

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
State Board of Education**  
(DLS Control No. 16-320)

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## **Overview and Legal and Fiscal Impact**

The regulations alter implementation of “education that is multicultural” in public schools.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

## **Regulation of COMAR Affected**

### **State Board of Education:**

Specific Subjects: Education That is Multicultural: COMAR 13A.04.05.01-.08

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## **Legal Analysis**

### **Background**

On May 21, 2013, the State Board of Education suggested that COMAR 13A.04.05 be updated, particularly to include sexual orientation as a diversity factor. Then, during the 2013-2014 and 2014-2015 school years, the State Department of Education convened monthly meetings of the Network for Equity and Excellence in Education, a group consisting of equity, cultural proficiency, and multicultural stakeholders from each local school system, in order to align existing regulations with other State laws and regulations relating to diversity and civil rights.

### **Summary of Regulations**

The regulations alter implementation of “education that is multicultural” in public schools. Among other things, the regulations:

- expand the definitions of “cultural groups” and “diversity” to include sexual orientation, among other terms;
- clarify that education that is multicultural must be infused in all prekindergarten through 12<sup>th</sup> grade curricular and program offerings;

- update aspirational goals relating to curriculum, instruction, professional development, and instructional resources;
- repeal a requirement that a local school system's master plan include information relating to the progress made toward meeting these goals, instead requiring an annual report to the department regarding progress toward meeting these goals; and
- repeal a requirement for the State Superintendent of Schools to monitor the implementation of education that is multicultural and report to the State board, the Governor, and the General Assembly.

## **Legal Issues**

The regulations present no legal issues of concern.

### **Statutory Authority and Legislative Intent**

The department cites § 2-205(c) and (h) of the Education Article as statutory authority for the regulations. Section 2-205(c) requires the State board to adopt regulations for the administration of the public schools. This section also provides that these regulations apply to each county. Section 2-205(h) requires the State board, with the advice of the State Superintendent, to establish basic policy and guidelines for the program of instruction in the public schools.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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