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**LEGISLATIVE BRIEF ON:  
SENATE BILL 116**

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*Written By:*

*MSC Senior Associate Group*

*Organized by: Vinay Khosla, Associate Director*

**MARYLAND STUDENT COALITION**

2022 Legislative Session

# MARYLAND STUDENT COALITION

## About Our Organization:

The Maryland Student Coalition (MSC) is an advocacy group comprised of secondary and post secondary school students working together to create and advocate for effective and equitable education policy.

### MSC Leadership:

Jonathon T. DiPietro  
*Director*

Hunter P. Craig  
*Deputy Director*

Christopher D. Lidard  
*Associate Director*

Lauren A. Raskin  
*Associate Director*

Vinay K. Khosla  
*Associate Director*

### MSC Senior Associates:

Olivia Le (Anne Arundel County)  
Maja Durkovic (Baltimore County)  
Kyle Abosch (Cecil County)  
Harshia Bhagat (Howard County)  
Neha Dinesh (Howard County)  
Noah Hanssen (Howard County)  
Julia Littlefield (Howard County)  
Chikamara Obioha (Howard County)  
Sidd Shah (Howard County)  
Elani Bui (Montgomery County)  
*Senior Associates*

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## Abstract

Curriculum is the structured documents which are used to inform the objectives, assessments principles, resources and more of an educational institution. These core tenants work together to form what we know as the basis of K-12 education. As such, curriculum provides for localities and teachers in guiding students' educational journeys and thus directs the formal learning process for students across the country for 13 years of their life. In recent years, sparked by growing social reform movements, there has been a call by legislators, educators, and most importantly students, for educational reform—for curriculum reform. Mirroring topical social movements, students across the nation are advocating for increasingly diversified curricula that educates students on the perspectives and lived experiences of Americans who exist outside majority demographics. Youth activists all over the country have begun to identify Euro-centrism ingrained in our history and in education itself within the English Language Arts and Social Sciences curricula, especially with minority authors and stories being underrepresented or nonexistent, and minority experiences being erased from historical teachings. As an increasing number of these activists and students find themselves unable to identify with the majority demographics of the United States, their cries for diversity are not only to broaden their non-minority peers' education but also for representation in their educational material. In the United States' and Maryland state education curriculum, there has been a historical lack of minority representation across disciplines and a consistent Euro-centrism which permeates educational material. As a student-led and education advocacy organization, we are seeking to diversify Maryland state English Language Arts curriculum to correct this unacceptable oversight.

# Introduction

Since the development of the first public school in 1821 and with no American national curriculum, curriculum development has been, and still is, the responsibility of individual states and school districts. After the Department of Education was established in 1867, it only took until 1870 for public schools to begin operating in every state, including Maryland<sup>1</sup>. Although the Department of Education “is the agency of the federal government that establishes policy for, administers and coordinates most federal assistance to education,”<sup>2</sup> of the many functions it executes, curriculum development is not, and has never been, one of them. Prior to the establishment of even the federal DoE, Maryland’s first State Board of Education was authorized in 1864, marking the beginning of the formal organization of education in Maryland. For the first time in 1921, under the then-named Bureau of Educational Measurement, the Maryland State Department of Education attempted to establish state-wide standards in the form of curricula. This early Division of Curriculum, Research, Assessment, and Accountability has evolved over the past 100 years into what is now known as the Division of Curriculum, Instructional Improvement and Professional Learning which continues to develop and implement state-wide standards for learning and assessment in the form of curriculum.<sup>3</sup>

In terms of youth impact on policy, such as curriculum, fourteen states have formed Youth Advisory Councils (YACs): North Dakota, New Mexico, Washington, New Hampshire, Alabama, Colorado, Indiana, Iowa, Louisiana, Maine, Nevada, California, New Jersey, and Maryland with several major cities throughout the country establishing their own YACs.<sup>4</sup> These Youth Advisory Councils are typically comprised of high school and college students who advise governors, representatives, and other government officials on youth issues and the youth popular opinion. These issues range from health to safety, and environmental preservation to education among others. In fact, Maryland’s Youth Advisory Council’s 2019-2020 Legislative Program was centered around education focusing on such themes as diversification and equity. A specific education policy goal, the Maryland YAC advocated for additional teaching regarding family life and human sexuality to the end that students of all gender identities, sexualities, and gender expressions were represented.<sup>5</sup> Both outside and inside Maryland, a precedent has been established that youth, and students, should have a substantive role in influencing the development of the curriculum they are in turn being taught. The Maryland YAC itself has been doing so annually since 2008, even with changing legislative agenda focuses.

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<sup>1</sup> Wright, C. (2019, June 9). *History of Education: The United States in a Nutshell*. History of Education in the United States | Educational Tools | LiM.

<sup>2</sup> US Department of Education (ED). (2018, May 14). *An Overview of the U.S. Department of Education-- Page 1*. Home. <https://www2.ed.gov/about/overview/focus/what.html>.

<sup>3</sup> Maryland State Department of Education. (2019, September 25). *Education, Maryland State Department of - Historical Evolution*. Maryland State Department of Education.

<sup>4</sup> Brian. (2019, September 11). *What's a YAC? And Does Your State Have One?* The Civic Educator. <http://civiceducator.org/legislative-youth-advisory-councils/>.

<sup>5</sup> Governor’s Office of Crime Prevention, Youth, and Victim Services. (2020). (rep.). *Maryland Youth Advisory Council 2019-2020 Annual Report*. Retrieved from <http://goccp.maryland.gov/wp-content/uploads/Maryland-Youth-Advisory-Council-2019-2020-Annual-Report-2-1.pdf>

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Analogous to the Maryland YAC and YACs across the country there is a national push for student voices to be represented in curriculum development. Although this idea of youth involvement in policy such as curriculum development is somewhat modern, with the first YAC not being established until the 21<sup>st</sup> century, states nationwide have embraced such activism. In state legislatures, youth testify on behalf of bills they believe in and in some instances even introduce bills they have helped author. Moreover, the push for increasingly diversified curriculum by youth is not novel either. A number of states have passed laws regarding this very subject matter—bills which were testified on by youth and student advocates.

As of 2019, and again in 2020, New Jersey passed Revised Statutes to their educational policies 18A:35-4.36a. Entitled “*policies, procedures pertaining to inclusive instructional materials*,” the New Jersey bill (A4454) deals with the “instruction on diversity and inclusion” of students from grades kindergarten through twelve. More specifically, the “instruction” the curriculum mandates must address “the impact that unconscious bias and economic disparities have at both an individual level and on society as a whole” with special emphasis on “gender and sexual orientation, race and ethnicity, disabilities, and religious tolerance.” Finally, the law encourages the creation of safe and inclusive environments for students of all races, genders, sexual orientations, ability, and religious affiliation.<sup>6</sup> The New Jersey statute is a prime example of a successful bill with broad support concerning diversity and inclusion instruction being added to existing curriculum.

Illinois legislators and students took a more direct and focused route to revising current education curriculum with the *Inclusive Curriculum Law* (Public Act 101-0227). In this law, which took effect July 2020, public schools are prescribed to “study the roles and contributions of lesbian, gay, bisexual, and transgender (LGBT) people in the history of Illinois and the United States.” Moreover, the law bans any use of textbooks which discriminate against any protected class under the Illinois Human Rights Act including on the basis of race, religion, sex, and sexual orientation among many others.<sup>7</sup> Like the NJ A4454, Public Act 101-0227 applies to grades kindergarten through twelve though how the content is taught is left to the discretion of individual school districts. Moreover, the law provides for various modifications of instruction based on age and grade-level. Neither NJ A4454 or IL Public Act 101-0227 required a fiscal note demonstrating the feasibility of diversifying curriculum at no cost to the taxpayer.<sup>8</sup>

As early 2013, Oregon passed SB739 which mandated that “in the development of the academic content standards in Oregon Studies” the Oregon Department of Education must consult with the Commissions on Black Affairs, Hispanic Affairs, Indian Affairs, and Asian and Pacific Islander Affairs. The Oregon bill, which took effect in 2014 with bipartisan support, required the consultation of multiple racial and ethnic minority groups in order to present a “balanced representation of the relevant contributions to society by men and women of African-American, Hispanic, Native American, Asian-American and other racial groups in Oregon.” Not incorrectly, the final clause of Oregon’s 2013 SB739 stated “This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect July 1, 2013” in regard to the need for education on historical

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<sup>6</sup> “N.J.S. § 18A:35-4.36a” N.J. Stat. § 18A:35-4.36a

<sup>7</sup> 105 ILCS 5/2-3.155; 105 ILCS 5/27-21. Public Act 101-0227

<sup>8</sup> Magdaleno, G. (n.d.). *Inclusive Curriculum Law Frequently Asked Questions (FAQs)*.

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minority contributions.<sup>9</sup> The Oregon law is also a perfect example of how minority stakeholder groups should be included in the influencing of curriculum mirroring new monuments led by students across the country who are pushing for representation in both the writing, and content, of curricula. Both the Illinois Public Act 101-0227 and Oregon SB739 represent increasingly narrow and focused bills in regard to diversifying curriculum with Illinois's focusing on a single underrepresented demographic and Oregon's requiring conferencing with multiple representative groups prior to curriculum establishment.

In a final reference to particularly relevant case law, in 2021 Massachusetts State Delegate Pignatelli introduced “*an Act establishing a cultural diversity curriculum in Massachusetts public schools*” (HD.4112) which required the establishment of a “cultural diversity curriculum to be implemented in elementary and secondary schools.” HD.4112 aims specifically to educate students on “diverse world cultures, heritages, and backgrounds” and touches on highlighting the diverse stories and backgrounds of those who shaped both American and Massachusetts history.<sup>10</sup> Following the pattern set by the aforementioned states, HD.4112 does not have a fiscal note and mandates these standards be set in grades kindergarten through twelve. The Massachusetts bill HD.4112 also joins NJ A4454 in being a broad policy mandate for the implementation of diversity with no specifics allotted by the bill.

These, however, are not the only states in which students and legislators find themselves fighting to expand diversity in curriculum. Currently 13 other states also have pending legislation that deals with expanding education curriculum on racism, bias, and/or the contributions of specific racial or ethnic groups to United States history and related topics. These states include: Washington, California, Wyoming, Colorado, Kansas, Missouri, Louisiana, Minnesota, New York, Connecticut, Maine, and Delaware.<sup>11</sup> Colorado most notably is revisiting state curriculum standards (cross-filed as SB 21-067 and HB 19-1192) to include the history and contributions of people of color, religious minorities, and LGBTQ people. In terms of mandating LGBTQ+ curriculum in any manner, currently 5 states do so: California, New Jersey, Colorado, Oregon, and Illinois.<sup>12</sup>

The independent development of curriculum by the 1619 Project regarding the history of Black people in America as well as their contributions to the founding of our nation and democracy emphasizes both the lack of, and need for, increasingly diversified curricula that brings similar stories and experiences to students' attention.<sup>13</sup> Currently, there is no Maryland State standard that regulates the identities of authors of English Language Arts reading material, a necessity which is exacerbated by the increasing number of students who identify with one or more minority identities. The State of Maryland and the Maryland State Department of Education (MSDE) *must* fulfill their responsibilities to Maryland's students by mandating that historically marginalized groups such as racial minorities', female and gender non-conforming peoples', and

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<sup>9</sup> Or. Rev. Stat. § 329.492 (2013). SB739

<sup>10</sup> Mass. Gen. Laws ch. 71, § 98 (2021). HD.4112

<sup>11</sup> Stout, C., & LeMee, G. L. M. (2021, July 22). *CRT Map: Efforts to Restrict Teaching About Racism, Bias Have Multiplied*. Chalkbeat. <https://www.chalkbeat.org/22525983/map-critical-race-theory-legislation-teaching-racism>.

<sup>12</sup> Walker, H. (2019, August 16). *Here's Every State That Requires Schools to Teach LGBTQ+ History*. OUT. <https://www.out.com/news/2019/8/16/heres-every-state-requires-schools-teach-lgbtq-history>.

<sup>13</sup> The Pulitzer Center. (n.d.). *The 1619 Project Curriculum*. Pulitzer Center. <https://pulitzercenter.org/lesson-plan-grouping/1619-project-curriculum>.

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LGBT peoples' voices are formally introduced into the classroom through English Language Arts literature requirements.



**COMMON  
QUESTIONS**

## Marginalized Demographics; Scope

*What is the basis for the mandating of 50% of literature be written by a racial minority, female/gender non-conforming person, or LGBT community member?*

The 2020 Census Bureau<sup>14</sup> which notes the proportion of Maryland residents who are non-white to be 51.4% thus students should be reading material that is reflective of the makeup of the society with which they interact. Research<sup>15</sup> famously used in the Brown v. Board of Education (1954) Supreme Court case of the Civil Rights Movement notes that children as young as 3 to 7 years old internalize harmful beliefs about their race or ethnicity. Replicated studies<sup>16</sup> conclude that fiction reading in which the reader connects on an emotional level with the main character generally results in higher scores on measurements of empathy. On the one hand, studying literature reflective of one's larger community empowers an individual to engage with their lived and diverse reality. On the other hand, studying literature reflective of a personal experience that is unique to an underrepresented demographic engages a reader and piques their interest academically, while affirming a lived experience as valuable and significant.

*Why should schools implement such standards if the reformed literature authors are not reflective of the school's makeup?*

Regardless of the school, the student population will shortly enter the larger United States, where the 50% will be reflective of the US population under 18 in 2021.<sup>17</sup> Students who are exposed to a wealth of human experiences will be empowered and more informed, in comparison to their graduating peers who did not study diverse literature. Students who never need to discuss the racial considerations of their society and environment will be unequipped to be empowered scholars well-versed in the matters of state. Meanwhile those students exposed to diverse experiences and perspectives through their educationally-required literature will be thoroughly prepared for their ventures daily into a vast and diverse interpersonal world.

*Why does this bill take on race, gender, and sexuality, instead of focusing on a single minority group?*

Race, gender, and sexuality have been selected as the focal points in terms of minority representation for this bill because of their widely recognized importance in influencing perceptions, lived experiences, and societal/institutional interactions. The Yale University Department of History identifies race, gender, and sexuality as “powerful axes of social difference that have structured social hierarchy and inequality, from regimes of slavery and apartheid to legal and cultural criteria for immigration, employment, inheritance, and

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<sup>14</sup><https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html>

<sup>15</sup> <https://i2.cdn.turner.com/cnn/2010/images/05/13/doll.study.1947.pdf>

<sup>16</sup> <https://english.as.uky.edu/sites/default/files/zunshineTheory%20of%20Narrative%20Empathy.pdf>

<sup>17</sup> <https://www.census.gov/newsroom/press-releases/2019/estimates-characteristics.html>

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citizenship.”<sup>18</sup> Moreover, the department identifies these three characteristics as being the most influential sources of self-identity, collective belonging, and social organization both historically and contemporaneously.

*Why does this bill only focus on race, gender, and sexuality and disclude religious minorities and disabled persons, among others?*

This bill focuses on these three aspects of identity due to their widely recognized importance in shaping lived experience. It would be remiss to say other groups such as disabled persons and religious minorities do not also face similar challenges as a result of their identity to persons falling under the three classifications set forth in this bill. However, in order to ignite a conversation and affect reform in regard to representation in literature, these three classifications have been selected for initial focus. This bill is intended to serve as the outset for increasingly diversified literature in Maryland public schools that will eventually also include disabled persons and religious minorities by formal statute.

*Why was English Language Arts curricula chosen to be reformed as opposed to social science curricula?*

English Language Arts courses have been ruled by classics for decades. In fact, it has “...been more than 50 years since literacy experts first stressed the need for more diverse books in the classroom, and yet reading lists look surprisingly the same as they did in 1970.”<sup>19</sup> As our student population that identifies as people of color and members of the LGBTQ community is continually increasing, the need for representation in the books they read also becomes more prevalent. Diversifying authors in our English Language Arts classes allows for minority perspectives to be shared in many fashions that are not just limited to historical texts. LGBTQ and POC stories do not just exist in history, they exist around us, and in many of our students. Moreover, English Language Arts curricula also allows for critical analysis of the ways in which different identities and backgrounds influence not only authors' works but the world around them.

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<sup>18</sup> <https://history.yale.edu/undergraduate/regions-and-pathways/race-gender-and-sexuality>

<sup>19</sup> <https://www.gse.harvard.edu/news/ed/19/08/hooked-classics>

# Racial Minority Author Requirement

*Is this bill discriminatory against majority demographics?*

While some people may view this bill as discriminatory against the majority, its goal is to broaden educational horizons and empower minority students through representation in assigned educational literature. According to the recently completed US Census<sup>20</sup>, the white population continues to be the largest in the United States; however, the population has decreased by 8.6% since 2010, making history as the first time the United States has had a declining white population. Meanwhile the multiracial population of the United States has increased a staggering 276% in the same time frame. The rate of growth of racial minorities shows that America must make a change in its educational diversity due to its everincreasing population of non-white citizens. Without change, the minority will continue to be extremely underrepresented. Similar arguments can be made for rapidly increasing populations of gender non-conforming people as well as the growing LGBT community. This bill leaves 50% of educational literature untouched for majority demographics in terms of race and sexuality while dividing up the remaining 50% among a number of minority populations meaning the “majority demographic” is in no way being marginalized by this bill’s provisions.

*Is discussion of identity, and differences along racial lines, discriminatory?*

The discussion of identity and the differences along racial lines is not discriminatory. This discussion is a necessity in order to continue the diversification of public school curriculum. Along with allowing students that identify with racial minorities to be recognized in curriculum, discussions of differences along racial lines promotes a deeper understanding of the systemic biases that exist due to the history of racism. Critical Race Theory (CRT), a term coined by legal scholar Kimberlé Crenshaw, is an element of education which “recognizes that race intersects with other identities, including sexuality, gender identity, and others.<sup>21</sup> CRT recognizes that racism is not a bygone relic of the past. Instead, it acknowledges that the legacy of slavery, segregation, and the imposition of second-class citizenship on Black Americans and other people of color continue to permeate the social fabric of this nation.” That being said, this bill is not advocating for the formal or informal instruction of Critical Race Theory.

*Is this bill or its contents reminiscent of Critical Race Theory (CRT)?*

No. This bill does not advocate for the teaching of Critical Race Theory in any way. Critical Race Theory, or CRT, is according to the American Bar Association, a theory which “critiques how the social construction of race and institutionalized racism perpetuate a racial caste system that relegates people of color to the bottom tiers.” Moreover, CRT acknowledges the present forces of racism and racial bias and how these forces continue to influence our nation. Critical Race Theory is, in fact, a legal term which grew from Critical Legal Studies, a train of thought which “argued law was not objective or apolitical” and could be maintaining systems of injustice. While CRT makes the claim that education “excludes the history and lived experiences

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<sup>20</sup> <https://www.census.gov/newsroom/press-releases/2021/population-changes-nations-diversity.html>

<sup>21</sup> [https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/civil-rights-reimagining-police/a-lesson-on-critical-race-theory/](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-police/a-lesson-on-critical-race-theory/)

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of Americans of color,”<sup>22</sup> which this bill seeks to redress, this bill is not advocating for the teaching of Critical Race Theory in Maryland public schools. Instead, this bill is simply vying for more diverse authors to be introduced into the English Language Arts curriculum. These books can deal with a variety of topics, which will ultimately be at the Maryland State Department of Education’s discretion and will be written by not only racial minorities but also LGBT people, gender non-conforming people, and women.

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<sup>22</sup>[https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/civil-rights-reimagining-police/a-lesson-on-critical-race-theory/](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-police/a-lesson-on-critical-race-theory/)

# Women and Gender Non-Conforming Author Requirement

*Why are women and gender non-conforming authors grouped together, rather than transgender and gender non-conforming authors grouped together into a distinct category?*

The distinction between LGBT and gender non-conforming within this bill's three classifications is made for a number of reasons. Firstly, the inclusion of women authors is a critical tenet of this bill. A mandating of female authors within Maryland English Language Arts curriculum is currently not in place and individual counties apply their own diversity requirement regarding author's genders inconsistently at the very best. Based on the zoned county of a particular student, said student may only read a single book by a female author during their secondary educational career. This is unacceptable. The second reason for this grouping methodology is that transgender people are not gender-nonconforming under this bill's definitions. Transgender men and women are valid men and women and therefore identify with one of these sexes. However, transgender men and women have unique experiences and identities which greatly influence their writings and life and are therefore included under the LGBT umbrella. Meanwhile, the gender non-conforming identification is used to increase representation for genders outside the typical binary such as non-binary and agender peoples.<sup>23</sup> Thus, the aim of this bill's current classification methodology is to distinguish between underrepresented gender identities and underrepresented sexual identities in order to increase representation for both groups in English Language Arts curriculum literature.

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<sup>23</sup> <https://www.apa.org/topics/lgbtq/transgender>

## LGBT Author Requirement

*How can you make sure lesbian, gay, bisexual, and transgender authors are considered equally?*

GLSEN reported that introducing an LGBT inclusive curriculum in school can increase classmate acceptance by 82%.<sup>24</sup> By making sure that students are exposed to a wide variety of books that highlight the struggles of the LGBT community, along with literature that is written by LGBT authors who express their identity, students are benefited positively in a number of ways. That being said, no one identity under the Lesbian, Gay, Bisexual, Transgender (LGBT) umbrella is more or less important than another in terms of representation. It is because of this fact that this bill provides for the “equal consideration in literature selection” of each of the four LGBT identities in clause II.B.3.a.1.

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<sup>24</sup> <https://www.glsen.org/research/2015-national-school-climate-survey>

# Intersectional Text Requirement

*What is the purpose of the intersectional text requirement?*

Diversity itself in literature is of paramount importance when it comes to educating Maryland students. However, the similar importance of gaining an understanding of intersectionality, and intersectional identities, and their role in shaping lived experiences, literature, and more also cannot be understated. The DICE Lab at Northwestern University argues that “in order to effectively study identity, the intersectionality framework is critical, as it encourages us to conceptualize how larger systems of power, privilege, and oppression intersect with social categories, like race, class, gender, and sexuality.”<sup>25</sup> Thus, in order to effectively implement authorial diversity it is an important provision of this bill to include at least one text which was written by an author with intersecting minority identities.

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<sup>25</sup> <https://sites.northwestern.edu/thedicelab/ilit/>



# Contemporary Literature Requirement

*How will local Boards of Education be directed to develop curriculums that are “contemporary in nature”?*

Based on this bill’s definition of contemporary, contemporary texts are those which are not written more than twenty years before the date of instruction. By using contemporary texts as required literature in English Language Arts curricula, the curricula itself becomes contemporary in nature. Although not all literature which falls under this bill’s “50%” quota must be contemporary, MSDE is urged to develop model curricula and guidelines for Local Boards of Education that include contemporary literature options. Local Boards of Education thus will not bear this burden individually but will be aided by MSDE in developing curricula that follows the guidelines set forth in this bill.

*Why should a curriculum be “contemporary in nature”?*

Contemporary literature reflects current social, political, and topical issues, allowing students to develop an understanding of the modern world and how the events of the past and present influence the status quo. These topics in turn spark conversation about political and philosophical issues within the classroom. Furthermore, contemporary literature promotes realism, which helps students understand the modern-day struggles that people, namely minorities, around the world face. This change in curriculum would improve the curriculum’s diversity, as much of Maryland’s curriculum currently consists of “classic” literature. Moreover, the study of contemporary literature would boost students’ interest in their assigned texts, as contemporary literature connects to the modern world and to social justice issues.

*Does the mandate for contemporary literature overly restrict BOEs?*

No. Contemporary literature is an extremely diverse genre, and thus choosing from the wide array of modern and social-justice-focused literature should be relatively easy for each county’s BOE. By nature, contemporary literature is more diverse than classical texts in terms of authorial identity, which simplifies the process of local BOEs choosing literature to fulfill the requirements set by this bill. This provision encourages a fair balance between classical and contemporary texts in the ELA curriculum, which promotes the importance of modern-day social issues and minority experiences mentioned in popular contemporary literature. Individual BOEs still have complete autonomy over which texts in particular they choose to include in their curriculum, so long as those texts meet the requirements set by this bill’s provisions.

*How much text would be contemporary?*

Per this bill, there is no required amount, or percentage, of the diversified curriculum that need be contemporaneous. This bill merely urges the State Department of Education and local Boards of Education to develop curricula which are sufficiently contemporary in nature. This is provided for in clause II.A.1 which reads “directs local Boards of Education to develop curriculum that contains texts that are contemporary in nature.”

# Implementation

*What will happen to higher-level courses (Advanced Placement & International Baccalaureate) where curriculums are set by independent organizations?*

Both Advanced Placement (AP)<sup>26,27</sup> and International Baccalaureate (IB)<sup>28</sup> set their own curriculums for districts, educational institutions, and educators to use for higher-level instruction. However, in the five courses that encompass all English, Language Arts, and Literature study options between the two programs, no specific literature is required by either. In AP courses certain skills are expected to be taught and learned and in IB the same, with a required number of texts based on whether the course is being taken as a Standard Level (SL) or Higher Level (HL). This lack of specifically mandated literature leaves room for districts to still effectively implement the guidelines set forth in this bill.

*Will there be support for teachers to aid them in selecting books relevant to their class that meet this requirement?*

This bill will include in its provisions a requirement that the Maryland State Department of Education will create resources “to assist and guide curricula in identifying unit themes that incorporate similarities in experience” as well as “to assist and guide curricula and teacher regulations.” These provisions are in place specifically to ensure a smooth transition, which isn’t to be implemented until the 2025-2026 academic year, for teachers.

*How does this bill follow through on effective implementation?*

This bill will follow the implementation procedures developed by the Maryland State Department of Education for the development and implementation of curriculum changes. This process loosely follows the process delineated below:

During the implementation period, teachers will have the ability to take the time to create plans and update their course to incorporate the bill. They will have the time to familiarize themselves with new literature, and slowly incorporate their plans into the classroom. This period will be determined based on feedback from teachers, and more information. More importantly, the state will provide a list of recommended literature that teachers can use, templates of lessons, and helpful documents and resources that will make the process smoother for the teachers. State ensures that by the end of the implementation period, teachers have been able to incorporate new books. Specific problem areas within the curriculum will be addressed and reformatory steps will be taken to redress any educational institutions which refuse to properly and wholly implement said curriculum.

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<sup>26</sup> <https://apstudents.collegeboard.org/courses/ap-english-language-and-composition>

<sup>27</sup> <https://apstudents.collegeboard.org/courses/ap-english-literature-and-composition>

<sup>28</sup> <https://www.ibo.org/programmes/diploma-programme/curriculum/language-and-literature/>

## DIVERSE CURRICULUM INITIATIVE

*Does this bill overstep teachers' autonomy over their own curriculum/content?*

No, it does not. For English teachers in all counties, the nature of curricula itself is flexible. Educators currently have the ability to choose which texts they teach (from a list of approved literature), and how they teach it. By introducing specific criteria for a percentage of these texts, educators still have the discretion in choosing what they teach, and they have full freedom in choosing the rest of their classes' "traditional" texts. On top of this, other topics within English (rhetoric, analysis, writing) are not text-specific, and all these things can be taught with any academic material that possesses literary merit. For AP English classes, for example, while it is in the curriculum that the educator must teach things like formulating an argument and writing a thesis, there are no specific books mandated or required by the curriculum. As CollegeBoard states, "For each unit, the teacher selects a theme or topic and then chooses texts, typically short nonfiction pieces, that enable students to practice and develop the reading and writing skills for that unit." Educators' flexibility within the curriculum will still exist, and the content that they teach will be at their discretion, sourced from a collection of approved texts.

*How are teachers expected to change their lessons and planning and adapt to the new literature if they are not familiar with it?*

Although the 50% of ELA literature will be "changing" the majority of lessons will remain unchanged, even if the literature being read is different, as the analytical, comprehension, and writing skills being taught are not text-dependent. Regardless, teachers will be fully supported in the process of implementation and lesson planning as educators across Maryland will be provided with a list of recommended books that fit the diversity requirement provided for in this bill, based on courses that they may teach. This can aid educators in deciding what specific texts will work best for their courses and students. With that being said, as with any new curriculum implementation, there will be a period where the teachers can work on developing plans for new literature while also familiarizing themselves with a variety of texts they may not be versed in. With such measures and more put in place by MSDE, teachers will be more than prepared to begin teaching a far more diverse curriculum by the 2025-2026 academic year.

## Middle School Considerations

*Why are these requirements instituted beginning in Middle School (G6-8)?*

There is ample research that racial biases can begin and take hold at an earlier age than Middle School. Research shows that children can become cognizant of their race by the age of five,<sup>29,30</sup> and additional research seems to indicate that racial bias is a part of this understanding of race.<sup>31</sup> While it is true that Elementary School would be an ample time to include diverse literature and work on preventing negative racial bias, the curriculum of Elementary School requires a different approach from Middle and High School. Elementary School English has a heavy emphasis on teaching the fundamentals of English, primarily of learning to read and communicate, whereas Middle and High School share far more similarities in how it approaches requiring literature, honing grammar, and improving writing. Research done by Celestial Zaldana from Claremont McKenna College<sup>32</sup> has indicated that there are positive results of engaging with diverse literature in that it can improve the self esteem of students of different ethnic backgrounds to read works that they can see themselves in.<sup>33</sup> While this study was conducted on High Schoolers, there is little evidence to indicate the benefits found would not apply to Middle Schoolers.

*Is middle school (G6-8) too early to be learning about topics concerning sexuality?*

Within the current middle school health and wellness curriculum, students are expected to begin sex education, learning about both the human body, puberty, sexual attraction, sex itself, and safe sex. Sexuality both heterosexual, homosexual and beyond are included in middle school health classes as early as sixth grade. Moreover, romance and sexual content are already included in literature taught to middle school students, in texts such as *Romeo and Juliet* and more. Thus works that are written by authors who identify with minority sexualities and/or which have characters that identify with minority sexualities would not be presenting foreign ideas to students but rather presenting a holistic teaching and understanding of minority populations. The same goes for minority gender identities and expressions.

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<sup>29</sup> <https://psycnet.apa.org/record/1940-01472-001>

<sup>30</sup> [http://i2.cdn.turner.com/cnn/2010/images/05/13/expanded\\_results\\_methods\\_cnn.pdf](http://i2.cdn.turner.com/cnn/2010/images/05/13/expanded_results_methods_cnn.pdf)

<sup>31</sup> <https://onlinelibrary.wiley.com/doi/epdf/10.1111/desc.12788>

<sup>32</sup> [https://scholarship.claremont.edu/cgi/viewcontent.cgi?article=1065&context=cmc\\_theses](https://scholarship.claremont.edu/cgi/viewcontent.cgi?article=1065&context=cmc_theses)

<sup>33</sup> <https://tcf.org/content/commentary/diversity-schools-must-include-curriculum/?agreed=1>

## Translated Texts

*If books are translated, how will students and educators address such mistranslations?*

Teaching translated works in the classroom is a great opportunity to expose students to different world views and perspectives. The translation process for foreign texts is meticulous and detail oriented, with attention paid to every word in order to make the book equally as valuable for English language audiences. The concern that concepts may be “lost in translation” is reductive of the time spent by translators in preparing the book for global readers. In fact, students are already reading translated works in the classroom such as *Cinderella*, *The Little Prince*, *The Alchemist*, and *The Odyssey*. That being said, MSDE will develop curricula that is holistic in its understanding of translated texts and provide teachers with the relevant materials to educate students on possible errors and their significance in translated texts.

## Enforceability

*How can you prevent efforts to meet the 50% quota resulting in the choice of less relevant and meaningful texts?*

The intent behind this bill is to broaden the selection process for choosing literature in the classroom to better reflect all students. The statewide mandate will create a support system for teachers in selecting diverse literature, in addition to the numerous resources available online. Thus, teachers should not feel overwhelmed and isolated in finding diverse titles. Just like with any text used in the classroom, the teacher is responsible for the lesson plan but is able to refer to curricula guidelines and recommendations set by MSDE and their individual counties: the strength and impact of the book is dependent on the way it is taught. Furthermore, since MSDE will be developing this curricula with due diligence, in accordance with the provisions set forth in this bill, no local BOE will be empowered to require texts with no educational value.

## Formulation and Development

*How will approved books be decided upon? Who will decide upon them?*

It is entirely up to the teachers on which books they choose to teach on for the unit that are *approved* by their respective school districts. There is a wide spectrum of LGBTQ and POC novels that deal with similar subject matter, but this does not substantially affect the objectives being taught. Should a teacher feel more comfortable in their ability to teach one book over another they have every right to choose that book if approved by their school board of education.<sup>34</sup> In fact, the Rhode Island Department of Education ‘The Right to Read Act’ requires Rhode Island Schools to provide a reading curriculum that provides students with access to all texts<sup>35</sup> regardless of which text is ultimately chosen by the teacher. Although the county will decide upon a collection of literature that is approved for teaching, specific book selection from this collection is at the educator’s discretion. This collection of literature decided upon by the county will meet the provisions of this bill. By giving teachers the tools they need to provide students with reading material that aligns with their current society allows students to understand the world around them.

*What will happen to the “classic” literature taught in schools currently that has been chosen specifically by counties and teachers?*

Commonly, teachers choose literature that they are comfortable with. In our ever changing society, being uncomfortable and learning from unique perspectives empowers students to grow. “Classics are still important to read and analyze and be studied, but there is a very skewed, Eurocentric lens that is portrayed amongst the books considered to be classics,”<sup>36</sup> Ceci Gao, a University of California Berkeley student, says. Diversifying 50% of the literature students are taught each year leaves plenty of room for the ‘classics’ to still be taught. This bill is not advocating for the removal of ‘classic literature’ rather for the expansion of the content and perspectives literature is coming from. Students describe classical literature as “bland and ineffective” when asked if they understand the perspectives of such literature. To form an inclusive environment students need to be exposed to literature which validates their struggles and/or personality that is often resultant of race, sexuality, or gender identity. Moreover, POC and LGBT authors have a more authentic perspective on these topics because of personal lived experiences, thus making literature written by these people more impactful to teens.<sup>37</sup>

*Why is this being set as a state standard as opposed to allowing local BOEs to implement this bill?*

Allowing local BOE’s to develop this curriculum leaves it up to them to ‘interpret’ this how they see fit, allowing for political biases to permeate literature selection. This bill is not politically motivated but rather socially and statistically motivated: Giving students a more diverse curriculum should not be up for interpretation. Students deserve literature that connects them

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<sup>34</sup> <https://saratogafalcon.org/content/how-books-are-chosen-english-classes/>

<sup>35</sup> <https://ncte.org/statement/righttoreadguideline/>

<sup>36</sup> <https://www.stanforddaily.com/2020/08/30/do-we-still-need-to-read-and-teach-the-classics/>

<sup>37</sup> <https://meridian.allenpress.com/her/article-abstract/88/4/538/32324/Critical-Canon-Pedagogy-Applying-Disciplinary?redirectedFrom=fulltext> , <https://www.news.iastate.edu/news/2019/01/29/classics>

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with the current society they are living in where people of color, LGBT people, and gender non-conforming peoples are increaisngly more visible.



## Cultural Sensitivity and Wellbeing Clause

*How are teachers expected to hold conversations, if they themselves are not a part of the marginalized group of people the book is addressing/written by?*

MSDE will provide teachers with the resources and provisions to guide conversations, connect different themes throughout the different units and topics, as well as the skills to ensure all information presented and discussed is culturally and mentally sensitive and considerate. Additionally, should they need more materials, teachers can utilize the Internet to look online for resources to educate and guide them through a discussion when they are unfamiliar with a marginalized group.<sup>38</sup> Through such research, they may be able to find a list of comprehensive questions about the book/topic, gain a better understanding of a time period or struggle. Finally, teachers can even turn to their students and listen to their personal experiences and thoughts on the topic when appropriate.

*What does “being sensitive to student cultural and mental wellbeing” mean or indicate?*

Since this bill aims to increase literature by minority identity authors along the lines of race, gender, and sexuality, additional considerations come with such an aim. In terms of cultural sensitivity and student wellbeing it is crucial to be cognizant of the fact that many minority identity authors often discuss topics, either implicitly or explicitly, within their works that students may find traumatic or triggering based on personal or cultural experience. Such topics may include, but are not limited to: racism, homophobia, historical and modern violence, use of slurs, etc. It is clear that as a result the state needs to provide accommodations for students who might be adversely affected by an increase in literature by minority authors due to the reasons aforementioned. As such, MSDE will create provisions for such accommodations per clause IV of this bill which reads “MSDE will create provisions and resources to assist and guide curricula and teacher regulations in being sensitive to student cultural and mental wellbeing when learning about marginalized groups.”

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<sup>38</sup><https://www.edweek.org/teaching-learning/opinion-how-can-white-teachers-teach-black-history-six-things-you-need-to-know/2021/02>

# Relevance

*What would be the positive impacts of the bill?*

The 2019 Diversity in Children’s and Young Adult Literature report run by the Cooperative Children’s Book Center found that 41.8% of characters in children and young adult books are white with only 3.1% of characters being part of the LGBTQIA+ community and 3.4% being disabled.<sup>39</sup> By enforcing that 50% of educational literature is written by the minority groups outlined in this bill, it allows students to recognize character(s) like themselves, making them feel noticed and accepted, as well as introducing other students to varying cultures and experiences at an early age. As previously stated, Research done by Celestial Zaldana from Claremont McKenna College<sup>40</sup> has indicated that there are positive results of engaging with diverse literature in that it can improve the self esteem of students of different ethnic backgrounds to read works that they can see themselves in.<sup>41</sup>

*Is a book diverse just because its author is a racial minority? What do students gain from these authors having diverse backgrounds?*

The Oxford Dictionary defines diverse as “including or involving people from a range of different social and ethnic backgrounds and of different genders, sexual orientations, etc.” Using this definition, it is clear that diversity is not just regarding race, but also sexual orientation, gender identity, etc. By reading literature from diverse backgrounds students will possess cultural sensitivity, become more aware of social practices, and will gain inclusive beliefs. For example, according to GLSEN<sup>42</sup>, introducing an LGBTQ inclusive curriculum in school can increase classmate acceptance by 82%. By making sure that students are exposed to a wide variety of books that highlight the struggles of marginalized communities, along with literature that is written by underrepresented authors who express their identity, students retain information from authors with varying identities and backgrounds. Analyzing literature in schools is crucial to affecting inclusiveness, which can simultaneously increase the exposure of underrepresented authors.

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<sup>39</sup>Tyner, Madeline. “The Numbers Are In: 2019 CCBC Diversity Statistics.” CCBlogC, Cooperative Children's Book Center, 16 June 2020

<sup>40</sup> [https://scholarship.claremont.edu/cgi/viewcontent.cgi?article=1065&context=cmc\\_theses](https://scholarship.claremont.edu/cgi/viewcontent.cgi?article=1065&context=cmc_theses)

<sup>41</sup> <https://tcf.org/content/commentary/diversity-schools-must-include-curriculum/?agreed=1>

<sup>42</sup><https://www.glsen.org/research/2015-national-school-climate-survey>

## Why This Concerns The State

The purpose of this bill is to reform current Maryland State English/Language Arts curricula in grades six through twelve in a cohesive and targeted manner statewide. Specifically, this bill pushes for the mandating of the substantive inclusion of racial minority, LGBT, and woman/gender non-conforming authors in the current literary requirements. Maryland students *must* be prepared to enter a workforce, environment, and world that is increasingly diverse along the lines of race, gender, and sexuality, among other classifications. Part of preparing Maryland students for such a future is introducing them to a broad and diverse array of perspectives through the literature they read, engage with, analyze, and are assessed on.

However, this bill also seeks to redress the injustice of decades of underrepresentation of racial minorities, LGBT, and women/gender non-conforming authors in literature and curricula. This lack of representation and visibility is not only damaging to these communities but also minority students who find themselves unable to identify with the characters they are made to analyze, and the authors whose books they have to read. Increasing inclusivity in literature increases minority student comfort in the classroom while also broadening the minds and perspectives of the entire student body.

Nationwide there have been cries by students, of all backgrounds, for increasingly diversified literature and curricula in public education. This cause has also been taken up by students across Maryland including several counties' Student Member of the Board (SMOBs). While some counties in Maryland could be deemed more progressive, there are others which remain stagnant on the topic of curriculum reform and diversification. As a select few counties incorporate diversified curricula in the form of LGBTQ+ History courses, or diverse literature, others take little to no action in the same direction. Although this fact is entrenched in political and social views, the issue of the education of Maryland's students is not a political one. The application of such curriculum reform cannot be an inconsistent patchwork as it is now; rather students should be exposed to a breadth of perspectives and authorial backgrounds *irrespective* of what district they reside in. Quality diverse education cannot become a commodity accessible to the few.

To further the quality of a Maryland public school education, it is of the utmost importance that English/Language Arts curricula be diversified along the lines of authorial identity in a standardized and consistent manner. Thus, it is to this end that we the students of the State of Maryland advocate that the State of Maryland take the following actions:

1. Recognize that the educational institutions of the State of Maryland should strive to highlight and promote diversity not only in their student populations but also in their curricula
2. Recognize the importance of increasing the visibility of marginalized groups including racial minorities, LGBT persons, and women/gender non-conforming peoples
3. Encourage or compel the Maryland State Department of Education and local Boards of Education to diversify English/Language Arts curricula through the introduction of required literature written by underrepresented authors

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4. Recognize the above is necessary for adequately preparing students of all backgrounds for their futures and for adequately providing imperative representation

**SUPPORTING  
DOCUMENTS**

## Major Points

The Maryland Student Coalition Senior Associates and relevant student leadership propose a state bill that sets uniform regulations for all Maryland educational jurisdictions to diversify English/Language Arts curriculum through the inclusion of underrepresented authors. While these jurisdictions and the state may extend or complement these regulations, this bill is intended to set comprehensive requirements that ensure the necessary diversification of curricula.

The Bill Must:

1. Be enforced at the state level with the Maryland State Department of Education (MSDE) developing and enforcing the standards set by the bill
2. Outline regulations which provide for the diversification of English/Language Arts curricula along the lines of race, gender, and sexuality in terms of the identity of required literary texts
  - a. These regulations must be implemented all levels of Maryland secondary educational institutions
    - i. 50% of required texts should be by racial minorities, women or gender non-conforming persons, and LGBT persons
    - ii. Each of these classifications are given equal consideration in curriculum development
3. Direct local Boards of Education to develop curricula in accordance with specific regulations
  - a. Local Boards of Education should develop curricula that contain texts which are contemporary in nature
  - b. Local Boards of Education to incorporate at least one text written by an author who identifies with more than one of the three marginalized identity classifications set forth by the bill
4. Direct the Maryland State Department of Education to create provisions and resources to assist and guide curricula and teacher regulations in being sensitive to student cultural and mental wellbeing when learning about marginalized groups

# Draft Language

Article – Education

7–205.5. 24

(A) (1) On Or Before December 1, 2022, The State Board Shall Develop Content Standards For Inclusive State Standards and Frameworks In English and Language Arts.

(2) The Content Standards For Inclusive Curriculum Shall:

(1) highlight and promote diversity, including economic diversity, equity, inclusion, tolerance, and belonging.

(2) examine the impact that unconscious bias and economic disparities have at both an individual level and on society as a whole; and

(3) encourage safe, welcoming, and inclusive environments for all students regardless of race or ethnicity, sexual and gender identities, mental and physical disabilities, and religious beliefs.

(B) Each County Board Shall Develop And Implement Age–appropriate Curriculum Guides For English and Language Arts Subject To The Content Standards Established Under Subsection (A) Of 18 This Section.

(C) The State Board May Adopt Regulations To Implement The Requirements Of This Section. Section And Be It Further Enacted

That, on or before December 1, 25 2022, the State Department of Education shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on content standards for inclusive language included in the State Standards and Frameworks in English and Language Arts of the Maryland College and Career Readiness Standards, including the content standards for each grade level.

Section 3.

AND BE IT FURTHER ENACTED, That This Act Shall Take Effect July 1, 2022.

**END OF  
DOCUMENT**

**CONTACT:**  
[marylandstudentcoalition@gmail.com](mailto:marylandstudentcoalition@gmail.com)