



TO: P-12 Education Committee

FROM: Kimberly Young Wilkins *Kimberly Young Wilkins*

DATE: December 3, 2020

SUBJECT: Proposed Amendments to Section 100.5(h) of the Regulations of the Commissioner of Education Relating to Requirements for Awarding the New York State Seal of Biliteracy (NYSSB or "the Seal")

AUTHORIZATION(S):

John L. DeGisi *Don M. P.* *Billy...*
SUMMARY

Issue for Discussion

Should the Board of Regents amend Section 100.5(h) of the Regulations of the Commissioner of Education related to requirements for awarding the New York State Seal of Biliteracy (NYSSB or "the Seal")?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendments are submitted to the P-12 Education Committee for discussion at its December 2020 meeting. A copy of the proposed amendment is attached.

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on December 30, 2020 for a 60-day public comment period in accordance with the State Administrative Procedure Act (SAPA). Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

On July 31, 2012, Governor Andrew Cuomo signed into law Chapter 271 of the Laws of 2012 (Section 815 of Education Law), which established the New York State Seal

of Biliteracy (NYSSB, or the Seal) to recognize high school graduates who have attained a "high level of proficiency in listening, speaking, reading, and writing in one or more languages, in addition to English." In April 2016, the Board of Regents approved the addition of section 100.5(h) to the Commissioner's regulations, which established the requirements for students to earn the Seal.

Commissioner's regulations section 100.5(h)(4)(ii)(b) describes student requirements for demonstrating proficiency in a World Language (Language Other Than English) that may be applied toward earning the NYSSB, which include successful completion of a World Language course aligned to a Checkpoint C world language assessment, a Home Language Arts (HLA) course and the district HLA exam, and the earning of specific scores on one of 12 approved Checkpoint C world language assessments.

The Department is proposing to amend section 100.5(h)(4)(ii)(b)(1)(i) to remove the following language: "coursework and final examination consistent with Checkpoint C learning standards." This amendment will make the item consistent with the description of the English Language Arts course requirement provided in section 100.5(h)(4)(ii)(a)(1)(iii). This amendment will also make the Seal available to more students, as some students have been unable to meet this qualification because their school does not provide a final exam for these courses.

Additionally, the Department is proposing to amend section 100.5(h)(4)(ii)(b)(1)(ii) to replace the language "Home Language Arts (HLA) coursework and the district HLA exam" with "complete all required Home Language Arts (HLA) courses with an average of 85 or higher." This amendment will make the section consistent with the description of the English Language Arts course requirement provided in section 100.5(h)(4)(ii)(a)(1)(iii). It will also make the Seal available to more students, especially English Language Learners, as some students have been unable to meet this qualification because their district does not offer a district HLA exam.

Finally, the Department is proposing to amend section 100.5(h)(4)(ii)(b)(1)(iii) to replace the current list of approved World Language assessments and required scores with a statement authorizing the Commissioner to approve assessments that will apply toward this requirement. The current list of approved assessments, all of which are developed and administered by entities outside of the Department, only allows students to earn the NYSSB in a limited number of World Languages, which has at times served as an impediment for students who seek to earn the Seal based on their proficiency in a World Language that is not evaluated by one of these assessments. The Department has identified a number of assessments that could potentially be added to this requirement, which would support the ability for more students – and especially English Language Learners – to earn the Seal.

This change will allow more students to earn the Seal and will recognize the effort that institutions throughout New York State and the country have made to increase the number of languages for which schools provide high quality instruction and assessment. In addition, removal of the specific test names and score levels from this section will make

the regulation more consistent with other sections that describe the use of outside assessments to apply toward diploma requirements and other honors.

Related Regents Items

April 2016: [Addition of Section 100.5\(h\) of the Commissioner's Regulations, Relating to the New York State Seal of Biliteracy](#)

(<https://www.regents.nysed.gov/common/regents/files/416brca2.pdf>)

September 2020: [Proposed Amendments to Sections 52.21, 79-8.5, 100.5, and 154-2.3 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](#)

(<https://www.regents.nysed.gov/common/regents/files/920bra7revised.pdf>)

Recommendation

Not applicable.

Timetable for Implementation

Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its April 2021 meeting. If adopted at the April 2021 meeting, the proposed amendment will become effective on April 28, 2021.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 209, 305, 308, 309 and 815 of the Education Law.

1. Clause (b) of subparagraph (ii) of paragraph (4) of subdivision (h) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) Area 2: Criteria for demonstrating proficiency in a world language.

(1) Students shall earn one point per item for achieving the following items:

(i) complete a level four Checkpoint C world language course, with a grade of 85 or higher, or a comparable score using another scoring system set by the district and approved by the commissioner[, for both the coursework and final examination consistent with Checkpoint C learning standards];

(ii) for students enrolled in a bilingual education program, complete all required Home Language Arts (HLA) [coursework and the district HLA exam] courses with an 85 or higher, or a comparable score using another scoring system set by the district and approved by the commissioner;

(iii) score at a proficient level on [one or one group, as applicable, of the following] an accredited Checkpoint C world language [assessments] assessment,
approved by the Commissioner [:

AP--Advanced Placement Examination (minimum score 4)

IB--International Baccalaureate (minimum score 5)

STAMP4S--Standard Based Measurement of Proficiency (minimum score 6)

DELE--Diplomas of Spanish as a Foreign Language through Cervantes Institute of NYC (minimum score B1)

AAPPL--The ACTFL Assessment of Performance toward Proficiency in Languages (minimum score I-5)

OPI--The ACTFL Oral Proficiency Interview (minimum score Intermediate High)

OPIc--The ACTFL Oral Proficiency Computer Test (minimum score Intermediate High)

WPT/BWT--The ACTFL Writing Proficiency Test/Business Writing Test (minimum score Intermediate High)

RTP--The ACTFL Reading Proficiency Test (minimum score Intermediate High)

LPT--The ACTFL Listening Proficiency Test (minimum score Intermediate High)

ALIRA--The ACTFL Latin Interpretive Reading Assessment (minimum score I-4)

SLPI: ASL--American Sign Language Proficiency Interview (minimum score intermediate plus)]; and

(iv) ...

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