

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education**
(DLS Control No. 19-107)

Overview and Legal and Fiscal Impact

The proposal repeals existing regulations relating to multicultural education and substitutes updated regulations relating to educational equity.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

State Board of Education:

State School Administration: Educational Equity: COMAR 13A.01.06.01 through .05

Legal Analysis

Background

The Network for Equity and Excellence in Education, which is comprised of representatives of the Maryland State Department of Education and each local school system, has met monthly since 1997 to develop materials and strategies to assure the implementation of the Education That is Multicultural chapter (COMAR 13A.04.05).

The department advises that the Education That is Multicultural chapter is outdated.

Summary of Regulations

In this action, the State Board of Education is withdrawing proposed regulations that were published in the Maryland Register on March 29, 2019 (see DLS Control No. 19-003), and proposing these similar regulations that incorporate a few changes made in response to public comments on the earlier proposal.

The proposal repeals all of the regulations in the Education That is Multicultural chapter, which is included in the Specific Subjects subtitle, and substitutes a new chapter, entitled “Educational Equity” and located in the School Administration subtitle. The purpose of the new

regulations includes providing every student with equitable access to educational rigor, resources, and support. More specifically, the regulations:

- apply to all local school systems, the department, and entities that provide educational services to children from birth through age 21;
- require the department to establish systems of structure and support for school systems that ensure educational equity and excellence;
- require each local school system to develop a certain educational equity policy and corresponding regulations and to take certain actions related to the educational equity policy in the Local ESSA Consolidated Strategic Plan, which will be published and made accessible to the public;
- require the department to:
 - conduct certain needs assessments;
 - convene the Network for Equity and Excellence in Education (with representation from each local school system and other stakeholders) to review statewide progress and develop implementation and peer review guidelines;
 - develop a guide for implementation of equity initiatives at the local level; and
 - review and assess the department's and local school systems' implementation of the requirements of the chapter;
- beginning December 1, 2020, and every three years thereafter, require the State Superintendent of Schools to report progress on the implementation of the chapter to the State board, publish the data, and make the data easily accessible to for public viewing; and
- require the State board and the State Superintendent to annually recognize schools, school staff, and local school systems that demonstrate the most significant advances in promoting equity and excellence.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The State board cites § 2-205(c) and (h) of the Education Article as statutory authority for these regulations. Section 2-205(c) requires the State board to adopt regulations for the administration of public schools. 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 for 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 fiscal impact because school systems have the capacity to develop educational equity policies with existing resources. The Department of Legislative Services concurs. In addition, the Department of Legislative Services advises that local school systems can redirect funds that would have been spent on the Education that is Multicultural program, which is repealed by the proposal, to the Educational Equity program, which is established by the proposal. Further, local school systems have flexibility in implementing the requirements of the regulations. For all those reasons, the regulations have no fiscal impact overall.

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.

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