

TESOL Comments on proposed federal changes to the System for Award Management Registration OMB Control No. 3090-0290, Docket No. 2026-0001

TESOL International Association¹ (TESOL) appreciates the opportunity to provide comments on the proposed revisions to the System for Award Management (SAM) Financial Assistance General Certifications and Representations. TESOL is a global professional association representing English language teaching (ELT) professionals and researchers across more than 150 countries. Our members work in K–12, higher education, adult education, and community-based programs, supporting millions of multilingual learners of English.

TESOL regularly participates in federally funded programs that support educator development, research, and capacity-building in English language teaching. As such, we have a strong interest in ensuring that SAM registration requirements are clear, appropriately scoped, and supportive of lawful, evidence-based educational practices.

General Comments

TESOL supports the federal government’s longstanding commitment to nondiscrimination in federally funded programs and affirms its own commitment to compliance with all applicable federal civil rights laws. At the same time, we are concerned that the proposed revisions to the Financial Assistance General Certifications and Representations, specifically Section (6) and its subsections, may introduce ambiguity and unintended consequences for organizations engaged in research-based educational practices.

The proposed language incorporates broad interpretations of unlawful discrimination and provides examples that may be interpreted to encompass standard, widely accepted practices in the field of education. As written, this creates uncertainty for organizations like TESOL and our partners, who are committed both to nondiscrimination and to implementing effective instructional practices grounded in research and professional standards.

The Role of Linguistic and Cultural Responsiveness in English Language Teaching

English language teaching naturally involves working with learners from a wide spectrum of economic, linguistic, cultural, and educational backgrounds. Effective instruction for multilingual learners requires attention to these differences to support language acquisition, academic achievement, and long-term success.

Research² in the field consistently demonstrates that learners benefit from instructional approaches that are responsive to their linguistic and cultural contexts. These approaches, often described as culturally and linguistically responsive teaching,

¹ www.tesol.org

² See the following:

<https://imagine.sa.ucsb.edu/issue/25/2023/asset-based-pedagogies-english-learner-curriculum#>
<https://doi.org/10.1017/S0261444811000309>
<https://escholarship.org/uc/item/65j213pt>
<https://www.mdpi.com/2227-7102/13/6/557>

include strategies such as building on students' prior knowledge, supporting language development through scaffolded instruction, and fostering inclusive classroom environments that enable all learners to participate fully.

These practices are not preferential or exclusionary. Rather, they are essential to ensuring that learners have meaningful access to education. In this context, recognizing and responding to diversity is a pedagogical necessity, not a form of discrimination.

Risk of Conflating Educational Practice with Prohibited Discrimination

TESOL is concerned that the examples included in Section (6), including references to “cultural competence,” “diversity statements,” and training programs that may be perceived as addressing issues of diversity or inclusion, could be interpreted in ways that conflate common and lawful educational practices with prohibited discrimination.

Within the ELT profession, these concepts are standard components of educator preparation and professional development. For example:

- Training educators to effectively teach multilingual learners requires developing their ability to understand and respond to linguistic and cultural differences³.
- Encouraging educators to reflect on their teaching practices and articulate their commitment to inclusive learning environments is a common and accepted professional expectation.
- Providing professional learning opportunities that support educators in serving diverse student populations is central to improving educational outcomes.

A broad or unclear interpretation of the proposed language may create uncertainty about whether such activities remain permissible, even when they are implemented in a manner consistent with federal nondiscrimination law, including Title VI of the Civil Rights Act of 1964 and 2 C.F.R. § 200.300, and, in regard to multilingual learners of English, the Castañeda framework⁴ for sound educational practice: well-established, research-based educational practices, including culturally and linguistically responsive teaching approaches.

Impact on Educator Workforce Development

The United States faces ongoing shortages of qualified educators, including those prepared to serve multilingual learners of English⁵. Efforts to expand and strengthen the educator workforce often include initiatives to broaden participation in the profession and to reduce barriers to entry for individuals from a wide range of backgrounds.

³ For example, see: Brown, H. D., & Lee, H. (1994). *Teaching by principles: An interactive approach to language pedagogy* (Vol. 1, p. 994)

⁴ <https://doi.org/10.1007/s10993-022-09628-1>

⁵ <https://ncela.ed.gov/sites/default/files/2023-06/ELsTeachers-Infographic-20230616-508.pdf>

These efforts are designed to increase the supply of qualified educators and improve access to high-quality instruction for students. They do not exclude or disadvantage any group; rather, they seek to ensure that the educator workforce is sufficiently prepared to meet the needs of all learners.

TESOL is concerned that, without clearer distinctions, the proposed certification language could be interpreted in ways that discourage or constrain these workforce development efforts, thereby exacerbating existing shortages and limiting educational opportunity.

Potential Chilling Effect on Federally Funded Activities

Given the requirement that organizations certify compliance as a condition of SAM registration, the proposed revisions may have a chilling effect on participation in federally funded programs. Organizations may feel compelled to limit or discontinue lawful, evidence-based practices due to uncertainty about how the certification language will be interpreted or enforced.

Such outcomes would be counterproductive to the goals of federal financial assistance programs, particularly in education, where effective practice depends on the ability to adapt instruction to diverse learner needs.

Recommendation

To address these concerns, TESOL respectfully recommends that the General Services Administration:

1. **Remove or revise Section (6), including subsections (i) - (v)**, to ensure that the certification language does not inadvertently encompass lawful, evidence-based educational practices; and/or
2. **Provide clarifying language** that clearly distinguishes between unlawful discrimination and pedagogically appropriate practices designed to support diverse learners and educators.

Clarification is particularly important to ensure that terms and examples included in the certification are not interpreted in ways that conflict with established professional standards in education or that discourage effective instructional and workforce development practices.

Conclusion

TESOL International Association remains committed to advancing excellence in English language teaching and to supporting multilingual learners and educators in full compliance with federal law. We appreciate the opportunity to provide input on this important issue and would welcome further engagement to ensure that SAM registration requirements support both nondiscrimination and effective educational practice.

Thank you for your consideration. We may be contacted at jhutcheson@tesol.org.

TESOL International Association