

HOUSE BILL 1098

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CF SB 882

By: **Delegates R. Lewis, Acevero, Addison, Amprey, Bagnall, Boyce, Bridges, Charkoudian, Conaway, Crutchfield, Cullison, Edelson, Embry, Fair, Feldmark, Fennell, Foley, Forbes, Fraser–Hidalgo, Healey, Hill, Ivey, Kerr, Lehman, J. Long, Lopez, Mireku–North, Pena–Melnik, Qi, Queen, Reznik, Shetty, Smith, Solomon, Stewart, Taveras, Taylor, Terrasa, Vogel, Wells, Wilkins, and Woods**

Introduced and read first time: February 10, 2023

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – English Learners and Dual Language Immersion Programs –**
3 **Funding and Establishment**
4 **(Multilingualism Is an Asset Act)**

5 FOR the purpose of providing certain additional funding for certain English learners
6 subject to certain conditions; establishing the Dual Language Immersion Program to
7 be administered by the State Department of Education; requiring the Governor to
8 include a certain appropriation in the annual budget bill for dual language
9 immersion grants under the Program; and generally relating to English learners and
10 dual language immersion programs.

11 BY repealing and reenacting, with amendments,
12 Article – Education
13 Section 5–224 and 5–234(a)
14 Annotated Code of Maryland
15 (2022 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Education**

19 5–224.

20 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) “ENGLISH LEARNER” MEANS A STUDENT IDENTIFIED AS NON-ENGLISH OR AS HAVING LIMITED ENGLISH PROFICIENCY UNDER THE REPORTING REQUIREMENTS ESTABLISHED BY THE DEPARTMENT FOR THE MARYLAND COMPREHENSIVE ASSESSMENT PROGRAM (MCAP).

(3) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, “English learner enrollment” means the number of students [with limited English proficiency] WHO WERE ENGLISH LEARNERS in the prior fiscal year.

(II) IF A SCHOOL HAS AT LEAST 2 ENGLISH LEARNERS ENROLLED BUT LESS THAN 20, THEN “ENGLISH LEARNER ENROLLMENT” EQUALS 20.

(III) 1. IF A SCHOOL HAS A DUAL LANGUAGE IMMERSION PROGRAM THAT HAS BEEN APPROVED BY THE DEPARTMENT UNDER SUBSECTION (D) OF THIS SECTION, THEN “ENGLISH LEARNER ENROLLMENT” INCLUDES STUDENTS PARTICIPATING IN THE DUAL LANGUAGE IMMERSION PROGRAM WHO ARE NOT ENGLISH LEARNERS.

2. IF THE PROGRAM UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH HAS AT LEAST 2 ENGLISH LEARNERS ENROLLED BUT LESS THAN 20, THEN “ENGLISH LEARNER ENROLLMENT” EQUALS 20.

[(3)] (4) (I) “English learner per pupil amount” means, SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, the following proportions of the target per pupil foundation amount:

- [(i)] 1. For fiscal year 2022, 100%;
- [(ii)] 2. For fiscal year 2023, 100%;
- [(iii)] 3. For fiscal year 2024, 100%;
- [(iv)] 4. For fiscal year 2025, 102%; AND
- [(v)] 5. For fiscal year 2026[, 98%;
- (vi) For fiscal year 2027, 94%;
- (vii) For fiscal year 2028, 92%;
- (viii) For fiscal year 2029, 91%;
- (ix) For fiscal year 2030, 89%;

(x) For fiscal year 2031, 88%;

(xi) For fiscal year 2032, 86%; and

(xii) For fiscal year 2033] and each fiscal year thereafter, [85%]
100%.

**(II) 1. FOR A STUDENT IDENTIFIED AS A NEWCOMER OR
BEGINNER ENGLISH LEARNER, THE ENGLISH LEARNER PER PUPIL AMOUNT FOR
THAT STUDENT IS 1.2 TIMES THE ENGLISH LEARNER PER PUPIL AMOUNT UNDER
SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

**2. FOR A STUDENT IDENTIFIED AS AN INTERMEDIATE
ENGLISH LEARNER, THE ENGLISH LEARNER PER PUPIL AMOUNT FOR THAT
STUDENT IS 1.0 TIMES THE ENGLISH LEARNER PER PUPIL AMOUNT UNDER
SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

**3. FOR A STUDENT IDENTIFIED AS AN ADVANCED
ENGLISH LEARNER, THE ENGLISH LEARNER PER PUPIL AMOUNT FOR THAT
STUDENT IS 0.8 TIMES THE ENGLISH LEARNER PER PUPIL AMOUNT UNDER
SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

**4. FOR A STUDENT WITH LIMITED OR INTERRUPTED
FORMAL EDUCATION, THE ENGLISH LEARNER PER PUPIL AMOUNT FOR THAT
STUDENT IS 1.25 TIMES THE ENGLISH LEARNER PER PUPIL AMOUNT UNDER
SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

**5. FOR A STUDENT ENROLLED IN A SCHOOL THAT HAS A
NATIVE LANGUAGE RATIO THAT IS EQUAL TO OR GREATER THAN 0.6, THE ENGLISH
LEARNER PER PUPIL AMOUNT FOR THAT STUDENT IS 1.05 TIMES THE ENGLISH
LEARNER PER PUPIL AMOUNT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

**6. FOR A STUDENT ENROLLED IN A DUAL LANGUAGE
IMMERSION PROGRAM THAT HAS BEEN APPROVED BY THE DEPARTMENT UNDER
SUBSECTION (D) OF THIS SECTION, THE ENGLISH LEARNER PER PUPIL AMOUNT FOR
THAT STUDENT IS 1.1 TIMES THE ENGLISH LEARNER PER PUPIL AMOUNT UNDER
SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

**(III) 1. IF A STUDENT QUALIFIES UNDER MORE THAN ONE OF
THE CONDITIONS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THEN THE
ENGLISH LEARNER PER PUPIL AMOUNT IS ADJUSTED FOR EACH OF THE
CONDITIONS UNDER WHICH THE STUDENT QUALIFIES.**

2. FOR EXAMPLE, IF A STUDENT QUALIFIES UNDER SUBPARAGRAPH (II)1 AND 6 OF THIS PARAGRAPH, THEN THE COMBINED ADJUSTMENT FOR THAT STUDENT IS 1.3 TIMES THE ENGLISH LEARNER PER PUPIL AMOUNT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

3. FOR EXAMPLE, IF A STUDENT QUALIFIES UNDER SUBPARAGRAPH (II)3 AND 5 OF THIS PARAGRAPH, THEN THE COMBINED ADJUSTMENT FOR THAT STUDENT IS 0.85 TIMES THE ENGLISH LEARNER PER PUPIL AMOUNT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

[(4) "Limited English proficiency" means non-English or limited English proficiency under the reporting requirements established by the Department for the Maryland Comprehensive Assessment Program (MCAP).]

(5) "NATIVE LANGUAGE RATIO" MEANS THE NUMBER OF DIFFERENT PRIMARY LANGUAGES SPOKEN AT THE HOMES OF THE ENGLISH LEARNERS FOR EACH SCHOOL DIVIDED BY THE NUMBER OF ENGLISH LEARNERS IN THE SCHOOL.

(6) "STUDENT WITH LIMITED OR INTERRUPTED FORMAL EDUCATION" MEANS A STUDENT WHO IS AN ENGLISH LEARNER AND MEETS ONE OF THE FOLLOWING CRITERIA:

(I) IS A MIGRANT STUDENT;

(II) IS A REFUGEE;

(III) IS PRELITERATE IN THE ENGLISH LEARNER'S NATIVE LANGUAGE;

(IV) HAS AT LEAST 2 YEARS LESS SCHOOLING THAN THE ENGLISH LEARNER'S PEERS;

(V) HAS ENTERED A SCHOOL IN THE UNITED STATES AFTER GRADE 7;

(VI) HAS EXPERIENCED LIMITED OR INTERRUPTED ACCESS TO SCHOOL DUE TO NATURAL DISASTER, WAR, OR CIVIL STRIFE; OR

(VII) ANY ADDITIONAL CRITERIA THAT THE DEPARTMENT IDENTIFIES BASED ON RESEARCH.

(b) (1) Each fiscal year, the State shall distribute the State share for English learner education to each county board.

(2) Each fiscal year, the county board shall distribute to each school the minimum school funding amount for English learners calculated under § 5-234 of this subtitle.

(C) (1) THERE IS A DUAL LANGUAGE IMMERSION PROGRAM IN THE STATE.

(2) (I) THE PURPOSE OF THE PROGRAM IS TO DEVELOP, FUND, IMPLEMENT, SCALE UP, AND SUSTAIN THE EXPANSION OF RESEARCH-BASED DUAL LANGUAGE TWO-WAY IMMERSION PROGRAMS IN THE STATE.

(II) A DUAL LANGUAGE IMMERSION PROGRAM MAY BE ESTABLISHED WITHIN A SCHOOL OR AS A WHOLE SCHOOL.

(3) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

(4) (I) THERE IS A DUAL LANGUAGE IMMERSION GRANT TO CARRY OUT THE PURPOSE OF THE PROGRAM.

(II) THE DEPARTMENT SHALL DEVELOP AN APPLICATION AND SELECTION PROCESS TO AWARD GRANTS TO COUNTY BOARDS OR SCHOOLS.

(III) THE APPLICATION FOR A GRANT SHALL INCLUDE:

1. AN IMPLEMENTATION PLAN FOR A DUAL LANGUAGE IMMERSION PROGRAM THAT IS ALIGNED WITH RESEARCH-BASED PRACTICES;

2. A PLAN TO SUSTAIN THE DUAL LANGUAGE IMMERSION PROGRAM AFTER THE GRANT HAS EXPIRED;

3. A PLAN TO ENGAGE THE COMMUNITY TO ENSURE EQUITABLE ENROLLMENT ACCESS IN THE DUAL LANGUAGE IMMERSION PROGRAM FOR ENGLISH LEARNERS;

4. HIGH-QUALITY PROFESSIONAL DEVELOPMENT FOR SCHOOL PERSONNEL;

5. A PLAN TO ESTABLISH AND SUSTAIN SOCIOECONOMICALLY AND RACIALLY INTEGRATED LEARNING ENVIRONMENTS IN A DUAL LANGUAGE IMMERSION PROGRAM, TO THE EXTENT PRACTICABLE;

6. A PLAN TO ENSURE THAT THE DUAL LANGUAGE IMMERSION PROGRAM ENROLLMENT WILL BE COMPOSED OF AT LEAST ONE-THIRD

1 ENGLISH LEARNERS WHOSE NATIVE LANGUAGE IS THE SAME AS THE IMMERSION
2 LANGUAGE; AND

3 7. ANY OTHER CRITERIA ESTABLISHED BY THE
4 DEPARTMENT.

5 (IV) GRANTS MAY BE AWARDED ON A MULTIYEAR BASIS.

6 (5) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER,
7 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION
8 OF \$10,000,000 TO THE DEPARTMENT FOR GRANTS UNDER THIS SECTION.

9 (6) THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO
10 CARRY OUT THIS SUBSECTION.

11 (D) (1) (I) THE PER PUPIL AMOUNT ADJUSTMENT UNDER SUBSECTION
12 (A)(4)(II)6 OF THIS SECTION DOES NOT APPLY UNLESS:

13 1. THE DEPARTMENT HAS APPROVED THE DUAL
14 LANGUAGE IMMERSION PROGRAM UNDER THIS SUBSECTION; AND

15 2. THE DUAL LANGUAGE IMMERSION PROGRAM HAS
16 RECEIVED A GRANT UNDER SUBSECTION (C) OF THIS SECTION IN A PRIOR FISCAL
17 YEAR.

18 (II) IF THE PER PUPIL AMOUNT ADJUSTMENT UNDER
19 SUBSECTION (A)(4)(II)6 OF THIS SECTION DOES APPLY:

20 1. THE ADJUSTMENT SHALL CONTINUE TO APPLY
21 UNLESS THE DUAL LANGUAGE IMMERSION PROGRAM CEASES OPERATION; AND

22 2. THE AMOUNT OF THE ADJUSTED PER PUPIL AMOUNT
23 THAT EXCEEDS THE ENGLISH LEARNER PER PUPIL AMOUNT UNDER SUBSECTION
24 (A)(4)(I) MAY BE USED ONLY TO OPERATE AND SUSTAIN THE DUAL LANGUAGE
25 IMMERSION PROGRAM.

26 (2) THE DEPARTMENT SHALL DEVELOP CRITERIA TO EVALUATE AND
27 APPROVE DUAL LANGUAGE IMMERSION PROGRAMS THAT:

28 (I) ARE ALIGNED TO RESEARCH-BASED BEST PRACTICES;

29 (II) HAVE A SUSTAINABILITY PLAN;

(III) HAVE A COMMUNITY ENGAGEMENT PLAN TO ENSURE
EQUITABLE ENROLLMENT ACCESS IN THE PROGRAM FOR ENGLISH LEARNERS;

(IV) PROVIDE HIGH-QUALITY PROFESSIONAL DEVELOPMENT
FOR SCHOOL PERSONNEL;

(V) HAVE A PLAN TO ESTABLISH AND SUSTAIN
SOCIOECONOMICALLY AND RACIALLY INTEGRATED LEARNING ENVIRONMENTS IN A
PROGRAM OR SCHOOL, TO THE EXTENT PRACTICABLE;

(VI) DEMONSTRATE A POSITIVE TRACK RECORD OF STUDENT
ACHIEVEMENT AND GROWTH AND A REDUCTION IN ACHIEVEMENT GAPS,
PARTICULARLY OF ENGLISH LEARNERS;

(VII) DEMONSTRATE THAT THE PROGRAM OR SCHOOL
ENROLLMENT IS COMPOSED OF AT LEAST ONE-THIRD ENGLISH LEARNERS WHOSE
NATIVE LANGUAGE IS THE SAME AS THE IMMERSION LANGUAGE, TO THE EXTENT
PRACTICABLE; AND

(VIII) DEMONSTRATE ANY OTHER CRITERIA ESTABLISHED BY THE
DEPARTMENT.

(E) (1) ON OR BEFORE NOVEMBER 1, 2023, AND EACH NOVEMBER 1
THEREAFTER, COUNTY BOARDS THAT OPERATE A DUAL LANGUAGE IMMERSION
PROGRAM SHALL REPORT TO THE DEPARTMENT:

(I) THE USE OF FUNDING TO IMPLEMENT AND SUSTAIN A DUAL
LANGUAGE IMMERSION PROGRAM;

(II) INITIATIVES THAT ARE USED TO CLOSE THE OPPORTUNITY
AND ACHIEVEMENT GAPS, PARTICULARLY FOR ENGLISH LEARNERS; AND

(III) ANY OTHER INFORMATION THAT THE DEPARTMENT
REQUIRES.

(2) ON OR BEFORE DECEMBER 1, 2023, AND EACH DECEMBER 1
THEREAFTER, THE DEPARTMENT SHALL COMPILE THE REPORTS RECEIVED UNDER
PARAGRAPH (1) OF THIS SUBSECTION AND REPORT THE COMPILATION TO THE
GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
ARTICLE.

(a) (1) Except as provided by paragraph (2) of this subsection and subsections (e) and (f) of this section, for each of the following programs, “minimum school funding” means at least 75% of the per pupil amount applicable to each of the following programs:

(i) The foundation program under § 5–213 of this subtitle;

(ii) The compensatory education program under § 5–222 of this subtitle;

(iii) [The English learner education program under § 5–224 of this subtitle;

(iv)] The special education program under § 5–225 of this subtitle;

[(v)] (IV) Public providers of prekindergarten under § 5–229 of this subtitle;

[(vi)] (V) Transitional supplemental instruction under § 5–226 of this subtitle;

[(vii)] (VI) The comparable wage index grant under § 5–216 of this subtitle; and

[(viii)] (VII) The college and career readiness program under § 5–217 of this subtitle.

(2) Except as provided by subsection (e) of this section, for each of the following programs, “minimum school funding” means 100% of the per pupil amount applicable to each of the following programs:

(i) Private providers of prekindergarten under § 5–229 of this subtitle; [and]

(ii) The per pupil grant under the concentration of poverty program under § 5–223 of this subtitle; AND

(III) THE ENGLISH LEARNER EDUCATION PROGRAM UNDER § 5–224 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.