

TO: Members of the Education Policy Committee

FROM: Carey M. Wright, Ed.D., State Superintendent of Schools



DATE: April 16, 2025

SUBJECT: COMAR 13A.05.07 *Programs for English Learners*
Permission to Publish

Executive Summary

The purpose of this item is to request permission to publish amendments to COMAR 13A.05.07 *Programs for English Learners*. The amendments incorporate new asset-based terminology. In the Final Report of the Blueprint for Maryland's Future: Workgroup on English Learners in Public Schools, Recommendation 1 states that "MSDE should formally shift from the English learner label to additive terminology such as multilingual or emerging bilingual, focusing on student's strengths, and affirming their home languages."

Background and Process

To recognize and honor the linguistic and cultural resources of students and their families, MSDE is transitioning terminology from "English learner" (EL) to "multilingual learner" (ML). The shift reflects MSDE's commitment to supporting and sustaining multilingualism by promoting an asset-based approach through which Maryland and its educators cultivate MLs as unique and diverse learners. This change has appeared in communication from the U.S. Department of Education and was directly in line with the *Raise the Bar, Lead the World Initiative, Key Focus Area 3: Create Pathways for Global Engagement*. Additionally, it aligns with the recommendations of the Blueprint for Maryland's Future: Workgroup on English Learners.

MSDE is collaborating with local education agencies as they begin transitioning language accordingly.

Action

MSDE requests permission to publish amended regulation COMAR 13A.05.07 *Programs for English Learners*.

Regulation and Promulgation Process

Under Maryland law, a state agency, such as the State Board of Education (State Board), may propose a new or amended 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, MSDE staff will present a recommendation to the State Board 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 suggest revision is a substantive change. At any time during the 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.

Attachments

COMAR 13A.05.07 *Programs for English Learners*

Title 13A STATE BOARD OF EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

Chapter 07 Programs for [English Learners] *Multilingual Learners*

Authority: Education Article, §§2-205 and 4-111, Annotated Code of Maryland

.01 Scope.

These regulations pertain to all programs for [English Learners (ELs)] *multilingual learners (MLs)* that provide instructional assistance and services to enable [ELs] *MLs* to attain English Proficiency, develop high levels of academic language, and achieve at high levels in academic subjects so that all [ELs] *MLs* can meet the same challenging Maryland College and Career Ready Standards that all students are expected to meet.

.02 Definitions.

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

B. Terms Defined.

(1) “*Maryland* Home Language Survey” means one or more *Department-approved* questions posed to all parents and students upon entering a local school system in order to determine the language or languages spoken in the home.

(2) “English Learner” means a student:

(a) Who communicates in a language other than English; or

(b) Whose family uses a primary language other than English in the home; and

(c) Whose English language proficiency falls within the range established by the State for an English language development program.]

(2) “*Multilingual learner (ML)*” has the same meaning as “English learner” as defined in 20 U.S.C. § 7801(20).

.03 Programs for [English Learners] *Multilingual Learners*.

A. Each local school system shall establish an English language development program for those students who have been identified as [ELs] *MLs* by: [means of a home language survey as well as the State-approved English language proficiency placement assessment.]

(1) *The Maryland Home Language Survey; and*

(2) *The Department-approved English language proficiency placement assessment.*

B. The English language development program shall contain the following components:

(1) Goals;

(2) Student identification;

(3) Student placement;

(4) Curriculum and instruction;

(5) Certified English for Speakers of Other Languages (ESOL) teachers;

(6) Materials of instruction;

(7) Facilities;

(8) Program delivery models;

(9) Parent and community involvement;

(10) Support services;

(11) Exit criteria; and

(12) Program evaluation.

C. A student who has been identified as an [EL] *ML* shall:

(1) Be placed in an English language development program; and

(2) Be evaluated each year on the *appropriate* [State] *Department*-approved summative English language proficiency assessment in listening, speaking, reading, and writing to determine [EL] *ML* status.

D. The English language development program shall include the following standards:

(1) [English language learners] *Multilingual learners* communicate for Social and Instructional purposes within the school setting.

(2) [English language learners] *Multilingual learners* communicate information, ideas, and concepts necessary for academic success in the content area of Language Arts.

(3) [English language learners] *Multilingual learners* communicate information, ideas, and concepts necessary for academic success in the content area of Mathematics.

(4) [English language learners] *Multilingual learners* communicate information, ideas, and concepts necessary for academic success in the content area of Science.

(5) [English language learners] *Multilingual learners* communicate information, ideas, and concepts necessary for academic success in the content area of Social Studies.

E. Local school systems shall adopt policies and procedures to ensure that there is an English language development program and that the program meets the requirements of this chapter.

.04 Funding.

The amount of State funding shall be determined annually on the basis of the number of [ELs] *MLs* who are reported on the Enrollment Survey as of October 31.

.05 Reporting Requirements

Local school systems shall annually report to the Department their goals, objectives, and strategies regarding the performance of [English learners] *multilingual learners* along with timelines for implementation and methods for measuring progress.