

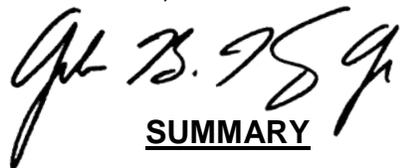


**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234**

**TO:** P-12 Education Committee  
**FROM:** Ken Slentz   
**SUBJECT:** Seal of Biliteracy

**DATE:** October 30, 2012

**AUTHORIZATION(S):**

  
**SUMMARY**

Issue for Discussion

Will the Board of Regents approve staff's plan to develop proposed regulations that allow students who meet criteria established by the Board of Regents to receive a Seal of Biliteracy on their diploma?

Reason(s) for Consideration

The State Seal of Biliteracy, passed by the Legislature and signed into law by the Governor on July 31, 2012, was established 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." The Regents are required to develop regulations to implement the provisions of the legislation.

Proposed Handling

This question will come before the P-12 Education Committee for discussion at the November 2012 meeting.

Procedural History

This is the first time that the Board of Regents will discuss creation of regulations to implement the recently enacted Seal of Biliteracy legislation.

Background Information

Chapter 271 of the Laws of 2012 (Section 815 of Education Law) established the state Seal of Biliteracy 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. The NYS Seal of Biliteracy will be awarded by the Commissioner to students who meet criteria established by the Board of Regents and attend schools in districts that voluntarily agree to participate in the program. The Seal of Biliteracy will be affixed to the high school diploma and transcript of graduating pupils attaining Seal criteria and must be made available to students at no cost.

New York has become the second state to implement a Seal of Biliteracy program. California was the first state to establish a program, with its legislation becoming effective January 1, 2012. In the first year of implementation, California awarded its Seal to more than 10,000 graduating high school students who demonstrated proficiency in more than 40 different languages. A number of districts in New Mexico have also developed a Seal of Biliteracy program, including the largest district in the State, the Albuquerque Public Schools. The Albuquerque Public Schools' Bilingual Seal is currently offered only to students demonstrating biliteracy in English and Spanish; however the district is exploring how to expand the program to languages spoken by Native American communities.

### Intent of NYS Seal of Biliteracy

As stated in the legislation, the intent of the NYS Seal of Biliteracy is to: encourage the study of languages; identify high school graduates with language and biliteracy skills for employers; provide universities with additional information about applicants seeking admission; prepare students with twenty-first century skills; recognize the value of foreign and native language instruction in schools; and affirm the value of diversity in a multilingual society. These goals are consistent with the Regents Reform Agenda of ensuring that all New York State students graduate college- and career-ready.

### Criteria for Awarding the NYS Seal of Biliteracy

The Seal will certify attainment of “a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English.” The legislation authorizes the Board of Regents to promulgate regulations to establish the criteria that students must achieve in order to earn the NYS Seal of Biliteracy.

Such criteria may include, but are not limited to, attainment of credits in English Language Arts and languages other than English, passage of state assessments in English language Arts and languages other than English<sup>1</sup>, and passage of additional assessments of foreign language proficiency as may be approved by the Commissioner.

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<sup>1</sup> With the elimination of the foreign language Regents examinations, the State Education Department currently administers no statewide assessments of student proficiency in languages other than English. Districts currently administer locally developed assessments to determine whether students have attained Checkpoint B, which is the level of proficiency required for students to earn a Regents diploma with advanced designation .

## Plan to Develop Proposed Regulations

In order to implement the state legislation, the Department will develop regulations for consideration by the Board of Regents. Such regulations will establish the criteria that students must meet and procedures districts must follow in order to award the NYS Seal of Biliteracy. In order to develop regulations for consideration by the Board of Regents, the Department proposes the following process:

### 1. Create a Seal of Biliteracy Workgroup:

The Workgroup will be composed of leaders in the field of bilingualism and biliteracy, including representatives of organizations and associations that advocated for the Seal; representatives of Institutions of Higher Education; district representatives from districts with large Foreign Language and/or Native Language Arts programs; representatives of employers in New York State that seek biliterate employees; and individuals with expertise in assessing languages other than English.

The goal of the workgroup will be to provide advice on criteria for determining that a student has demonstrated a “high level of proficiency” in English and a language other than English. Such criteria will include, but not be limited to, identifying possible assessments and the scores students must attain on such assessments in order to demonstrate high proficiency.

### 2. Present Proposed Criteria for the Seal to the Board of Regents:

Taking into consideration the Workgroup's advice on how to determine a high level of proficiency in languages other than English, the Department will present to the Board of Regents proposed criteria for consideration. The Department in its recommendations will also address these questions:

- What requirements must a district meet in order to voluntarily participate in the Seal of Biliteracy Program?
- Should there be any units of credit requirements for earning a Seal of Biliteracy?
- Should there be any other requirements for earning a Seal of Biliteracy beyond assessments and/or course work?
- Should there be different standards to earn the Seal of Biliteracy for English speakers, heritage speakers, or English language learners?
- Should there be more than one type of Seal of Biliteracy?

### 3. Draft Regulations to Implement Seal of Biliteracy:

If directed by the Regents, Department staff will draft new regulations for consideration by the Board of Regents for implementation in the 2013-2014 school year.

### Recommendation

The Regents direct that Department staff develop proposed criteria that include: units of instruction, English Language Arts assessment and assessment in languages other than English, for the purpose of making recommendations to the Regents to implement the NYS Seal of Biliteracy.

### Timetable for Implementation

It is anticipated that the Department will present proposed criteria for consideration by the Board of Regents in spring 2013 in order to develop new regulations for implementation in the 2013-14 school year.

Attachment

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## **ATTACHMENT A: Seal of Biliteracy Legislation (Education Law Section 815)**

§ 815. State seal of biliteracy. 1. (a) The state seal of biliteracy is established 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. The state seal of biliteracy shall be awarded by the commissioner. School district participation in this program is voluntary.

(b) The purposes of the state seal of biliteracy are as follows:

(1) To encourage pupils to study languages.

(2) To certify attainment of biliteracy.

(3) To provide employers with a method of identifying people with language and biliteracy skills.

(4) To provide universities with an additional method to recognize applicants seeking admission.

(5) To prepare pupils with twenty-first century skills.

(6) To recognize the value of foreign language and native language instruction in public schools. For the purpose of this section foreign language means any language other than English (LOTE) including all modern languages, Latin, American Sign Language, Native American languages and native languages.

(7) To strengthen intergroup relationships, affirm the value of diversity, and honor the multiple cultures and languages of a community.

2. (a) The state seal of biliteracy certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English.

(b) The board of regents shall promulgate such regulations of the commissioner as may be necessary to establish the criteria that students must achieve to earn a state seal of biliteracy, which may include, but is not limited to attainment of units of credit in English language arts and languages other than English, passage of state assessments in English language arts and language other than English, and passage of such additional assessments of foreign language proficiency as may be approved by the commissioner for this purpose.

(c) For purposes of this section, foreign language means any language other than English (LOTE) including all modern languages, Latin, American Sign Language, Native American languages and native languages.

3. The commissioner shall do both of the following:

(a) Prepare and deliver to participating school districts an appropriate insignia to be affixed to the diploma and transcript of the pupil indicating that the pupil has been awarded a state seal of biliteracy by the commissioner.

(b) Provide other information he or she deems necessary for school districts to successfully participate in the program.

4. A school district that participates in the program under this section shall do both of the following:

(a) Maintain appropriate records in order to identify pupils who have earned a state seal of biliteracy.

(b) Affix the appropriate insignia to the diploma and transcript of each pupil who earns a state seal of biliteracy.

5. No fee shall be charged to a pupil pursuant to this section.