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State Superintendent of Schools

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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D. *KBS/CLW*

DATE: August 23, 2016

SUBJECT: Code of Maryland Regulations (COMAR) 13A.03.07 Maryland Seal of
Biliteracy Program
PERMISSION TO PUBLISH

PURPOSE:

The purpose of this action is to request that the State Board grant permission to publish a new regulation that establishes the Maryland Seal of Biliteracy Program.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the AELR Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, MSDE staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

In the 2016 session, the Maryland General Assembly passed Senate Bill 781/House Bill 708, *Education – Maryland Seal of Biliteracy Act – Establishment*, signed by Governor Hogan on April 26, 2016. MSDE and local school system supervisors of language programs began planning a proposed Seal of Biliteracy program in 2013, developing rationale and guidelines.

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After the bill establishing the program, previously introduced in 2014 and 2015, ultimately passed in 2016, MSDE reconvened and expanded the workgroup to revisit the guidelines and draft the regulation required by the legislation. This implementation workgroup continues to meet to discuss logistics and develop resources for participating school systems.

EXECUTIVE SUMMARY:

The adoption of this regulation as required by Senate Bill 781/House Bill 708 will make Maryland the 21st state to establish a voluntary recognition program for Maryland students who have achieved high levels of proficiency in English and another language.

ACTION:

Request permission to publish COMAR 13A.03.07 for public comment.

Attachments:

Senate Bill 781/House Bill 708

Seal of Biliteracy Guidelines

13A.03.07 Maryland Seal of Biliteracy Program NEW

.01 Purpose and Scope: Recognizing that high school graduates who can function in two or more languages are equipped with the knowledge and skills to participate successfully in college, careers, and a diverse 21st century society, the Maryland Seal of Biliteracy Program is established to recognize and reward excellence in language learning as measured by rigorous proficiency assessments across a range of language skills.

.02 Definitions:

A. World language means any natural language, including American Sign Language, native American languages, and languages no longer spoken (e.g., Latin and ancient Greek).

B. ACTFL (American Council on the Teaching of Foreign Languages) Proficiency Guidelines means the global descriptions of five levels of integrated performance in listening, speaking, reading and writing: *Novice, Intermediate, Advanced, Superior, and Distinguished*.

.03 Local School System Participation

A. Participation in the program by a local public school system is voluntary.

B. An individual school may not opt out of participation in a local school system program.

.04 Demonstrating Proficiency in English and World Languages

To receive a Maryland Seal of Biliteracy:

A. The student must meet the assessment requirement as set forth in 13A.03.02.09 on the Maryland High School English Language Arts/Literacy assessment.

B. The student must select appropriate world language assessment instrument(s) from the Maryland State Department of Education's approved list of assessments aligned to the ACTFL Proficiency Guidelines and attain an overall proficiency level of Intermediate High.

.05 Awarding the Maryland Seal of Biliteracy

A. The student shall provide official test results to the local school system.

B. The local school system shall validate the assessment results and affix the Seal of Biliteracy to the student's diploma or transcript at graduation, at no cost to the student.

Chapter 232

(Senate Bill 781)

AN ACT concerning

Education – Maryland Seal of Biliteracy Act – Establishment

FOR the purpose of establishing the Maryland Seal of Biliteracy Program; providing for the purpose of the Program; providing that participation in the Program by a local school system is voluntary; providing that, beginning with a certain graduating class, certain students shall receive a certain seal under certain circumstances; requiring the State Board of Education to establish certain criteria and requirements by a certain date; requiring the State Board to provide certain information regarding the Program to certain local school systems by a certain date; requiring certain local school systems to maintain certain records; requiring certain local school systems to affix a certain seal to certain academic documents under certain circumstances; requiring the State Board to adopt certain regulations; defining certain terms; and generally relating to the Maryland Seal of Biliteracy Program.

BY adding to

Article – Education

Section 7–208

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

Article – Education

7–208.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ELIGIBLE STUDENT” MEANS A STUDENT WHO ATTENDS A PUBLIC HIGH SCHOOL THAT PARTICIPATES IN THE MARYLAND SEAL OF BILITERACY PROGRAM.

(3) (I) “FOREIGN LANGUAGE” MEANS A LANGUAGE OTHER THAN ENGLISH.

(II) “FOREIGN LANGUAGE” INCLUDES AMERICAN SIGN LANGUAGE AND ANY NATIVE AMERICAN LANGUAGE.

(4) "PROGRAM" MEANS THE MARYLAND SEAL OF BILITERACY PROGRAM.

(B) THERE IS A MARYLAND SEAL OF BILITERACY PROGRAM THAT RECOGNIZES PUBLIC HIGH SCHOOL GRADUATES IN THE STATE WHO HAVE ATTAINED PROFICIENCY IN SPEAKING, READING, AND WRITING IN ONE OR MORE LANGUAGES IN ADDITION TO ENGLISH.

(C) THE PURPOSE OF THE PROGRAM IS TO PROMOTE LINGUISTIC PROFICIENCY AND CULTURAL LITERACY IN ONE OR MORE LANGUAGES IN ADDITION TO ENGLISH AND TO PROVIDE RECOGNITION OF THE ATTAINMENT OF THOSE SKILLS BY AFFIXING A SEAL OF BILITERACY TO THE STUDENT'S DIPLOMA OR TRANSCRIPT AT GRADUATION, AT NO COST TO THE STUDENT.

(D) (1) PARTICIPATION IN THE PROGRAM BY A LOCAL SCHOOL SYSTEM IS VOLUNTARY.

(2) IF A LOCAL SCHOOL SYSTEM CHOOSES TO PARTICIPATE IN THE PROGRAM, AN INDIVIDUAL SCHOOL MAY NOT OPT OUT OF PARTICIPATION IN THE PROGRAM.

(E) (1) BEGINNING WITH THE GRADUATING CLASS OF 2017, EACH ELIGIBLE STUDENT WHO MEETS THE CRITERIA AND REQUIREMENTS ESTABLISHED BY THE STATE BOARD IN ACCORDANCE WITH SUBSECTION (F)(1) OF THIS SECTION SHALL RECEIVE A SEAL OF BILITERACY.

(2) A SEAL OF BILITERACY SHALL BE AFFIXED TO THE STUDENT'S DIPLOMA OR TRANSCRIPT AT GRADUATION.

(F) ON OR BEFORE OCTOBER 1, 2016, THE STATE BOARD SHALL:

(1) ESTABLISH CRITERIA AND REQUIREMENTS A STUDENT MUST MEET TO RECEIVE A SEAL OF BILITERACY; AND

(2) PROVIDE INFORMATION TO EACH LOCAL SCHOOL SYSTEM REGARDING HOW TO PARTICIPATE IN AND HOW TO IMPLEMENT THE PROGRAM.

(G) A LOCAL SCHOOL SYSTEM PARTICIPATING IN THE PROGRAM SHALL:

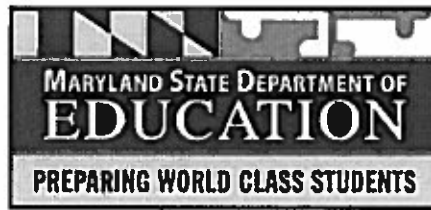
(1) MAINTAIN RECORDS NECESSARY FOR DETERMINING A STUDENT'S ELIGIBILITY FOR A SEAL OF BILITERACY; AND

(2) AFFIX A SEAL OF BILITERACY TO THE DIPLOMA OR TRANSCRIPT OF EVERY ELIGIBLE STUDENT MEETING THE CRITERIA AND REQUIREMENTS ESTABLISHED BY THE STATE BOARD IN ACCORDANCE WITH SUBSECTION (F)(1) OF THIS SECTION.

(H) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 26, 2016.



SEAL OF BILITERACY FOR MARYLAND STUDENTS

Rationale and Purpose

High school graduates who can function in two or more languages are equipped with the knowledge and skills to participate successfully in college, careers, and a diverse 21st century society. The Maryland State Seal of Biliteracy is established to recognize and reward excellence in language learning as measured by rigorous proficiency assessments.

The purpose of the State Seal of Biliteracy is to:

- Recognize the value of language learning in public schools.
- Encourage students to attain high proficiency levels in one or more languages in addition to English.
- Affirm native or heritage languages.
- Provide employers with a method of identifying individuals with language and biliteracy skills.
- Provide universities with an additional method to recognize applicants seeking admission/placement.
- Prepare students with the critical skills necessary to function in a global society.
- Strengthen cross cultural communication, affirm the value of diversity, and honor the multiple cultures and languages of our communities.

Eligibility Criteria

1. Pass Maryland College and Career-Ready English Language Arts Assessment.

AND

2. Demonstrate Intermediate High Proficiency in a language other than English as assessed by one of the following:
 - MSDE-approved assessments aligned to ACTFL (American Council on the Teaching of Foreign Languages) proficiency guidelines:
 - OPI (Oral Proficiency Interview)/ OPIC (Oral Proficiency Interview-Computer) and the WPT (Writing Proficiency Test)
 - AAPPL (ACTFL Assessment of Performance toward Proficiency in Languages)
 - STAMP (Standards Based Measurement of Proficiency)
 - 4 or 5 on Advanced Placement
 - 5, 6, or 7 on International Baccalaureate Higher Level
 - 6 or 7 on International Baccalaureate Standard Level

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