodies, and safe sexual practices, and would lend itself to the public health of all residents of our state. It is not longer OK to simply expect LGBTQ children to learn these lessons on their own. It is no longer OK to alienate this demographic in the name of fear. Doing so would perpetuate the myth that members of the LGBTQ community are less than their heteronormative counterparts.</p>

Name	Comment/Question
	<p>Ms. Spinnato, I believe that the state of Maryland wants to prove to all Marylanders that it is an inclusive place to live and that our public schools, and what is being taught in our schools reflects that fact. The passage of COMAR 13A.01.06 will do just that. I thank you for your time and vote of support.</p>
John Thomas	<p>COMAR 13A.01.06 - Educational Equality (the replacement for the "Education that is Multicultural") regulation includes that every student has access to the opportunities, resources, and educational rigor they need throughout their educational career.....</p> <p>Thank you for supporting this important equality in education.</p>
Kathleen O'Neil	<p>I'm writing to voice my support of COMAR 13A.01.06 and 13A.04.18. Maryland students deserve to have comprehensive, LGBTQ-inclusive, medically accurate sex education and an education system that is inclusive regardless of their type of family.</p>
Name redacted to protect the privacy of the child	<p>Please consider passing these regulations, also known as Educational Equality and Program in Comprehensive Health Education. It matters for children like mine to have representation in the curriculum. It also matters for children who are cis-heteronormative, as they also need to know that there are gender and sexual minorities (and their families) who need to be both protected and respected.</p> <p>Thank you for your consideration in passing these regulations.</p>
Kelly Keck	<p>I'm writing to request that MSDE adopt the proposed changes to COMAR 13A.01.06 and COMAR 13A.04.18.</p>
Lauren Harton	<p>I'm writing to encourage you to support comar 13a.01.06 and 13a 04.18 which include new language regarding health education and access for students. My wife and I would like our elementary school children to grow up learning in their public school that all families are welcome and whomever you are and whomever you love are valued.</p> <p>Thank you for being an advocate for all of us.</p>
Laurie Barr	<p>Thank you for your public service representing the people of Maryland. As a US citizen residing outside of the US but with my child enrolled in a Maryland high school, I am very concerned about the proposed implementation of the Education Equity policy (COMAR 13A.01.06) in our education and childcare systems. I am urging the board of education to REJECT it. This new policy, while APPEARING to provide equal treatment for all students, ACTUALLY has the capacity to treat students and staff unequally where some staff and students' individual characteristics are favored over others. For example, the new policy appears to prevent students and staff whose beliefs teach a traditional view of family and sexuality from speaking about those beliefs on the school campus, for fear that expressing their views would not be within the scope of the 'equity lens.'</p>

Name	Comment/Question
	<p>Indoctrination is defined as “the process of teaching a person or group to accept a set of belief uncritically. “ It is important for individuals to be able to express their beliefs and to agree or disagree with expressed beliefs of others while still maintaining in attitude and actions a respect, value, and worth for the persons holding such beliefs. In other words, we can agree to disagree with one another respectfully.</p> <p>I am concerned that this new policy’s ‘accountability measures’ will inhibit educators from providing a quality education to children and create an atmosphere of intimidation for staff and students alike. I would urge the board of directors to REJECT COMAR 13A.01.06 in its present form at the upcoming board meeting on Oct. 22, 2019. I believe it is possible for GENUINE educational equity to be achieved without creating a system of intolerance. Thank you.</p>
Leslie Conwell	<p>I am pleased to see the proposed regulations. In particular, both COMAR 13A.01.06 and COMAR 13A.04.18 are very important to our children's education.</p> <p>I look forward to the adoption of the proposed regulations.</p>
Lindsay Mickey	<p>As an LGBTQ+ community member living in Frederick county I support these regulations. The LGBTQ+ community is here to stay and it's encouraging to see this acknowledged in the curriculum so that hopefully others will stop treating our reality as a choice.</p> <p>Education is the single most important investment we can make in our society. When more people are educated on a broader number of topics society as a whole wins.</p>
Linsey Malig-Mayhew	<p>I am emailing to express my support for COMAR 13A.01.06 and 13A.04.18. As a lesbian woman married to a woman, living in Silver Spring, MD, it is absolutely essential to have representation for my family in health education. My wife and I moved to the East Coast to be closer to family in Virginia, but quickly moved across the Potomac to Maryland for more progressive protection for our family. The values behind regulations like these are why we live, feel safe and accepted into our community here.</p>
Lisa Mosley	<p>As a Maryland parent, I am very concerned about the proposed implementation of the Educational Equity policy (COMAR 13A.01.06) in our education and childcare systems. I am writing to ask the Board of Education to please reject it.</p> <p>The policy, while claiming to provide equal treatment for all students, appears to have the ability to treat students and staff unequally, where some students' particular characteristics are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional view of family and sexuality from speaking about those beliefs on the school campus, for fear that such action would not be within the scope of the rule's 'equity lens.'</p> <p>I am concerned that this new rule's accountability measures' will inhibit educators from providing a quality education to all children and will create an atmosphere of intimidation for staff as well as students.</p>

Name	Comment/Question
	I want to ask the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22. I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance.
Jen Skerritt	I'd like to share my support for these two regulations. They are critical for creating a more equal, just, and informed population in the future.
Liz Skerritt	I support both COMAR 13A.01.06 and 13A.04.18.
Lucinda Grinnell	I am writing in support of COMAR 13A.04.18 and 13A.01.06.
Lugarda Parra-Bencomo	I am writing in support of COMAR 13A.01.06 Although I live in DC, if passed our proximity affects my family in a positive way.
Manfred Smith, Founder and President Maryland Home Education Association; Principal Director, The Learning Community International Columbia, MD	<p>The wide reach of this proposed regulation requires clear public comment by private educational entities such as ours. §13A.01.06.02 Scope, states: "This chapter applies to ...entities that provide educational services to children birth—age 21, including licensed childcare facilities and programs."</p> <p>The purported grounds for this regulation is to 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. Not only does the regulation leave these terms undefined and without evidence of actual grievance or the nature of correction. the regulation can—and based on my fifty-one years as educational entrepreneur and public school teacher—<i>will</i> become a tool to mandate systematic exposure to children of all ages about the sexual beliefs and behavior of certain strategically focused student groups.</p> <p>Using educational entities to promote equity for every form of sexual identity or behavior constitutes an intent to indoctrinate all students regarding particular sexual identities. Considering the steady uptick in predatory behavior reported by the media over the past decade, the public school and "entities that provide educational services to children birth—age 21" may very well contribute to an escalation of predatory behavior by manipulating children, especially young children, to accept whatever number and forms of "sexual identity" the latest political fad promotes.</p> <p>If the purported regulatory change is designed to maximize a student's "social/emotional well-being", I submit that this regulation opens yet another Pandora Box full of unintended consequences increasing the dangers to children and reduce their "social/emotional well-being".</p> <p>I began my teaching career in 1970 and have been witness over decades to never-ending meddling with the primary purpose of school: providing an education so that a child can become a successful, independent and contributing adult.</p>

Name	Comment/Question
	I strongly suggest this regulation be tabled. Perhaps wait and see how children in public school systems in states such as California fare with their “sexual identity” social engineering programs before jumping on that bandwagon.
Marion Mollegen McFadden	As a parent of two MCPS students I write in support of <b>COMAR 13A.01.06</b> . Thank you!
Mark A. Procopio, Executive Director, Free State Justice	See attached.
Mark Mosley	<p>As a Maryland parent, I am very concerned about the proposed implementation of the “Educational Equity policy (COMAR 13A.01.06) in our education and childcare systems. I am urging the Board of Education to reject it.</p> <p>This new policy, while purporting to provide equal treatment for all students, appears to treat students and staff unequally, where some students’ individual characteristics are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional view of family and sexuality from speaking about those beliefs on the school campus, for fear that such action would not be within the scope of the rule’s “equity lens.”</p> <p>I am concerned that this new rule’s “accountability measures” will inhibit educators from providing a quality education to children and will create an atmosphere of intimidation for staff and students alike.</p> <p>I would urge the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22. I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance.</p>
Max Crownover, President /Steering Committee Chair, PFLAG Columbia-Howard County	See attached.
Meredith Kirchner	I wholeheartedly support comprehensive LGBTQ-inclusive, medically accurate sex education and Educational Equality in Maryland. Please pass COMAR 13A.01.06 and COMAR 13A.04.18.
Merideth Taylor	I'm writing to support the efforts to strengthen regulations to make our schools more equitable for all students. I ask that MSDE adopt new proposed regulations. The new regulations are critical to our children's health and education. I support the Kirwin report recommendations and Strong Schools Maryland.
Michele Silver-Aylaian	I am writing in support of the revisions to COMAR 13A.01.06 and 13A.04.18 . These changes are important in supporting all the youth who attend our schools. Please help enact these changes so no child feels excluded because of their sexual orientation or gender identity.
Miles Oliva	I am a Baltimore resident, and I am writing to voice my support for the repeal of COMAR 13A.01.06 and COMAR 13A.04.18 and their replacement with revised versions that better support students, specifically LGBTQ students.

Name	Comment/Question
Monica Martin	I am writing in support of the Maryland State Board of Education (MSBE)'s granting permission to repeal existing regulations and replace them with revised versions. Particularly, COMAR 13A.01.06 - Educational Equality regulation that includes that every student has access to the opportunities, resources, and educational rigor they need throughout their educational career, no matter what their family structure, gender identity/expression and sexual orientation are. I am in support of the proposed regulation requiring local school systems to develop educational equity policy and regulations, and requiring an equity lens to be used in reviews of staff, curriculum, pedagogy, professional learning, instructional materials, and assessment design. Thank you for your attention to this matter and your consideration.
Montgomery County Public Schools	See attached.
Nicole P. Field	I urge you to support regulation numbers COMAR 13A.01.06 and 13A.04.18.
Norm Vance	I support COMAR 13A.01.06 and 13A.04.18.
Paul Guest	As a Maryland Parent, I am very concerned about the proposed implementation of the Educational Equity policy, COMAR 13A.01.06, in our education system. I am urging the Board of Education to reject it.
Paula Jackson	I was disturbed by recent letter. Although children shouldn't be ignored in matters that are harmful. We had to be careful in handing them full rein.....they are still children and lacking discernment. I would urge the Board of Education to reject COMAR 13A.01.06
Name redacted to protect the privacy of the child	I would like to register my support for COMAR 13A.04.18 and 13A.01.06. As the parent of three Maryland public school students, one of whom is transgender, an inclusive curriculum is vitally important for our family.
Richard and Diane Jackson	<p>My husband and I are Maryland parents. We are quite concerned about the proposed implementation of the Educational Equity Policy (COMAR 13A.01.06) in our public school system and childcare facilities. We are urging the Maryland Board of Education to reject it. It seems like this new policy would treat the kids and staff unequally. Like for example, it would prevent the kids with certain religious beliefs from speaking about those beliefs on school grounds, for fear that this would not be within the scope of the rule's 'equity lens.'</p> <p>Also, we feel this new rule will stop the teachers from giving a good education to the kids, and would intimidate the other teachers and kids.</p> <p>We would ask the Board of Education to reject COMAR13A.01.06 in its current form at the October 22nd board meeting. We say it's possible to achieve genuine educational equity without making a system of intolerance.</p>
Rosa Perez	Please support COMAR 13A.01.06 and 13A.04.18
Sara Benson	My name is Sara Benson and I live in Takoma Park. My son is a second grader at Takoma Park Elementary School. I am writing in support of COMAR 13A.01.06 and 13A.04.18. I think it is imperative for comprehensive health education, as well as educational equity. As a Maryland Resident, Tax Payer, and Parent, I feel that these two regulations are a necessity for all Maryland Students.
Sara Foster	"As a Maryland parent, I am very concerned about the proposed implementation of the Educational Equity policy (COMAR 13A.01.06) in our education and childcare systems. <b>I am urging the Board of Education to reject it.</b>

Name	Comment/Question
	<p>This new policy, while purporting to provide equal treatment for all students, appears to have the capacity to treat students and staff unequal where some students' individual characteristics are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional view of family and sexuality from speaking about those beliefs on the school campus, for fear that such action would not be within the scope of the rule's 'equity lens.'</p> <p>I am concerned that this new rule's 'accountability measures' will inhibit educators from providing a quality education to children and will create an atmosphere of intimidation for staff and students alike.</p> <p><u>I would urge the Board of Education to <b>reject</b> COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22.</u> I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance. Thank you.</p>
Name redacted to protect the privacy of the child	<p>My name is and I have two children who attend North Bethesda Middle School in Montgomery County. Three years ago one of my kids came out as transgender and later nonbinary. Since that time our family has been transitioning and learning a great deal about the LGBTQ community and the burdens and discrimination they face. Unfortunately, my child is part of the bullying statistic. It is time for Maryland schools to recognize LGBTQ students and staff and normalize their existence.</p> <p>I am in favor of adopting <b>COMAR 13A.01.06 - Educational Equity</b>. It is imperative that students learn that not all families are comprised of a married heterosexual couple. Families are formed in many, many ways and all children should see every family structure as valid and accepted. It is also essential that LGBTQ kids have windows and mirrors in the classroom. Not only does my non' binary kid not feel represented in the classroom, their twin sister experiences it as well because her sibling is left out of all aspects of the Maryland curriculum. If LGBTQ people are not represented in the curriculum it sends a clear message to all students that these people do not exist. They do exist. They deserve to be seen and heard. Their lives depend on having this representation. Can you imagine a curriculum that excludes any mention of people of color?</p> <p>It is essential that all schools in Maryland develop equity policies and regulations which will create and maintain environments that are equitable, fair, safe, diverse and inclusive. If this language and action is not adopted, my nonbinary child will be left out of the equation. They are left out now. Teachers and staff need to feel safe in coming out and living as their real selves. Teachers and staff need professional development to help them implement these changes and to support their LGBTQ students.</p> <p>Please adopt this regulation and help all of our kids feel included and counted at school. Thank you for your consideration.</p>

Name	Comment/Question
Name redacted to protect the privacy of the child	<p>As the mother of a child that questions their gender assigned at birth I urge the MSDE to adopt regulations COMAR 13A.01.06 &amp; COMAR 13A.04.18. My child is currently in Kindergarten in Howard County public schools and I want them to experience an inclusive environment that supports gender non-conforming kids.</p> <p>Please adopt regulations COMAR 13A.01.06 &amp; COMAR 13A.04.18.</p>
Sean Mansperger	I support the new COMAR 13A.01.06 - Educational Equality regulation
Sidney Terns	<p>As a Maryland parent, I am very concerned about the proposed implementation of the Educational Equity policy (COMAR 13A.01.06) in our education and childcare systems. I am urging the Board of Education to reject it.</p> <p>This new policy, while purporting to provide equal treatment for all students, appears to have the capacity to treat students and staff unequally, where some students' individual characteristics are favored over others. For example, the new policy would appear to prevent students and staff whose religious beliefs teach a traditional view of family and sexuality from speaking about those beliefs on the school campus, for fear that such action would not be within the scope of the rule's 'equity lens.'</p> <p>I am concerned that this new rule's 'accountability measures' will inhibit educators from providing a quality education to children and will create an atmosphere of intimidation for staff and students alike.</p> <p>I would urge the Board of Education to reject COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22. I believe it is possible for genuine educational equity to be achieved without creating a system of intolerance. Thank you.</p>
Name redacted to protect the privacy of the child	<p>I am a former classroom teacher, an education researcher, and the proud parent of a 5<sup>th</sup> grader in Baltimore City Public Schools --- an imaginative, funny, straight-A student who happens to be transgender. I am writing to you today in support of proposed revisions to COMAR 13A.01.06, Educational Equity and COMAR 13A.04.18, Program in Comprehensive Health Education.</p> <p>My child's elementary-middle school has undergone a miraculous transformation in the past five years, and I am both proud of and grateful for the tremendous support that gender-expansive kids like her receive on a regular basis at our school. Although we are still on a learning curve, the teachers, parents, and students at our school have all worked hard to expand their understanding of gender identity and gender diversity.</p> <p>My daughter generally feels 'safe' at our school, but when she first transitioned there we no district-wide policies protecting her and other kids like her. That's why my daughter bravely testified in front of the Baltimore City School board, advocating for a district policy that closely aligns with the state guidance on rights of gender-non-conforming students at school.</p> <p>As you and I know all too well, LGBTQ kids can thrive at school – but their chances of being bullied or harassed, and their chances of experiencing depression or other adverse mental health affects, are significantly increased</p>

Name	Comment/Question
	<p>when their identities are not acknowledged and respected at school. In recognition of that fact, I applaud the Department's proposed revisions to COMAR 13A.01.06, Educational Equity, specifically:</p> <ul style="list-style-type: none"> <li>• Defining “educational inequity” to mean 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”</li> <li>• Enumerating the specific “individual characteristics” to include family structure gender identity and expression and sexual orientation</li> <li>• Requiring local school systems to <ul style="list-style-type: none"> <li>○develop educational equity policy and regulations which are designed to create and maintain environments that are equitable, fair, safe, diverse, and inclusive</li> <li>○identify partnerships with the Maryland State Department of Education, local government agencies, and stakeholders to support educational equity</li> <li>○use an equity lens in reviews of staff, curriculum, pedagogy, professional learning, instructional materials, and assessment design</li> </ul> </li> </ul> <p>I applaud you and your team for the meaningful changes that you have proposed to the current regulations, changes that are in keeping with current scientific understandings about human development and sexuality, and that are consistent with our great state's vision for excellent and equitable public schools.</p> <p>Should you have any questions about my comments, please do not hesitate to contact me.</p>
Steve Kruger (transcribed from a voicemail message)	<p>Hi there, this is a comment for Susan Spinnato. This is with regard to the Educational Equity Rule. Anyway, my name is Steve Kruger, and I'm a parent of children in Prince George's County. I have many disagreements with the Educational Equity Rule in the sense that when you protect the rights of so-called marginal classes, you may tend to abrogate the rights of those who are not considered to be marginal. In other words, in different ways, each of us are considered to be marginal, and if you protect the rights of one group, oftentimes you infringe upon the rights of another group, so I think this rule itself is a dead end in that what it does is actually shut down communication between people of differing viewpoints or maybe different lifestyles. So I think the rule is very much unfounded and should not be implemented, because what I'd like to see is the greatest amount of open, honest dialogue between people in a respectful manner. I do appreciate you entering this comment into the comment record with regard to the Educational Equity Rule. Thank you very much. I hope you have a good day. Bye-bye.</p>
Steven Skerritt-Davis	<p>I'm emailing to express my support for Maryland State Board of Education's repeal and replacement of COMAR 13A.04.18 and 13A.01.06 with more inclusive language. These changes will help support our students as they learn to navigate their world and reap benefits for society by giving future generations the tools to be informed and openminded citizens and leaders.</p>

Name	Comment/Question
Susan Garner	<p>I am writing to share my strong support of two proposed COMAR regulations: 13A.04.18 and 13A.01.06. <i>COMAR 13A.01.06</i>, Educational Equity, the replacement for the “Education That is Multicultural” regulation, defines “educational inequity” (see .03 Definitions. Section B(2)) as: “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” and enumerates the specific “individual characteristics” (see .03 Definitions. Section B.(5)) to include family structure [B.(5)(c)], gender identity and expression [B.(5)(d)], and sexual orientation [B.(5)(j)]. The proposed regulation goes on to require local school systems to develop educational equity policy and regulations (.04 Requirements. Section B), which are designed to create and maintain environments that are equitable, fair, safe, diverse, and inclusive [C.(1), Identify partnerships with the Maryland State Department of Education, local government agencies, and stakeholders to support educational equity [C.(4); Require that an equity lens be used in reviews of staff, curriculum, pedagogy, professional learning, instructional materials, and assessment design [C.(8);</p> <p>These two proposed regulations are an incredible opportunity to hold local districts accountable in their efforts (or non-efforts) to ensure safe and inclusive environments for LGBTQ youth. Based on research, passage of these regulations will not only increase overall attendance and grade point average of LGBTQ youth, but will save lives! Please support passage.</p>
Susan Gerb Teacher, Centennial High School	<p>Hello, I'm writing with the understanding that this is the appropriate place to address public comment on proposed changes to 13A.01.06 and 13A.04.18. I'm writing in <b>support</b> of these changes, which I think are very important for the well being of our LGBTQ+ students.</p> <p>My name is Susan Gerb and I'm a teacher at Centennial High School in Howard County. I'm also the sponsor for the school GSA. I've seen first hand how difficult it is for LGBTQ+ students to participate in our education system given the obstacles placed in their path. In addition to harassment and non-supportive interactions with peers and staff, many of them have to hide who they are from the caregivers at home at the risk of abuse or rejection. For many students, this is a distraction from the already difficult task of fitting in to the school environment and focusing on studies.</p> <p>Regulation 13A.01.06 would force school systems to focus on the issues faced by these vulnerable students.</p>
Tandra Lee	My name is Tandra Lee. I am a Maryland resident who is in support of COMAR 13A.01.06.
Thomas J. Villa	Ms. Spinnato - I am a long-time resident (25+ years) of Montgomery County, MD and support adoption of this measure.
TJ Moyer	I want to voice my support for (and encourage you to do the same) these two regulations. It's important that all our students are represented and included. Please support these very important regulations.
Travis Lim	I'm writing to strongly support COMAR 13A.04.18 - Program in Comprehensive Health Education, and COMAR 13A.01.06 - Educational Equality coming before the Maryland State Board of Education. As a Baltimore resident from 2008 - 2012 and a resident of the DC-Virginia-Maryland metro area with friends, ties, and a potential future in the state, it is crucially important that the educational curriculum be inclusive of all types of children and

Name	Comment/Question
	families that are served by MSBE. These much needed updates to the curricula are finally addressing the tangible needs of real students and their diverse families, many of whom I call close friends. Thank you for your consideration
Trayce Diskin	As a parent of two elementary students who attend Montgomery County Public Schools I urge you to pass the revisions pending for the above regulations. These revisions not only send a message of inclusivity and equity to students, families, and all stakeholders, but create a educational system where all students, and families, are valued equally. The impact of being educated through a lens of equity, particularly when it comes to family structure, gender expression, and sexual orientation, cannot be underestimated. When students see their own families, and their identities, as part of the whole, they have a safe and secure foundation for thriving academically, emotionally, and socially.
Washington County Public Schools	See attached.
William Morton-Ortega	I am writing to express my support of COMAR 13A.01.06. Representation matters in education, especially to me as a <u>gay parent of a young daughter who will be entering MD public schools in a few years.</u>
Ying Matties	<p>I am writing to express my enthusiastic support of the revised version for 13A.01.06, Educational Equity and 13A.04.18 Program in Comprehensive Health Education.</p> <p>As the parent of a current student in the Howard County Public School System, I applaud MSDE's continuous effort to foster safe and inclusive school environment through these regulations.</p>



Defending the freedoms of Maryland families since 1983

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September 27, 2019

Ms. Susan C. Spinnato  
Director of Instructional Programs, Improvement and Professional Learning,  
Maryland State Department of Education  
200 West Baltimore Street,  
Baltimore, MD 21201  
410-767-0349  
[susan.spinnato@maryland.gov](mailto:susan.spinnato@maryland.gov)

Re: Proposed COMAR 13A.01.06, Educational Equity

Dear Ms. Spinnato:

On October 22, the Maryland State Department's Board of Education will consider adopting COMAR 13A.01.06, is called, "Educational Equity" an unfortunate name, since the regulation implements a policy of stark *inequality*. In its proposed form, the new rule will apply "to all local school systems, the Maryland State Department of Education, and entities that provide educational services to children birth-age 21, including licensed childcare facilities and programs" (13A.01.06.02). It isn't clear whether the vaguely named "entities that provide educational services to children birth-age 21" includes nonpublic and parochial schools.

Just what is *educational equity*? Doesn't that already exist in our free public education system? Not so, say the authors of the new rule. For them, 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" (13A.01.06.03(2)).

What does that mean? The authors explain that from now on, an "equity lens" will be used to scrutinize "any program, practice, design, or action" to ensure that the "impact on all students is addressed, *with strategic focus on marginalized student groups* (emphasis added)" (13A.01.06.03(4)). In other words, everything a school does (including the actions of individual staff, from principal to janitor) will be viewed through whether it might minimize a student's academic success, harm a student's social/emotional well-being, or devalue a student's individual characteristic.

And just which "individual characteristics" put a student into the category of a "marginalized student group?" Thankfully for us, the authors provide a helpful list, which includes: ability (cognitive, social/emotional, and physical), ethnicity, family structure, gender identity and expression, language, national origin, nationality, race, religion, sexual orientation, and socio-economic status (13A.01.06.03(5)).

What does this new policy of Educational Equity, and its accompanying equity lens, look like in the classroom? The objectives of the minds behind Educational Equity include:

-Environments that are equitable, fair, **safe**, diverse, and **inclusive** (13A.01.06.04(C)(1))

-Tailored and differentiated professional learning to build capacity for **cultural responsiveness** to address areas of inequity within the school system (13A.01.06.04(C)(5))

-Use of the **equity lens** in recruiting and hiring of staff, reviews of staff, curriculum, pedagogy, professional learning, instructional materials, and assessment design (13A.01.06.04(C)(7)-(8))

-Designated **individuals who will be responsible** for the facilitation, **monitoring**, and implementation of the system equity initiatives (13A.01.06.04(C)(13))

Pure and simple, Educational Equity is political correctness on steroids. Under the new rule's "accountability measures," educational institutions and facilities may cease to be centers of learning and potentially become places of indoctrination, complete with Big Brother monitoring everything that is said or done. Obedient players who "demonstrate the most significant advances in promoting equity and excellence" will be recognized by the State Board of Education and the State Superintendent (13A.01.06.05(D)). But those who fail to conform their conduct within the scope of the equity lens face serious repercussions, potentially even termination of their job.

Consider just one possible scenario in the Brave New World being proposed by the Board of Education.

Suppose a janitor at a public high school has a conversation with a female student (we'll call her Mary) who is uncomfortable taking a shower and getting changed while a transgender student is in the girls' locker room and would prefer to wait until the student has left to do so. Mary wants to know if it's ok if she stays late.

The janitor ponders the situation carefully. She is aware of the high school's open bathroom policy and strongly disagrees with it. But she also knows that under the Educational Equity rules for their school, she cannot do or say anything that could possibly be perceived to "devalue" a student's individual characteristic, including their "gender identity and expression." If she says anything negative concerning the transgender student making Mary uncomfortable, or if she tells Mary that it's fine for her to wait, it might get back to the school faculty and get her in trouble.

But then again, what about Mary's social and emotional well-being? Mary's concerns are rooted in the fact that she identifies as a female. To *not* sympathize with Mary's plight would be to devalue Mary's own gender identity. And that would break the Educational Equity Rules too, wouldn't it?

The janitor might try to determine which characteristic, being trans or being female, makes a student more likely to be part of a marginalized group. But since both females and transgender people have historically been "marginalized groups," the janitor is in a Catch-22. She can't

address Mary's concerns, or even accommodate her request to stay late, without potentially marginalizing the transgender student. But not accommodating Mary's concerns could harm Mary's emotional well-being and devalue her femaleness.

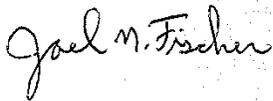
The janitor comes to the terrible realization that she can't follow Educational Equality without treating the students unequally. She must choose to make one or the other feel "excluded." Looking for an escape, the janitor awkwardly mumbles, "Oh, sorry, Mary, I just realized I'm out of paper towels. Gotta run!" She leaves Mary uncertain and confused and wishing that someone at school would understand how she feels.

This scenario is not far-fetched. Stories like these are already playing out all over the country. The ability for school staff to actually help students work through real challenges is being hamstrung by rules claiming to promote a "safe" and "inclusive" environment. The end result is an atmosphere of intimidation; a system in which students aren't provided access to a rigorous, quality education, but in which both staff and students are mandated what to think, how to act, and what to say.

"Educational Equity," while purporting to provide equal treatment for all students, appears to have the capacity to treat students and staff unequally, where some students' individual characteristics are favored over others. It will inhibit educators from providing a quality education to children and will create an atmosphere of intimidation for staff and students alike.

We urge the Board of Education to withdraw COMAR 13A.01.06 in its current form at the upcoming Board meeting on October 22. We believe it is possible for genuine educational equity to be achieved without creating a system of intolerance.

Sincerely,

A handwritten signature in black ink that reads "Joel M. Fischer". The signature is written in a cursive style and is positioned above the typed name.

Joel Fischer, J.D.  
Legislative Assistant  
Family Heritage Matters

MARYLAND STATE DEPARTMENT  
OF EDUCATION

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Education Equity	)	COMAR 13A.01.06
	)	
Program in Comprehensive Health	)	COMAR 13.04.18
Education	)	

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Comments of PFLAG Columbia-Howard County on Proposed Regulations

PFLAG Columbia-Howard County is a chapter of the national PFLAG organization. PFLAG was founded in 1973 and is the first and largest organization for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) people, their parents and families, and allies. PFLAG has over 400 chapters and 200,000 members across the country. PFLAG Columbia-Howard County was founded in 1995 and provides support, education, and advocacy for LGBTQ individuals and their families in Howard County, Baltimore County and Baltimore City. PFLAG Columbia-Howard County has support/community groups for LGBTQ Youth; Trans, Gender-Creative, and Gender Fluid Tweens; Trans Adults; Parents of Trans and Gender Creative Children; and Parents of Lesbian, Gay, Bisexual, Trans, Queer or Questioning children of all ages. PFLAG Columbia-Howard County supports the proposed regulations because they will ensure a supportive learning environment and inclusive health curriculum for all students.

**I. Maryland Must Provide a Supportive Learning Environment for All Students**

It is essential that all Maryland students have equitable opportunities to education. The proposed rules include gender identity, gender expression and sexual orientation as individual

characteristics that are valued as a part of educational equity.<sup>1</sup> As taxpayers with children in Maryland schools, PFLAG members have a substantial interest in ensuring that all schools “create and maintain environments that are equitable, fair, safe, diverse, and inclusive.”<sup>2</sup>

LGBTQ students often face discrimination, bullying and other experiences that are determinantal to their ability to learn and often their mental health. A recent study by the University of Connecticut and the Human Rights Campaign (HRC Study) found that “73% of LGBTQ youth have experienced verbal threats because of their actual or perceived LGBTQ identity.”<sup>3</sup> The State of Maryland needs its own regulations to protect these students. Our experience has been that student environments vary across the state. The risks from not providing safe learning experiences are just too great not to have clear state regulations. A recent article in the *Journal of Pediatrics* on suicide found that rates of suicide attempts for adolescents ranged from 9.8% for male non-LGBTQ adolescents to 50.8% for female to male transgender adolescents.<sup>4</sup> Having an equitable school environment is an important step towards mitigate these risks.

The proposed rules would require that school districts apply an equity lens to curriculum and instructional materials.<sup>5</sup> The HRC Study found that “only 13% of LGBTQ youth report hearing positive messages about being LGBTQ in school.”<sup>6</sup> Having instructional materials that include options like a book with positive LGBTQ characters or including the Stonewall protest as an example of advancement of civil rights would provide positive role models for LGBTQ+ students, as well as educate other students. When

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<sup>1</sup> Proposed COMAR 13A.01.06.03 (B)(2) and (5).

<sup>2</sup> Proposed COMAR 13A.01.06.04 (C)(1).

<sup>3</sup> <https://www.hrc.org/resources/2018-lgbtq-youth-report> at 18.

<sup>4</sup> Toomey, R. B., Syvertsen, A. K., & Shramko, M. (2018). Transgender Adolescent Suicide Behavior. *Pediatrics*, 142(4). Retrieved 9 28, 2019, from <https://pediatrics.aappublications.org>

<sup>5</sup> Proposed COMAR 13A.01.06.04(C)(8).

<sup>6</sup> <https://www.hrc.org/resources/2018-lgbtq-youth-report> at 8.

students see themselves reflected in their world, they are more able to be themselves and feel valued, which will provide more effective learning experiences.

## **II. Comprehensive Health Education Should Address the Needs of All Students**

Health education is another area of inequitable treatment for LGBTQ+ students. The HRC Study found that only 12% of LGBTQ students received safe sex information that was relevant to them.<sup>7</sup> The proposed regulations require “Maryland family life and human sexuality instruction shall represent all students regardless of ability, sexual orientation, gender identity, and gender expression.”<sup>8</sup> This regulation would provide the information that students need to be healthy adolescents and eventually adults. In addition, having a state regulation will be likely to influence the development of appropriate instructional materials which could benefit all schools.

## **III. Conclusion**

PFLAG Columbia-Howard County appreciates the opportunity to file these comments in support of these important regulations. If you have any questions, please feel free to contact us.

September 30, 2019

/s/ Max Crownover, PhD

**Max Crownover, PhD**  
President/Steering Committee Chair  
PFLAG Columbia-Howard County  
[www.pflaghoco.org](http://www.pflaghoco.org)  
crownover.max@pflaghoco.org

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<sup>7</sup> *Id.*

<sup>8</sup> Proposed COMAR 13A.04.18.01 Section D (2)(a)

September 30, 2019

Warner I. Sumpter, President  
Maryland State Board of Education  
Maryland State Department of Education  
200 West Baltimore Street  
Baltimore, MD 21201

**Re:** Proposed Regulation 13A.01.06 Educational Equity

**Position:** Adopt

To President Sumpter and the Esteemed Members of the Board,

On behalf of the Office of Mayor Bernard C. “Jack” Young, Baltimore City LGBTQ Affairs, the Baltimore City LGBTQ Commission and the jointly undersigned partners, we are pleased to have the opportunity to offer comments regarding proposed regulation 13A.01.06 Educational Equity.

We applaud MSDE for continuing its efforts to actualize equity in education for each student, and acknowledging a pathway to maximizing academic success and social-emotional wellbeing, eliminating obstacles and achievement gaps is viewing each student’s individual characteristics as valuable. As advocates for quality education, as well as diversity and inclusion, we recognize both the pattern and the detriment of highlighting some individual characteristics over others. Perhaps the most important part of the proposed regulation is found under **.03 Definitions** in section B.(5). Enumerating which characteristics to be valued leaves no room for interpretation. We are particularly pleased to see family structure, gender identity and expression and sexual orientation listed. According to GLSEN, since 2001, at least 20 percent of LGBTQ youth reported being verbally harassed in school due to their sexual orientation and/or gender expression, and at one point, reports of verbal harassment due to sexual orientation climbed to nearly 50 percent. Reports of verbal harassment steadily declined until 2017, where reports either plateaued or increased slightly (see Attachment #1). The time is and always has been right to take urgent action to ensure all students are safe in school.

66 percent of Maryland’s LGBTQ youth report being victimized at school because of their sexual orientation, and 56 percent were victimized because of their gender expression. However, these youth also report being victimized based on religion (23%), disability (25%), and race/ethnicity (25%). Most of these youth never reported the incident to school staff (54%), and only 29% of students who reported incidents said it resulted in

effective staff intervention (see Attachment #2). The proposed regulation takes into consideration that educational equity is achieved inside, outside and around the classroom, and must be approached intersectionally. We are especially interested in the partnerships with local stakeholders and the opportunities those partnerships may present around building capacity for cultural responsiveness, creating and maintaining equitable, fair, safe, diverse and inclusive school environments, and reviewing curriculum and pedagogy. Through GLSEN’s research, we know schools have the capacity to be safe and inclusive environments for all students through passionate and supportive faculty and staff members, curriculum inclusive of positive representations of multiple identities, opportunities for student fellowship and organizing, and specific policies.

The proposed regulation goes several important steps further than its predecessor, Education That is Multicultural. This regulation outlines a blueprint for achieving true excellence in equity in education for all students, all families, all communities and all Marylanders. We urge a favorable report.

Signed,

Jabari Lyles, LGBTQ Affairs Liaison  
Office of Mayor Bernard C. “Jack” Young

Kimberly Mooney, Board Chair  
GLSEN Maryland

Brandon M. Scott, President  
Baltimore City Council

Thomas Koerber, Board President  
Maryland LGBT Chamber of Commerce

Diana Philip, Executive Director  
NARAL Pro-Choice Maryland

Dr. Renata Sanders  
Johns Hopkins

Dr. Mel Lewis, Gender/Sexuality Faculty,  
Humanistic Studies  
Maryland Institute College of Art (MICA)

Lynn Brennan, Board Member  
GLSEN Maryland

Natasha Williams, Doctoral Student  
University of Maryland School of Public  
Health

Rachel White  
Advocates for Children and Youth

Denise Gilmore, Co-Chair  
Baltimore Women United

Ann Marie Binsner, Co-Chair  
Prince George’s County LGBTQ Youth  
Task Force

Hayley Streeter  
Glenelg Country School

Jessica Fish, Assistant Professor  
University of Maryland

Clifton Stanley Diaz, Jr., Owner and  
Personal Trainer  
State Trooper Experienced Personal  
Training

Trystan Sill  
Baltimore City LGBTQ Commission

Londyn de Richelieu  
Baltimore City LGBTQ Commission

Latia Hopkins  
Baltimore City LGBTQ Commission

Alaine Jolicoeur  
Baltimore City LGBTQ Commission

Scott Davis, Neighborhood Liaison  
Office of Baltimore City Council President  
Brandon Scott

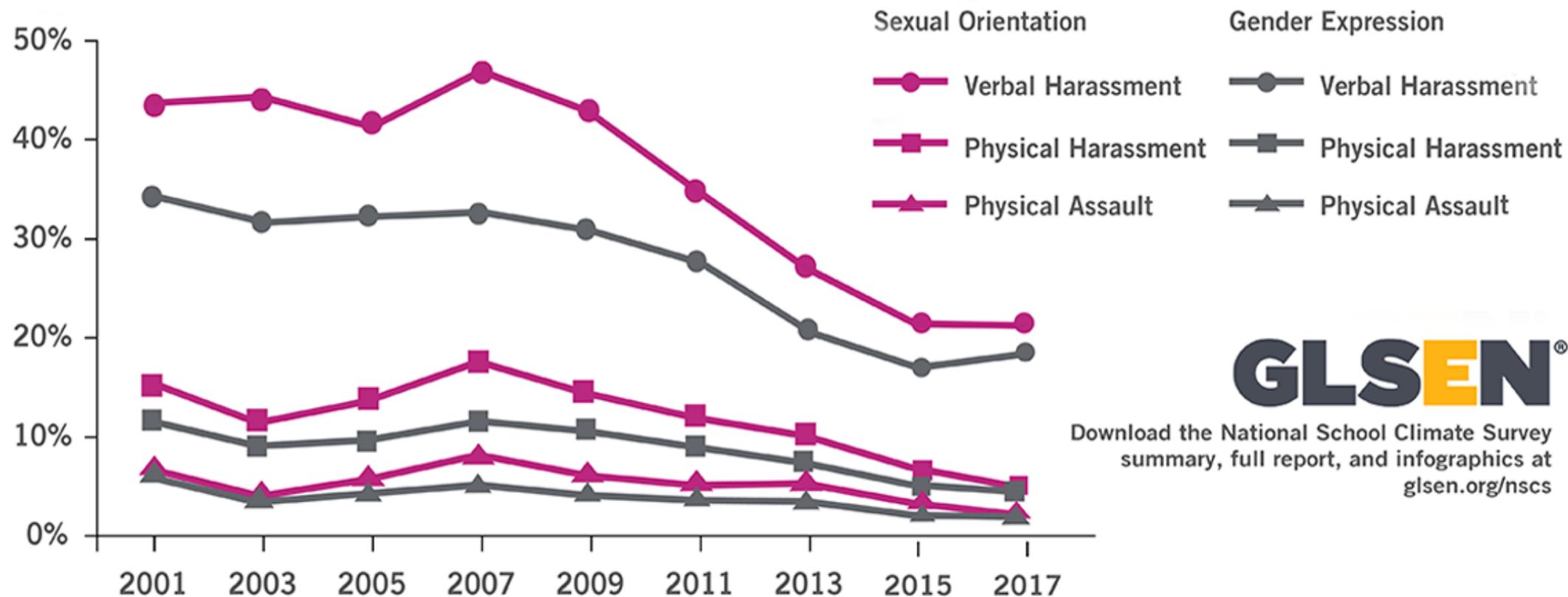
Phillip Clark  
Baltimore City LGBTQ Commission

Sir Alonzo L. Henderson, Community  
Organizer  
Baltimore City LGBTQ Commission

Justin Garrow  
Baltimore City LGBTQ Commission

# Frequency of School Victimization Based on Sexual Orientation and Gender Expression Over Time

(Percentage of LGBTQ Students Reporting Event Often or Frequently, Based on Estimated Marginal Means)



**GLSEN**<sup>®</sup>

Download the National School Climate Survey summary, full report, and infographics at [glsen.org/nscc](https://www.glsen.org/nscc)



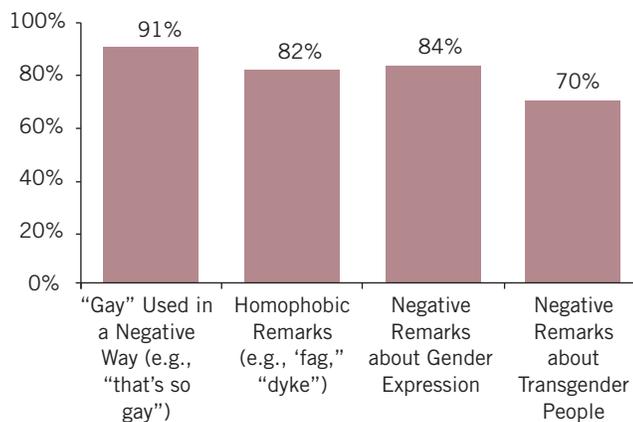
## SCHOOL CLIMATE IN MARYLAND

Findings from the GLSEN 2017 National School Climate Survey demonstrate that Maryland schools were not safe for most lesbian, gay, bisexual, transgender, and queer (LGBTQ) secondary school students. In addition, many LGBTQ students in Maryland did not have access to important school resources, such as an LGBTQ-inclusive curriculum, and were not protected by supportive and inclusive school policies.

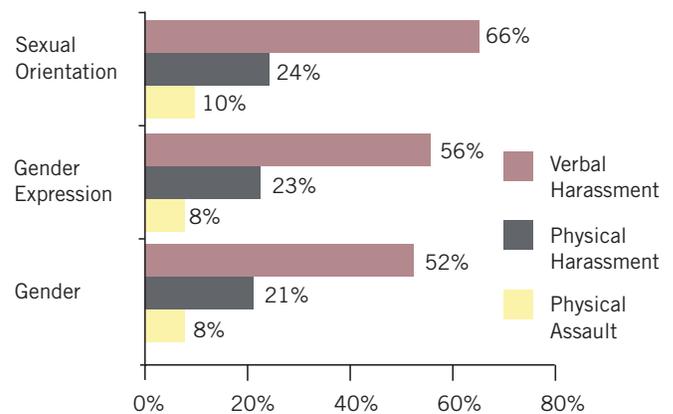
**FACT: The vast majority of LGBTQ students in Maryland regularly (sometimes, often, or frequently) heard anti-LGBTQ remarks (Fig. 1).** Many also regularly heard school staff make homophobic remarks (14%) and negative remarks about someone's gender expression (31%).

**FACT: Most LGBTQ students in Maryland experienced anti-LGBTQ victimization at school (Fig. 2).** They also experienced victimization at school based on religion (23%), disability (25%), and race/ethnicity (25%). Most never reported the incident to school staff (54%). Only 29% of students who reported incidents said it resulted in effective staff intervention.

**Figure 1. Hearing Anti-LGBTQ Remarks from Students in Maryland Schools**  
(percentage of LGBTQ students hearing remarks regularly)



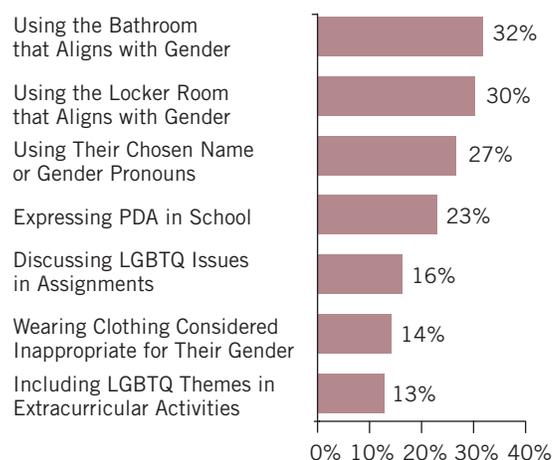
**Figure 2. Anti-LGBTQ Harassment & Assault in Maryland Schools**  
(percentage of LGBTQ students harassed or assaulted in the past year based on...)



**FACT: Many LGBTQ students in Maryland reported discriminatory policies or practices at their school (Fig. 3).** Nearly 3 in 5 (57%) experienced at least one form of anti-LGBTQ discrimination at school during the past year.

- In Maryland, 1 in 3 LGBTQ students (32%) and over half of transgender students (54%) were unable to use the school restroom aligned with their gender. Additionally, more than 1 in 4 LGBTQ students (27%) and nearly half of transgender students (48%) were prevented from using their chosen name or pronouns in school.
- Approximately a quarter of LGBTQ students (23%) in Maryland were disciplined for public displays of affection (PDA) that did not result in similar action for non-LGBTQ students.
- LGBTQ students in Maryland experienced other forms of school discrimination (not in Fig. 3): being unable to form a GSA (10%), being prevented or discouraged from playing school sports due to an LGBTQ identity (8%), being unable to wear LGBTQ-supportive apparel (8%), being unable to bring a same-gender date to a school dance (7%), and being disciplined at school for identifying as LGBTQ (2%).

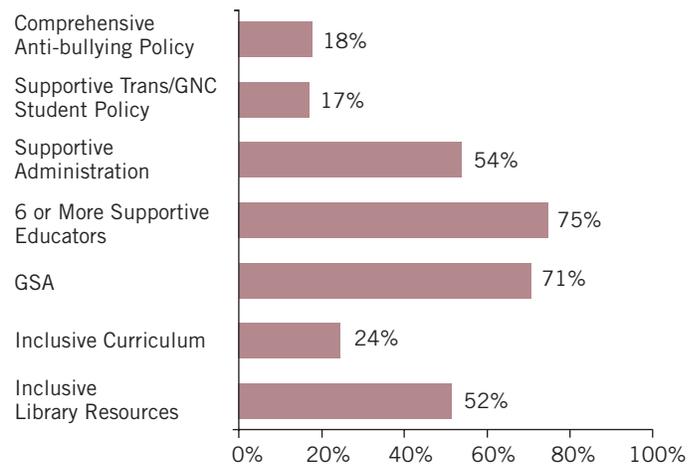
**Figure 3. Anti-LGBTQ Discrimination in Maryland Schools**  
(percentage of LGBTQ students that were prevented from...)



**FACT: Many LGBTQ students in Maryland did not have access to in-school resources and supports (Fig. 4).**

- Fewer than 1 in 5 (18%) attended a school with a comprehensive anti-bullying/harassment policy that included specific protections based on sexual orientation and gender identity/expression. Fewer than 1 in 5 (17%) had a policy or official guidelines to support transgender or gender nonconforming (trans/GNC) students.
- Nearly all (98%) could identify at least one school staff member supportive of LGBTQ students (not in Fig. 4), but fewer (75%) could identify 6 or more supportive school staff.
- Only a quarter (24%) were taught positive representations of LGBTQ people, history, or events (“inclusive curriculum”). Fewer than 1 in 10 (8%) reported receiving LGBTQ-inclusive sex education at school (not in Fig. 4).

**Figure 4. Availability of LGBTQ-Related Resources & Supports in Maryland Schools**



**RECOMMENDATIONS**

School-based supports such as supportive and inclusive school policies, school personnel who are supportive of LGBTQ students, GSAs, and LGBTQ-inclusive curricular resources can positively affect school climate for LGBTQ students. Findings from the 2017 National School Climate Survey demonstrate that students attending schools with these resources and supports report more positive school experiences, including lower victimization and absenteeism and higher academic achievement.

Given the high percentages of LGBTQ students in Maryland who experience harassment at school and the limited access to key resources and supports that can have a positive effect on their school experiences, it is critical that Maryland school leaders, education policymakers, and other individuals who are obligated to provide safe learning environments for all students take the following steps:

- Implement supportive and inclusive school policies, such as comprehensive anti-bullying/harassment and supportive transgender and gender nonconforming student policies;
- Support GSAs;
- Provide professional development for school staff on LGBTQ student issues; and
- Increase student access to LGBTQ-inclusive curricular resources.

These actions can move us toward a future in which all students in Maryland will have the opportunity to learn and succeed in school, regardless of sexual orientation, gender identity, or gender expression.

To learn more about GLSEN and to get involved, visit [glsen.org](http://glsen.org) or contact [glsen@glsen.org](mailto:glsen@glsen.org).

To get involved in the GLSEN Maryland chapter, visit [glsen.org/chapters/maryland](http://glsen.org/chapters/maryland) or contact [chapter@glsenmaryland.org](mailto:chapter@glsenmaryland.org).

**ABOUT THE RESEARCH** In 2017, GLSEN conducted the tenth National School Climate Survey, a biennial survey of the experiences of LGBTQ youth in U.S. secondary schools. The national sample consisted of 23,001 LGBTQ students from all 50 states, the District of Columbia, and all 5 major U.S. territories. A total of 424 respondents were attending schools in Maryland. The Maryland sample was majority White (68%), 11% Multiracial, 9% Hispanic/Latinx, 7% Black/African American, 4% Asian/South Asian/Pacific Islander, 1% Arab/Middle Eastern, and < 1% Native American. The gender composition was 52% cisgender, 31% transgender, 9% genderqueer, and 8% another gender (e.g. questioning, genderfluid). Most (92%) attended public schools. The school community makeup was 26% rural/small town, 56% suburban, and 18% urban. The results reported for Maryland had a margin of error of +/- 5%.

For the full 2017 National School Climate Survey report or for any other GLSEN research, go to [glsen.org/research](http://glsen.org/research).

Follow @GLSENResearch on Twitter.

Suggested citation: GLSEN. (2019). *School Climate in Maryland (State Snapshot)*. New York: GLSEN.

GLSEN is the leading national education organization focused on ensuring safe schools for all students.

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# Wellspring Christian Family Schools

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*God forbid that I should forsake the inheritance of my Fathers -- 1 Kings 21:3*

Friday, September 27, 2019

The Honorable Karen B. Salmon, PhD  
MSDE State Superintendent of Schools  
C/O Susan C. Spinnato  
[susan.spinnato@maryland.gov](mailto:susan.spinnato@maryland.gov)  
200 West Baltimore Street  
Baltimore, MD 21201  
(410)767-0349

RE: 13A.01.06 Educational Equity

Dear Superintendent Salmon,

The wide reach of this proposed regulation requires clear public comment by private educational entities such as ours. §13A.01.06.02 Scope, states:

This chapter applies to ...entities that provide educational services to children birth—age 21, including licensed childcare facilities and programs.

The purported grounds for this regulation is to *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.* (Emphasis added.) First of all, regarding a "student's academic success", the proposed regulation gives no evidence that any student provided with "educational services" by Maryland educational entities has experienced "obstacles" in accessing educational opportunities; neither is evidence presented that genuine achievement gaps exist because such "obstacles" have denied any student access to educational opportunities. If such inequities existed, it would be a simple matter to identify the obstacles and eliminate them directly.

Secondly, while purported to provide resources and supports designed to maximize a student's "social/emotional well-being", the regulation leaves these terms undefined and without evidence of actual grievance or the nature of correction. Instead, COMAR 13A.01.06 provides a foundation for future system-wide inequity for the majority of students, when the so called "Equity lens" has its strategic focus narrowed on so called "marginalized student groups". It is apparent that the regulation can become a tool to mandate systematic exposure to children of all ages about the sexual beliefs and behavior of certain strategically focused student groups. Using educational entities to promote equity for every form of sexual identity or behavior constitutes an intent to indoctrinate all students regarding particular sexual identities

and expressions. Such indoctrination will have the direct effect of marginalizing other students who might believe differently.

The dictionary defines “indoctrination” as “the process of teaching a person or group to accept a set of beliefs uncritically”. COMAR 13A.01.06 is an attempt to teach children individually and as a group to accept a specific set of sexual beliefs uncritically. Furthermore, by establishing an “Equity lens” and a “designated individual responsible for the facilitation, monitoring and implementation of system equity initiatives”, the proposed regulation will create an atmosphere of intimidation and fear that in itself will become an obstacle and minimize “equitable access to educational opportunities and social/emotional well-being for all students”. While one might graciously call this an unintended consequence, COMAR 13A.01.06 nevertheless presents a clear and present danger to students who will be systematically desensitized and consequently exposed to potentially inappropriate and predatory behavior that can place them at risk as victims in a mandated environment of intimidation.

“Fears about predatory behavior are valid. Most [predators] who act on their impulses do so by manipulating children and gradually desensitizing them to inappropriate behavior. Then they escalate it. [Predators] are able to do this because in most cases they already know the children or have access to them. In about 60% to 70% of child sexual abuse cases, ... the perpetrator is a relative, neighbor, family friend, teacher, coach, clergyman, or someone else in regular contact with the child. ... Parents should be aware that in most sexual abuse cases involving children, the perpetrator is someone the child knows. Most effective means of reducing harm to the child is preventing access to children.”<sup>1</sup>

In closing, let it be understood that the passage of this regulation is not about providing “Educational Equity” for anyone but rather is about the intentional promotion and indoctrination of sexualized identities and behaviors in children. COMAR 13A.01.06 does not prevent predatory access to students, but rather increases the potential for predation. Such an intimidating environment will create greater achievement gaps for all Maryland students while reducing their academic success and social/emotional well being.

Sincerely,



Gary L. Cox, Superintendent,  
Wellspring Christian Family Schools

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<sup>1</sup> Pessimism about pedophilia, Harvard Health Publishing, Harvard Medical School, Harvard Mental Health Newsletter, July 2010



**COMAR 13A.01.06 *Educational Equity***  
**Proposed New Chapter, Regulations .01—.05**  
**and**  
**Proposed Repeal of Regulations .01—.08 under COMAR 13A.04.05,**  
***Education that is Multicultural***

Montgomery County Public Schools Comments

**Maryland State Board of Education Statement of Purpose**

The purpose of this action is to establish educational equity as a priority for the Maryland State Department of Education and all local school systems.

**Montgomery County Public Schools (MCPS) Comments**

MCPS is very appreciative that a number of comments previously submitted have been incorporated into the revised proposed regulations. We note with appreciation the shared commitments expressed in the revised proposed language and Montgomery County Board of Education's Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, which states its commitment to ensure that every student and staff member, without regard to their actual or perceived personal characteristics, is given the individual challenges, support, and opportunities to exceed a rigorous common standard in order to be prepared for academic and career success. Every student should have equitable access to the educational rigor, resources, and supports that are designed to ensure that educational outcomes should never be predictable by any student's actual or perceived individual characteristics.

We remain of the opinion that certain of our concerns not incorporated into the updated draft are of such significance as to deserve reiteration and reconsideration.

MCPS would like to request reconsideration of Regulation .03(B)(5) *Definitions*, to include the following individual characteristics: color, ancestry, immigration status, age, and other legally or constitutionally protected attributes or affiliations. These additional characteristics, and particularly age and immigration status (actual or perceived), are timely and compelling interests of school districts, and would recognize that not all protected categories under federal or state law are fully represented in this listing. In addition, MCPS proposes that the definition reference "actual or perceived individual characteristics" to ensure consistency with anti-discrimination law.

**Office of the Chief Academic Officer**

MCPS also requests reconsideration of the phrase “to *maximize* academic success and social-emotional well-being” in Regulation .03(B)(2) which sets a standard for a “maximum” which is not measureable and subject to inadvertent misinterpretations, specifically for Individualized Education Programs (IEPs) for students with disabilities, which are required to be developed to a different standard: “*reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.*” MCPS remains of the opinion that the interests of all students, specifically in light of the requirements and standards set in the Individuals with Disabilities Education Act (IDEA), would be addressed by altering the phrase “to *maximize* academic success and social-emotional well-being” with language such as “to *prepare* students for academic and career success, as well as social-emotional well-being.” To the degree that a standard must be set, MCPS requests use of the term “*rigorous common standard*” used in the definition of equity in Montgomery County Board Policy ACA, which states: “Equity is the commitment to ensure that every student and staff member, without regard to their actual or perceived personal characteristics, is given the individual challenges, support, and opportunities to exceed a rigorous common standard in order to be prepared for academic and career success.”

Additionally, while MCPS understands and fully supports MSDE’s assertion that a three-year cycle for reviewing regulations (Section .04) is important in order to keep equity in focus, MCPS remains of the opinion that the data by which districts may assess the impact of such regulations requires a meaningful data collection interval. A five-year time frame would enable student progress data to be tracked consistent with four-year and five-year graduation cohorts.

Section 04.C. (08) requires each local school system to provide the access and opportunity for all students to successfully to read on grade level by the end of Grade 2. Although this language identifies the need for access and opportunity, it implies that all students have equal means to achieve this outcome and as noted above, may be interpreted to constrain the individualized analysis required by the IDEA, as recently emphasized by the Supreme Court in *Endrew F.* Therefore, MCPS request the addition of the phrase “*taking into consideration each student's individual circumstances.*”

Finally, MCPS is requesting clarification of the difference between the wording in Section .04 C (10), “...school system’s process for analyzing data...,”and Section .04 C (11), “...method of evaluation...”

Thank you for your further consideration of these comments.

Submitted September 30, 2019



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To the Honorable President Warner I. Sumpter and esteemed Board members:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, and queer (LGBTQ) social justice advocacy organization. Each year, we provide free legal services to hundreds of LGBTQ Marylanders facing discrimination who could not otherwise be able to afford an attorney. We lead the Youth Equality Alliance (YEA), a statewide coalition of organizations and activists dedicated to improving the lives of LGBTQ youth in education, juvenile justice, housing stability, and foster care.

In 2017, GLSEN's School Climate in Maryland survey concluded that Maryland schools are not safe for LGBTQ students. In fact, according to the CDC's Youth Risk Behavioral Surveillance Survey (YRBS), 43% of LGB students in Maryland seriously considered attempting suicide in 2017, a risk five times higher than their heterosexual peers. This disproportionate risk is in large part due to the harassment and discrimination LGBTQ youth face in school. According to the YRBS, 1 in 3 LGB students reported being bullied on Maryland school property, and according to GLSEN's School Climate in Maryland survey, over 80% of LGBTQ students often heard LGBTQ-phobic remarks.

To address these structural inequities, GLSEN's 2017 National climate Survey showed the effectiveness of teaching appropriate and accurate information about LGBTQ people, history, events, and sex education through inclusive curricula. Students who attend schools with inclusive curricula are less likely to experience harassment and discrimination, more likely to feel safe in schools, less likely to miss school, and more likely to perform better academically. In short, these resources contribute to the creation of affirming and empowering schools where LGBTQ students have the opportunities to succeed. Currently, fewer than 8% of students in Maryland public schools report receiving LGBTQ-inclusive sex education at school. The passage of these regulations would strongly increase the number of schools teaching inclusive and equitable information, improving the quality of life for LGBTQ students across the state.

During FreeState Justice's statewide listening sessions in 2016, respondents also shared that there was little access to inclusive sex education in their schools. Several participants shared that teachers refused to talk about LGBTQ issues for fear of offending parents or administrators. Many students shared that their sex education curriculum focused on solely on abstinence or ignored LGBTQ populations when discussing safer sex and healthy relationships. By ensuring teachers have the qualifications to teach family life and human sexuality,

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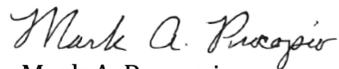
*FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland) is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.*

including medically accurate information on contraception and condoms, and requiring an equity lens in health education, the proposed regulations would effectively address these barriers.

The lack of equitable, inclusive, comprehensive curricula in schools provides a barrier to the health, wellbeing, and academic achievement of students across the state. The proposed regulations reflect evidence-based solutions to these structural barriers and promise an improvement in the quality of life of LGBTQ students.

We urge a favorable report.

Sincerely,



Mark A. Procopio  
Executive Director

---

**Boyd J. Michael, III, Ed.D.**  
*Superintendent of Schools*

September 30, 2019

Via U.S. Mail & Email ([susan.spinnato@maryland.gov](mailto:susan.spinnato@maryland.gov))

Ms. Susan C. Spinnato, Director  
Instructional Programs, Improvement and Professional Learning  
Maryland State Department of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201

**RE: Proposed Code of Maryland Administrative Regulation (COMAR) Subtitle 13A.01.06 – “Educational Equity”**

Dear Ms. Spinnato:

The Washington County school system welcomes the opportunity to offer comments on the Maryland State Board of Education’s updated educational equity regulations published in [The Maryland Register](#) on August 30, 2019. The proposed regulations were shared with the members of the Washington County Board of Education and administrators, and these individuals were requested to provide comments. The comments that were submitted range from the need to further explain or define certain terms used in the regulations and the equity guide provided by Maryland State Department of Education (MSDE) to the additional costs that will be incurred to eliminate obstacles and achievement gaps. A summary of the comments is as follows:

COMAR 13A.01.06.04 – MSDE is to Establish Systems of Structure and Support

The proposed regulation requires MSDE to “establish systems of structure and support for school systems, students, teachers, and other stakeholders that ensure educational equity and excellence.”

As one examines the requirements set forth in the regulation, such as the elimination of all obstacles to accessing educational opportunities for any student and the elimination of achievement gaps for all Maryland students, it would be beneficial if MSDE moved forward with establishing the structures and supports that will be needed by students, teachers, and stakeholders to achieve the objectives set forth in the regulation.

The *Guide to Educational Equity in Maryland* (“Equity Guide”) provided by MSDE is a helpful tool, but it appears there is a need to further expand upon the exact structures and additional supports MSDE will offer to achieve educational equity.

COMAR 13A.01.06.05(B)(3) – Equity Guide

This provision of the regulation requires MSDE to develop a guide for the implementation of the equity initiatives. Consideration should be given to adding language that provides for the regular review, revision, and evaluation of the guide in consultation with local school systems and stakeholders.

The Following Terms Should be Defined or Further Expanded Upon in the Regulations

The following comments were received concerning the need to define or to further expand upon certain terms used in the regulations and Equity Guide:

- The definition of “equity lens” requires further explanation.
- Throughout both the regulations and equity guide there are references to unique and separate terms that seem to be used as synonyms, yet only cultural responsiveness is defined on page 15 of the Equity Guide. The following terms should also be defined:
  - Cultural competence;
  - Cultural proficiency;
  - Cultural relevance;
  - Diversity;
  - Marginalized groups; and
  - Bias.

The Regulations Have Financial Implications

The preamble to the regulations state as follows:

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Impact on Individuals with Disabilities**

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

The proposed action requires that school systems provide educational equity for all students and maintain environments that are equitable, diverse, and inclusive.

Clearly, the regulations will have financial implications. The following comments are being provided for your consideration:

- Under Regulation 13A.01.06.04(C)(13) a new position must be created “for the facilitation, monitoring, and implementation of the system equity initiatives within the Local ESSA Consolidated Strategic Plan.” Adding a staff level position has a definite economic impact on the local education agency (LEA).
- There will be a definite financial impact on the LEAs in providing equity tools for students with disabilities.
- There will be a need for many more paraprofessionals to provide one-on-one aide for those with severe issues affecting equity, especially for students with disabilities. Many more will be needed as support for teachers who will need to work with more students individually to achieve equity for all. These additional paraprofessionals come with a cost.
- Based upon a preliminary assessment, it is anticipated that additional financial resources will have to be dedicated to address the implementation of the regulations:
  - Staff to monitor compliance with the equity provisions in the Local Consolidated Strategic ESSA Plan
  - Access to all educational opportunities and the removal of obstacles for all students in the areas of transportation, technology, Internet access, social and emotional supports
  - Professional learning for cultural responsiveness (additional workshop pay, facilitator compensation, resource materials)
  - Professional learning and resources to ensure early literacy and on-grade level by grade 2- assessments (additional workshop pay, facilitator compensation, resource materials, reading libraries, and interventions)
  - Training in social and emotional needs for school staff, including trauma informed practices (additional workshop pay, facilitator compensation, resource materials)
  - Data dashboard to assist in identifying student potential, gap analysis, interventions (create or purchase- assessments, professional development, integration with student information system)
  - Expand career technology education opportunities in high schools (staffing, program approval, classroom supplies and equipment, facilities upgrades, training)
  - Incentivize teacher certification in AP, IB, dual enrollment, early learning, B-5, interventions (travel, professional learning, reimbursement for higher education and assessment costs)

It is recommended that a fiscal report be prepared that addresses the cost of implementing these regulations.

Ms. Susan C. Spinnato  
September 30, 2019  
Page 4 of 5

In closing, the school system and the Board of Education are moving forward with implementing the State Board of Education's equity policy.

Sincerely,



Boyd J. Michael, III, Ed.D.  
Superintendent of Schools

Copy: Mrs. Melissa Williams, Board of Education President  
Mr. Stanley Stouffer, Board of Education Vice President  
Mr. Pieter Bickford, Board of Education Member  
Mrs. Jacqueline Fischer, Board of Education Member  
Mr. Michael Guessford, Board of Education Member  
Mrs. Linda Murray, Board of Education Member  
Mr. Wayne Ridenour, Board of Education Member  
Dr. April Bishop, Deputy Superintendent  
Dr. Peggy Pugh, Associate Superintendent for Curriculum and Instruction  
Mr. Jeffrey Proulx, Chief Operating Officer  
Mr. Anthony Trotta, Chief Legal Counsel  
Mr. John Martirano, Deputy Legal Counsel  
Ms. Allison Smith, Supervisor of Equity and Excellence  
Mrs. Ardath Cade, Legislative Representative for Washington County Board of Education  
Senator George Edwards  
Senator Andrew Serafini  
Delegate Paul Corderman  
Delegate Michael McKay  
Delegate Neil Parrott  
Delegate William Wivell  
Mr. C. Tolbert Rowe, Board of Directors President, Maryland Association of Boards of Education  
Ms. Frances Hughes Glendening, Executive Director, Maryland Association of Boards of Education  
John Woolums, Esquire, Director of Governmental Relations, Maryland Association of Boards of Education  
Stephen Bounds, Esquire, Director of Legal and Policy Services, Maryland Association of Boards of Education  
Dr. Karen Salmon, State Superintendent of Schools  
Dr. Justin Hartings, President, Maryland State Board of Education  
Ms. Stephanie Iszard, Vice President, Maryland State Board of Education  
Dr. Chester Finn, Jr., Member, Maryland State Board of Education  
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Dr. Rose Maria Li, Member, Maryland State Board of Education  
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Ms. Susan C. Spinnato  
September 30, 2019  
Page 5 of 5

**Mr. Michael Phillips, Member, Maryland State Board of Education**  
**Dr. David Steiner, Member, Maryland State Board of Education**  
**Brigadier General Warner Sumpter, Member, Maryland State Board of Education**  
**Ms. Rachel Hise, Department of Legislative Services**

DANIEL L. COX  
*Legislative District 4*  
Frederick and Carroll Counties

Judiciary Committee

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Family Law

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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

September 21, 2019

The Honorable Karen B. Salmon, PhD.  
State Superintendent of Schools

MD State Board of Education  
200 West Baltimore Street  
Baltimore, MD 21201

Susan C. Spinnato  
*Director of Instructional Programs, Improvement and Professional Learning*  
Maryland State Department of Education  
200 West Baltimore Street  
Baltimore, MD 21201

RE: Withdraw COMAR 13A.01.06 – to Protect Free Education

Dear Superintendent Salmon, Director Spinnato and members of the Board:

I would like to thank you for your tireless efforts and service to Maryland and our schools.

The proposed repeal of *Multicultural Education* COMAR 13A.04.05 – and replacement with COMAR 13A.01.06 – *Educational Equity* (“new regulation”) – should be withdrawn because it has too many necessary changes to comply with state and constitutional law. The inequities of the new regulation render nugatory any perceived equity on at least three grounds: 1) it discriminates against teachers/staff who embrace Republican values of enforcing national laws or working with ICE for safe schools from gangs like MS-13 via an “Equity Lens”; 2) it discriminates against local curriculum control and free inquiry; 3) it discriminates against private and bona fide educational and home school programs.

First, the new regulation (.04(C)(7)(8)) attempts to go around the State Legislature and will violate academic freedom and employment civil rights laws under MD Code State Govt. § 20-601, et. seq. It will base employment decisions in the schools “in all staff recruiting, hiring, retention, and promotion decisions” including performance reviews (.04(C)(8)), strictly upon a new criteria invention termed “**Equity Lens**”. (See .03(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). *Id.* Rather than equality for all, the term “equity lens” narrows the view.



Letter to Superintendent of Schools Karen B. Salmon, et al  
Re: Withdraw COMAR 13A.01.06 – to Protect Free Education  
September 21, 2019  
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The new regulation **requires “nationality” (foreign citizenship status) viewpoint consideration** (not national origin as state law provides, See MD Code State Govt. § 20-602(1)) for teacher and staff **hiring and promotion** in light of potential “impact on...marginalized student groups” - such as undocumented or illegal alien groups. This employment determination will not be handled by HR legal staff but will be as determined by a new Equity “Responsible Individual” (see .04(C)(13)) – an unelected, appointed bureaucrat with little apparent accountability. This new “nationality” viewpoint discrimination is political – it targets American teachers and staff who believe in national laws; it did not consider the viewpoints of parent and teacher representation groups and IEAs (Independent Education Associations).

Additionally, by favoring “marginalized” nationalities – employees who are citizens of other nations – while purposefully disfavoring citizen employees, it also appears to conflict with provisions of the Maryland Code and federal law. For example, those which prohibit state benefits to be paid in violation of Md. Labor & Empl. § 8-905 and only to those who are “present in the United States lawfully as a result of the application of § 207, § 208, or § 212(d)(5) of the Immigration and Nationality Act.” These laws protect citizen taxpayers.

It is important under our free system that teachers and staff do not waive their First Amendment freedoms at the schoolhouse door. Respect towards all students is required by law. See COMAR 13A.04.05. No school student or staff should be marginalized for being a Republican, a Jew, Christian, Atheist or Muslim, or of a primary descent from any particular ancestry or origin. Under this new regulation, an otherwise qualified teacher under state law will be denied employment and pay grade rank promotion upon unlawful criteria.

Second, the regulation broadly impedes curricula and free thought. It is axiomatic that free speech and association rights under the Maryland and United States Constitutions are inalienable. Yet, free thought and free education is being manipulated by this new proposed regulation. For instance, if a teacher or school staff expresses rational views: such as teaching patriotism and citizenship by displaying a United States Flag in the schoolroom and explaining its stripes and stars to her students, or teaching the Holocaust by including the explanation for the founding of the State of Israel and explaining Zionism, or teaching the necessity in social studies class of the role of mothers and fathers in the stability and formation of their children, or off the job on social media stating support for upholding federal law regarding Border security in order to keep students safe from MS-13 in the public schools and community, then the teacher or staff with the “wrong” viewpoint will be penalized and likely disciplined in their performance evaluations and possibly even dismissed (See .04(C)(8)). The new regulation also requires all curriculum to be approved through the Equity Lens, with power to the Equity Responsible Individual, interfering with local control of education.



Letter to Superintendent of Schools Karen B. Salmon, et al  
Re: Withdraw COMAR 13A.01.06 – to Protect Free Education  
September 21, 2019  
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Free pursuit of truth and education will not be permitted in our schools if the teacher or staff's viewpoint or expression is deemed by the new Equity Responsible Individual to not comply with the new "Equity Lens" because of a perceived negative impact on a particular student population. Keep in mind there are already mechanisms under law for HR to deal with rare cases of concern.

Third, and **of great concern to my many private and bona fide** education program constituents, the new regulation appears to supercede its statutory authority under MD Code Education § 2-205 Powers and duties, subsection (n) Reports from private schools, which simply institutes an annual "report [of]...[the private school's] enrollment and courses of study....". The new regulation has too broad a "scope" as written (See .03), by its striking of "public agencies" and adding the broad language "**entities** that provide educational services to children birth— age 21, including licensed childcare facilities and programs." Under its section .05 *Monitoring and Reporting*, private schools and bona fide educational programs appear to be mandated new reporting and monitoring control by state authorities that does not comport with actual state law.

Education Art. § 2-205, does not grant such broad powers to the State Board over private, parochial and bona fide educational programs. There is no explanation in your report requesting public comment for the striking of "public agencies" and substituting "entities" in the proposed new regulation. Private and parochial schools and bona fide educational programs appreciate providing stakeholder input, but they are not under the regulatory control of the State Board of Education regarding "Educational Equity" and should be exempted. Perhaps this was merely an oversight – which correction will be greatly appreciated.

Frederick and Carroll Counties have some of the largest numbers of private and home school students and families in the state of Maryland. As their representative, I urge you on their behalf to withdraw this proposed new regulation as written.

Thank you for your time and careful consideration.

Very respectfully,

A handwritten signature in black ink, appearing to read "D. Cox".

Daniel L. Cox  
State Delegate (D4, Frederick & Carroll)

Cc: House Education Subcommittee  
House leadership  
MD constituent private schools & bona fide educational programs