



**House Bill 1098 — Education – English Learners and Dual Language Immersion Programs
Funding and Establishment (Multilingualism Is An Asset Act)
House Appropriations Committee
March 7, 2023**

Favorable with Amendments

The ACLU of Maryland and the Community Workgroup on English Language Learners (Community WELL) supports HB 1098 — Multilingualism Is An Asset Act with amendments. This bill directs the Maryland State Department of Education (MSDE) to develop framework and guidance for local boards of education to establish Dual Language Immersion schools and programs in their districts. In addition to maintaining the current 100% of English Language Learners (ELLs) weight in the state education funding formula, HB 1098 also ensures that the formula recognizes the varying levels of English Language Proficiency among students in Maryland public schools and makes changes to the English Learners "weight", so as to direct more funding to those who need more support. We are offering amendments to strengthen the accountability regarding the allocation of funding to ELLs and in the establishment of Dual Language programs throughout the state. We are also advocating for the Blueprint Workgroup on English Language Learners, facilitated by MSDE, continue its work over upcoming year address a number of outstanding policy issues related to improving the educational experience of ELLs and their families.

Background. Community WELL is composed of more than 30 grassroots groups, policy advocacy organizations, and public school ESOL teachers, parents, and students. Our mission is to ensure that all ELLs in Maryland public schools are valued like their English-speaking peers and receive a comprehensive, culturally responsive, and fully funded world class education. Our coalition formed during the fall of 2021 in response to the establishment of the *Blueprint Workgroup on English Language Learners in Public Schools* ("*Blueprint Workgroup*"), led by Maryland State Superintendent Mohammed Choudhury. We engaged hundreds of ELL families over the past year and worked in partnership with MSDE to develop policy recommendations and provide input into the *Blueprint Workgroup's* recommendations.

State of English Language Learners in Maryland¹. ELLs are the fastest growing population in Maryland public schools. There are nearly 100,000 ELLs in Maryland public schools, almost double the size from a decade ago. Approximately 72% of them speak Spanish and the remaining 28% speak a variety of different languages including Chinese, Urdu, French and Arabic, but none comprise more than 1% of the total ELL school enrollment. The greatest percentages of ELL students are found in Prince George's,

¹ *Blueprint for Maryland's Future: Workgroup on English Language Learners in Public Schools.* (Nov 2022). Maryland State Department of Education. <https://blueprint.marylandpublicschools.org/wp-content/uploads/sites/20/2022/11/WorkgroupEnglishLearnersPublicSchoolsFinalReport.pdf>

Montgomery, Talbot, Baltimore, and Anne Arundel Counties, and Baltimore City. Over the past 5 years, the most significant growth in ELL enrollment is in Allegany, Baltimore, Charles, Queen Anne's, and Talbot Counties, and Baltimore City. ELLs are overrepresented among the students living in poverty in Maryland. Approximately 64% of ELLs are living in poverty, compared to 42% among non-ELLs. The rate of ELLs in special education is similar to their English-speaking peers at approximately 12% of the total enrollment.

In terms of overall academic achievement and educational outcomes, ELLs are lagging far behind their peers². In English Language Arts for grades 3-8, only 8.4% of ELLs are proficient compared with statewide average of 44% in 2019. ELLs were proficient at 4.1% in 2016, so it is worth noting that the trend in the proficiency rate among ELLs is improving. In Mathematics, ELLs are showing similar rates of proficiency with their English-speaking classmates at 10% and 33%, respectively. Likewise, the proficiency rate among ELLs in this subject since 2016 had improved, but that increase is much smaller. The disproportionality in achievement among ELLs compared to English-speaking students is even greater at the high school level.

Given the growing enrollment of ELLs in Maryland public schools and the enormous disparity in achievement impacting this population, **passing HB 1098 is a desperately needed first step to begin developing a much better pathway to success for ELLs throughout our state.**

Funding for ELL Students in HB 1098. HB 1098 would maintain the current ELL weight in the state's education funding formula at 100% of the Foundation Per Pupil ("Foundation")³. Over the 10-year phase-in period of the *Blueprint for Maryland's Future* ("*Blueprint*"), the current law decreases the ELL weight from 100% of the Foundation to 85% by Fiscal Year 2033, and thereafter. While the *Blueprint* law significantly increases the Foundation for all students — which will provide more funding for all students — ELL students will receive proportionately less than what they received under the previous state funding formula ("*Thornton*") relative to their English-speaking peers. Given the enormous disparity in achievement between ELLs and their peers, Community WELL strongly agrees with maintaining the current ELL weight at 100% in HB 1098. State data and outcomes should dictate that ELL students receive a high level of funding for high quality programming and interventions, and that they should receive proportionately more than what they received under the Thornton formula.

HB 1098 would also establish a new tiered system for the ELL weight, which is designed to direct varying levels of funding to ELL students based on their level of English Language Proficiency. The proposed system in HB 1098 establishes four tiers of English Language Proficiency: Advanced, Intermediate, Newcomers, and Students with Limited or Interrupted Formal Education (SLIFE). The ELL weight for these categories is 0.8, 1.0, 1.2, and 1.25, respectively. **Community WELL supports this proposed tiered system and believes that allocating amounts of funding based on the level of need for each ELL students is common sense.** However, we are asking that the definitions of the proficiency tiers be developed by the *Blueprint* Workgroup after the legislative session. See our amendment requests below.

² *Id.*

³ *The Foundation Per Pupil is the center piece in the state education funding formula, codified in the Blueprint for Maryland's Future (HB1300 from General Assembly 2020, and HB1372 from General Assembly 2021). All school districts receive the Foundation Per Pupil, which is set in law at \$8,642 for Fiscal Year 2024, for every enrolled student. Districts receive the Foundation Per Pupil multiplied by the ELL weight, which is set at 100% of the Foundation Per Pupil, for each student enrolled as an ELL student.*

While HB 1098 proposes important changes to the state's funding formula, understanding its implications at the school level is complicated. **Community WELL is asking the committee, in collaboration with MSDE, the Department of Legislative Services, and the Blueprint's Accountability and Implementation Board (AIB) to produce funding projections for a diverse set of schools throughout to state to model and compare HB 1098's funding methodology with the current non-tiered system.** Further, Community WELL members and our vast constituency throughout Maryland are interested in understanding more concretely how these funds will be spent at the school level and how the community can be engaged and involved in the decision-making process for expending these funds. There are many ELL policy and practice recommendations in MSDE's Blueprint Workgroup⁴ and in Community WELL's policy recommendations⁵ that could significantly improve the experiences and outcomes for ELLs throughout Maryland. **We are asking for an amendment to ensure that the ELL community is included in the decision-making plan for expending ELL funds at the school level and that the school provides a list of ELL-specific programs and services that administrators, teachers, and the community can draw upon while determining their priorities for their annual school budgets.**

Accurately Assessing a Student's English Language Project. With the funding implications of new tiered system that recognizes the varying levels of English Language Proficiency among ELL students, **the need to assess a student's proficiency level accurately and comprehensively is even more important.** Public school ESOL teachers in Community WELL wrote about the inaccuracy and overreliance on the WIDA assessments to determine the English Language Proficiency of ELL students⁶. In addition to the significant implications that WIDA would have on state and local education funding allocations under HB 1098, it is critical that a better system of assessing English Language Proficiency be developed for a variety of reasons. The WIDA test is a burden and an enormous time commitment for ESOL teachers, who generally have very little support when administering this assessment. It consumes a six-week testing window and unlike their English-speaking peers, ESOL students are pulled from their classrooms frequently over this period of time, which leads to disruptions and learning loss in many subject areas. WIDA scores ignore certain aspects of student performance and teacher judgment. The testing conditions mirror the failed approach of high-stakes testing, which many believe are an inequitable gauge of achievement and aptitude, especially for students of color. We believe that teacher judgement and incorporating other currently used assessments of student knowledge, in addition to using WIDA, should be included in a revamped assessment to measure English Language Proficiency.

While Community WELL supports the tiered funded system proposed in HB 1098, we are asking for an amendment to revive the *Blueprint Workgroup* on ELLs to study and make recommendations on a number of outstanding issues related to the funding formula and the English Language Proficiency assessment.

⁴ *Blueprint for Maryland's Future: Workgroup on English Language Learners in Public Schools.* (Nov 2022). Maryland State Department of Education. <https://blueprint.marylandpublicschools.org/wp-content/uploads/sites/20/2022/11/WorkgroupEnglishLearnersPublicSchoolsFinalReport.pdf>

⁵ *Community WELL Draft Policy Paper: Maximizing the Potential of Maryland's English Language Learners.* (Dec 2022). Community Workgroup on English Language Learners. <https://osilvermana.medium.com/community-well-draft-policy-paper-maximizing-the-potential-of-marylands-english-language-learners-e56cb4c1530>

⁶ *Id.*

- Review the strengths and weaknesses of the WIDA assessment and study various models of assessing a student's English Language Proficiency. This will have implications for instructional purposes at the school level, and not necessarily for funding policy.
 - Develop strategies that can help alleviate the burden on teachers administering the WIDA assessment, including how ELL funding can add staffing capacity and reduce class sizes.
- Develop clear definitions for each tier of English Language Proficiency for ELLs.
 - **Community WELL is asking that the definition for SLIFE in HB 1098 not be approved.** Instead, allow the *Blueprint Workgroup*, in collaboration with advocates, to study and make recommendations to the definition.
- Develop an accountability system to ensure that schools do not inaccurately and unfairly categorize ELL students at the lower ends of English Language Proficiency, so as to gain more funding for their schools. Data integrity is paramount and moving ELL students towards proficiency must be the primary goal of the ESOL program. Students that remain in ESOL courses longer than necessary risk being excluded from appropriate level classes, including advanced courses and other meaningful educational opportunities.
- Develop an exhaustive list of strategies and programming for ELL students for school staff and school communities to draw upon during the development of school budgets (e.g. additional academic support, smaller class sizes for struggling students, interpreters and translating services, communications with the ELL community, etc).
- Continue livestreaming the meetings, posting materials and meeting recordings online, and allow for public comment.
- Engage with Community WELL and other impacted populations and groups, including ELL students, families, teachers, administrators, and policy experts from the beginning to the end of the *Blueprint Workgroup's* process.

Dual Language Immersion Schools in HB 1098. The movement towards creating Dual Language Immersion programs in Maryland is an admission to the rapidly changing demographics of our schools and recognition of the many benefits that come with lifting up and embracing the diverse ethnicities and cultures that are present in our communities. In general, studies have shown that Dual Language programs outperform monolingual programs and are more effective in closing achievement gaps between ELLs and their English-speaking peers^{7,8}. **Community WELL supports the goal of developing framework and guidance in HB 1098 for local school districts to establish Dual Language Immersion programs. And we agree that all students in these programs — including English speakers learning in another language — receive the funding provided by the ELL weight in the state education funding formula.**

However, while there are a few Dual Language Immersion programs in our state, most principals and school administrators have not been involved with creating such a program. We anticipate that most school leaders will need a lot of guidance and support. More importantly, MSDE and local school

⁷ Steele, Jennifer L., et al. (2013). *The Effect of Dual-Language Immersion on Student Achievement in Math, Science, and English Language Arts*. Society for Research on Educational Effectiveness. <https://eric.ed.gov/?id=ED564065>

⁸ Steele, Jennifer L. (2021, Sept 21). *Dual Language Immersion Education Recent Research and Implications for English Learners [Meeting presentation]*. *Blueprint Workgroup on English Language Learners in Public Schools*. Maryland State Department of Education. <https://www.marylandpublicschools.org/Blueprint/Documents/09302021/DualLanguageImmersionEducation.pdf>

districts should target students and communities that have the most to gain from a Dual Language program to ensure that the roll out of these programs are guided by equity principles. To that end, we ask that the committee to develop amendment language to accomplish the goals below.

- Ensure that the application process for dual language school certification is clear and not overly burdensome.
- Ensure that MSDE will provide support to school districts in the application process; especially for schools and districts with fewer resources and high needs.
- Identify and encourage schools and communities with large populations of ELL students with low academic outcomes and other metrics such as high truancy and suspensions, to apply.
- Require schools that have significant numbers of ELL students to report on the reasons for not applying to become a Dual Language school or program. This is an important requirement so that MSDE and stakeholders understand the needs of principals and school administrators in developing these programs.
- Provide community-friendly information on Dual Language program opportunities and give parents, students, and community advocates a formal way to ask questions and make a formal request for their school to apply to become a Dual Language program.

Comprehensively Reforming Education for ELL Students and Families. Community WELL understands that HB 1098 addresses two of the nine recommendations in the *Blueprint Workgroup's* final report, and that the needs of ELL students and their families extend far beyond what is included in this bill. We want to make sure that the House Appropriations Committee is aware of the other recommendations included in the *Blueprint Workgroup's* report — and the recommendations in Community WELL's policy paper⁹ — and that they are acted on in a timely and comprehensive manner. Older and neurodiverse ELL students will receive more funding under HB 1098 but we want to make sure those funds are spent in the most impactful way possible. We want to make sure that there are bilingual staff and interpreters are accessible in public schools throughout our state and that the system for communicating and engaging with ELL students and families is vastly improved. We want to see ELL students have access to all of the opportunities in the *Blueprint* plan and to the programs afforded to their English-speaking classmates. We want to ensure that educators and school staff, including mental health professionals and afterschool providers, are delivering teaching and learning, and school-based services in a way that is culturally informed and responsive. And we want to make sure that the content in our curriculum is life affirming, uplifting, and inclusive of the ELL communities in Maryland. **We are asking the Committee to work with us and other impacted stakeholders to make sure that our schools are moving forward on these goals through future legislation and actions at the state and local school board level.**

Thank you for the opportunity to provide this testimony and for the foregoing reasons state above, please give HB 1098 a favorable report with our amendments.

If you have questions or want to connect with Community WELL members, please contact Frank Patinella, Senior Education Advocate for the ACLU of Maryland, at patinella@aclu-md.org.

⁹ *Community WELL Draft Policy Paper: Maximizing the Potential of Maryland's English Language Learners. (Dec 2022). Community Workgroup on English Language Learners. <https://osilvermana.medium.com/community-well-draft-policy-paper-maximizing-the-potential-of-marylands-english-language-learners-e56cb4c1530>*