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**TO:** Members of the State Board of Education  
**FROM:** Karen B. Salmon, Ph.D. *KBS/clw*  
**DATE:** October 25, 2016  
**SUBJECT:** COMAR 13A.04.05 *Education that is Multicultural* (AMEND)  
**PERMISSION TO PUBLISH**

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**PURPOSE:**

The purpose of this action is to request that the State Board grant permission to publish amended regulations for *Education that is Multicultural*. The amended regulation incorporates new definitions and program goals.

**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 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, 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 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:**

MSDE convenes monthly meetings of the Network for Equity & Excellence in Education, a group representing each LEA that supports COMAR 13A.04.05 by collaborating to develop and share resources and strategies that ensure that *Education that is Multicultural* permeates all aspects of LEA and school practices, policies, and instruction. During the regulatory review process, it was evident that COMAR 13A.04.05 did not include ambitious program goals, and the definitions did not align to the Civil Rights Law of MD (Title 20 of the State Government Article). The proposed amendments were developed with input from the Network, the Mid Atlantic Equity Consortium, and MSDE content specialists.

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**EXECUTIVE SUMMARY:**

The adoption of these changes provides updated definitions and aspirational goals for MSDE and local school systems for the implementation of *Education that is Multicultural* “as a means to ensure the highest levels of academic achievement for all students.”

**ACTION:**

Request permission to publish the changes to COMAR 13A.04.05 for public comment.

# Title 13A STATE BOARD OF EDUCATION

## Subtitle 04 SPECIFIC SUBJECTS

### Chapter 05 Education That is Multicultural

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

#### .01 Scope.

A. [Assurance of success for all students in Maryland is dependent upon quality and equity in education, which empowers students to make decisions on important social and personal issues, and take action to help solve them. The intent of this chapter is to provide for local school systems' guidelines and goals for education that is multicultural, that will enable the school systems to provide curricula, instruction, staff development, and instructional resources that are multicultural while recognizing our common ground as a nation. These will enable students to demonstrate knowledge, understanding, and appreciation of cultural groups in the State, nation, and world.] *Education that is multicultural is a continuous, integrated, inclusive, transdisciplinary process that permeates all aspects of school practices, policies, and instruction as a means to ensure the highest levels of academic achievement for all students. Education that is multicultural prepares educators to live, teach, interact, and work productively in a culturally diverse school community by assessing cultural knowledge, adapting to changing demographics, and incorporating culturally responsive educational practice based on student needs. Education that is multicultural prepares students to live, learn, interact, and work creatively in an interdependent world community by valuing diversity and fostering mutual appreciation and respect. It is a process which is complemented by community and family engagement and support. Diversity factors include but are not limited to race, ethnicity, sex, age, color, national origin, language, religion, sexual orientation, gender identity, gender expression, socioeconomic status, and disability.*

B. [Education that is multicultural is a continuous, integrated, multiethnic, multidisciplinary process for educating all students about diversity and commonality. Diversity factors include but are not limited to race, ethnicity, region, religion, gender, language, socioeconomic status, age, and individuals with disabilities. It encompasses curricular infusion and instructional strategies in all subject areas. Education that is multicultural prepares students to live, learn, interact, and work creatively in an interdependent global society by fostering mutual appreciation and respect. It is a process which is complemented by community and parent involvement in support of multicultural initiatives]. *Assurance of success for all students in Maryland is dependent upon quality and equity in educational practice which empowers school staff and students to recognize important social and personal educational issues, critically analyze and make informed decisions, and take constructive action to address them. The intent of this chapter is to provide definitions and goals for education that is multicultural that will enable local school systems to provide curricula, instruction, professional learning, and instructional resources that are culturally responsive and facilitate equitable student outcomes.*

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

#### .02 Definitions.

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

##### B. Terms Defined.

- (1) "Bias" means a mental leaning or inclination, or partiality.
- (2) [(2)] "Commonality" means a sharing of common features, characteristics, or traits, or all of these.
- (3) "Culture" means a set of beliefs and practices that a person shares with a group.
- (4) [(3)] "Cultural groups" means groups that identify by the factors of race, ethnicity, region, religion, gender, language, socioeconomic status, age, or disability.
- (5) [(4)] "Cultural linguistic patterns" means the patterns of language unique to each cultural group.
- (6) "Cultural proficiency" means a process of professional and organizational development aimed at achieving excellence with equity in education that uses specific tools to assess culture, value diversity, manage the dynamics of difference, adapt to diversity, and institutionalize cultural knowledge.
- (7) "Cultural responsiveness" means pedagogy that recognizes the importance of including culture in all aspects of learning through equitable and inclusive practices that ensure high expectations
- (8) [(5)] "Discrimination" means an act of exclusion prompted by prejudice.
- (9) [(6)] "Diversity" means differences based on, but not limited to race, ethnicity, sex, age, color, national origin, language, religion, sexual orientation, gender identity, gender expression, socioeconomic status, and disability [race, ethnicity, region, religion, gender, language, socioeconomic status, age, and disability].
- (10) [(7)] "Ethnicity" means the classification or affiliation of any of the racial groups or national divisions of people.
- (11) "Gender identity or expression" means the gender-related identity, appearance, expression, or behavior of a person regardless of the person's assigned sex at birth.
- (12) "Heterosexism" means unequal or discriminatory treatment of or attitudes towards individuals or groups based on sexual orientation, with the assumption that all people are or should be heterosexual.
- (13) "Multicultural" means relating to, or constituting several cultural or ethnic groups.
- (14) "Multicultural education" means the approach used to effectively infuse diversity in the classroom fostering cultural pluralism and acknowledges the differences between race, culture, and ethnicity.

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

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

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

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

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

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

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

### .03 Programs.

A. [Public schools shall include as part of curricular and program offerings appropriate instruction for developing knowledge, understanding, and appreciation of cultural groups in society.] *Public schools shall infuse education that is multicultural in all curricular and program offerings.*

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

(1) [Staff development and other forms of technical assistance to help with implementation of this chapter;] *Professional learning and other forms of technical assistance to facilitate implementation of this chapter;*

(2) [Criteria, for use by local school systems in evaluating and selecting instructional materials and assessments for schools, which ensure that proper recognition is given to cultural groups:] *Criteria for use by local school systems in evaluating and selecting culturally responsive instructional materials and assessments for schools which ensure that Maryland's, the nation's, and the world's cultural diversity is integrated into classroom instruction;*

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

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

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

(4) [Cross-referenced matches of multicultural goals with Maryland School Performance Program outcomes and curricular frameworks for all disciplines.] *Alignment of education that is multicultural goals with Maryland College and Career Readiness Standards and curricular frameworks for all disciplines.*

C. [A multicultural focus in all State activities shall include assessments, publications, and curricular frameworks in each subject area.] *All State activities, including assessments, publications, and curricular frameworks in each content area, shall focus on achievement and cultural proficiency and align with the components of an education that is multicultural.*

### .04 Goals.

A. The [guidelines] *goals set forth* in §§B—D of this regulation [have been developed to assist] *shall be used* by local school system personnel in the design, management, implementation, and evaluation of education that is multicultural. [master plan and master plan annual update cycles. The guidelines are divided into three areas of curriculum, instruction, and staff development, each of which includes a goal statement and objectives.]

#### B. Curriculum.

(1) Goal. [To provide Pre-K—12 curriculum, which enables students to demonstrate an understanding of and an appreciation for cultural groups in the United States as an integral part of education for a culturally pluralistic society. The curriculum shall enable students to apply these skills to fully participate in the democratic process of their community, State, nation, and world.] *To provide PreK-12 culturally relevant and responsive curriculum aligned with Maryland College and Career Readiness Standards which enables students to explore and value the experiences, perspectives, and contributions of various cultures, groups, and individuals as an integral part of college and career readiness in a diverse and changing world. The curriculum shall enable students to apply this knowledge and skills to fully participate in the democratic process of their community, State, nation, and world.* The curriculum includes the following content:

(a) [Emphasis on correcting the omissions and misrepresentations of African Americans, Asian Americans, Latinos, Native Americans, women, and individuals with disabilities;] *Emphasis on correcting omissions and misrepresentations of diverse cultures, groups, and individuals;*

(b) The history of cultural groups and their contributions in Maryland, in the United States, and in the world;

(c) Historic events, situations, conflicts, and interpretations from diverse perspectives;

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

(e) **[As appropriate, issues]** *Issues of racism, sexism, bias, and prejudice as these affect the behavior and experience of individuals and groups.*

(2) **Goal.** **[To provide Pre-K—12 curriculum, which develops the valuing of cultural groups in the United States as an integral part of education for a culturally pluralistic society. The curriculum shall provide opportunity for students to demonstrate the following attitudes and actions:]** *To provide PreK-12 curriculum which continuously affirms human diversity, demonstrates respect, and provides opportunities for teachers to practice and for students to attain cultural proficiency. The curriculum shall enable students to develop and teachers to model the following attitudes, skills, and behaviors:*

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

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

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

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

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

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

#### C. Instruction.

(1) **Goal.** **[To provide Pre-K—12 instruction which will enable students to develop an understanding of and appreciation for cultural groups as an integral part of education for a culturally pluralistic society.]** *To provide inclusive PreK-12 instruction which will enable teachers to model and students to develop cultural proficiency as an integral part of education for college, career, and citizenship readiness in an interdependent world community.*

(2) The instructional program shall:

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

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

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

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

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

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

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

(h) **[Use instructional activities that promote an understanding of and a respect for a variety of ways of communicating, both verbal and nonverbal;]** *Embed culturally responsive instructional materials and resources in all content areas which reinforce the concept of the United States as a pluralistic society within a globally interdependent world while recognizing our common ground as a nation;*

(i) **[Use instructional materials which reinforce the concept of the United States as a pluralistic society within a globally interdependent world while recognizing our common ground as a nation;]** *Provide opportunities for students to analyze and evaluate social issues, challenge injustice, value diversity, support human rights, and take constructive action for positive change;*

**[(j) Incorporate multicultural instructional materials in all subject areas; and]**

**[(k) Provide opportunities for students to analyze and evaluate social issues and propose solutions to contemporary social problems.]**

#### D. [Staff Development.] Professional Learning.

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

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

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

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

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

- (d) [Training] *Activities to recognize and correct stereotyping, discrimination, bias, and prejudice;*
- (e) [Training for fostering greater intergroup understanding]; *Cross-cultural communication training and cultural proficiency training;*
- (f) Training to recognize and correct the omissions and misrepresentations of *diverse cultures* groups and individuals in curriculum and instruction;
- (g) [Training to recognize and correct inequitable participation in school activities by students and staff from different backgrounds;] *Analysis of academic and behavioral disaggregated data to identify areas of disproportionality underrepresentation, and educational inequities;* and
- (h) Training [to identify human resources for education that is multicultural.] *on strategies to welcome, engage, and support the participation of a diverse community of school stakeholders.*

**.05 Criteria for Instructional Resources.**

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

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

- (1) Materials that [avoid stereotyping, discrimination, bias, and prejudice;] *teach about racism, sexism, heterosexism, bias, and prejudice in a culturally proficient manner;*
- (2) Materials that reflect the diverse experiences relating to [cultural groups and individuals] *cultures, groups, and individuals, acknowledge the contributions of diverse groups to Maryland and U.S. history, and honor diverse groups represented in the school community;*
- (3) Instructional materials [in all content areas] that represent society as multicultural; and
- (4) [Human resources to help students demonstrate an understanding of and respect for cultural diversity.] *Materials that support the integration of personal, familiar, historical, and cultural contexts of society that is meaningful for a population of diverse students;*
- (5) *Materials that portray positive role models from diverse communities; and*
- (6) *Materials that reflect balanced images and information about diverse persons/groups that illustrate a wide array of broad choices and roles for all, and include representation within groups.*

**.06 [Planning and Implementation.] Tests and Assessments.**

All tests and assessments administered by or through the Department shall [strategies and content that are multicultural in each subject area and reflect the student diversity and commonality factors described in Regulation .01B of this chapter.] *include thoughtfully selected content, response guidelines, and administration strategies that are multicultural and culturally responsive in each subject area and reflect the student diversity and commonality factors described in Regulation .01B of this chapter.*

**.07 [Tests and Assessments.] Reporting Requirements.**

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

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

[C. The State Superintendent shall report annually to the State Board the results of the reviews of the master and Bridge to Excellence master plan updates.]

**[.08 Monitoring and Reporting.**

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

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