



TO: The Honorable the Members of the Board of Regents

FROM: James Baldwin 

SUBJECT: Proposed Amendment of Part 30 of the Rules of the Board of Regents and Part 80 and Sections 52.21, 100.1, 100.2, 100.4, 100.5, 100.7, 151-2.2, 154-2.2, 154-2.3, and 154-2.10 of the Regulations of the Commissioner of Education Relating to World Languages

DATE: July 7, 2021

AUTHORIZATION(S): 

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment of Part 30 of the Rules of the Board of Regents and Part 80 and Sections 52.21, 100.1, 100.2, 100.4, 100.5, 100.7, 151-2.2, 154-2.2, 154-2.3, and 154-2.10 of the Regulations of the Commissioner of Education relating to world languages?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at its July 2021 meeting. A copy of the proposed rule is included (Attachment A).

Procedural History

The proposed amendment was presented to the Joint P-12 Education and Higher Education Committee for discussion at the March 2021 Board of Regents meeting. A Notice of Proposed Rule Making was published in the State Register on March 31, 2021 for a 60-day public comment period. Following publication in the State Register, the Department received comments on the proposed amendment. An Assessment of Public Comment is included (Attachment B). No changes to the proposed amendment are

recommended at this time. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

The revised New York State Learning Standards in Languages Other Than English (LOTE) are being proposed to the Board of Regents for approval at its March 2021 meeting. One aspect of this revision is the renaming of the standards to “New York State Standards for World Languages,” which requires revisions to current regulations.

The revised standards, including information on the name-change, were published to solicit broad stakeholder feedback from December 16, 2019 to February 1, 2020. NYSED received 1,120 individual survey responses, with many leaving specific comments for various questions. The majority of responses were provided by K-12 educators and administrators; feedback was also received from higher education faculty, parents, students, school counselors, school board members, college students, and business and community members. Of the responses received, 94 percent of respondents indicated that they either moderately or strongly supported the revised standards overall, with 93 percent specifically supporting the name change.

Therefore, in order to implement the name change of the LOTE standards to Standards for World Languages, the proposed rule amends the Commissioner’s regulations to replace the term “languages other than English” with “world languages” in reference to the learning standards, pathway assessment, and course credit. Additionally, to provide consistency, the Department also proposes to rename teaching certificate titles, as well as certification and teacher preparation program coursework requirements from “language(s) other than English” to “world language(s) other than English,” and the tenure title of “Foreign Languages” to “World Languages.” Additionally, the Department proposes to amend references to the term “foreign languages” throughout the Commissioner’s regulations to read “world languages” or “world languages other than English,” as applicable.

Under the proposed amendment, teachers currently in the foreign languages tenure area would now be in the world languages tenure area, and any prior service in the foreign languages tenure area would be included toward service in the renamed world languages tenure area.

Related Regents Items

December 2020: [Revision of New York State Learning Standards in Languages Other than English \(LOTE\)](#)

(<https://www.regents.nysed.gov/common/regents/files/1220p12d2.pdf>)

March 2021: [Proposed Amendment of Part 30 of the Rules of the Board of Regents and Part 80 and Sections 52.21, 100.1, 100.2, 100.4, 100.5, 100.7, 151-2.2, 154-2.2, 154-](#)

[2.3, and 154-2.10 of the Regulations of the Commissioner of Education Relating to World Languages](https://www.regents.nysed.gov/common/regents/files/321p12hed1.pdf)

<https://www.regents.nysed.gov/common/regents/files/321p12hed1.pdf>

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That Part 30 of the Rules of the Board of Regents and Part 80 and sections 52.21, 100.1, 100.2, 100.4, 100.5, 100.7, 151-2.2, 154-2.2, 154-2.3, and 154-2.10 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 28, 2021.

Timetable for Implementation

If adopted at the July 2021 meeting, the proposed amendment will become effective on July 28, 2021.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 209, 210, 212, 215, 305, 815, 3204, 3205, 3001, 3004, and 3009 of the Education Law.

1. Subdivision (c) of section 30-1.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) *Core academic subjects* means courses of instruction in and related to English, social studies, mathematics, science and [foreign] world languages.

2. Section 30-1.4 of the Regulations of the Commissioner of Education is amended to read as follows:

Kindergarten (including pre-kindergarten programs) together with the first six grades shall constitute the elementary tenure area. In those schools in which instruction in the core academic subjects has not been departmentalized at the seventh and/or eighth grade levels, such grades shall constitute the middle grades tenure area. In those grades at or above seventh grade level in which instruction in the core academic subjects is departmentalized, the core academic subjects shall be grouped for tenure purposes into the academic tenure areas of English, social studies, mathematics, science and [foreign] world languages.

3. Subdivision (b) of section 30-1.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) There shall be five academic tenure areas, reflecting the division of the instructional staff of a departmentalized school into separate units for giving of instruction in English, social studies, mathematics, science and [foreign] world languages.

4. Clause (a) of subparagraph (ii) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) General education core in the liberal arts and sciences. The program shall include a requirement that the candidate complete study that prepares candidates with knowledge, understanding, and skills in the liberal arts and sciences, including but not limited to: artistic expression; communication; information retrieval; concepts in history and social sciences; humanities; a world language other than English; scientific and mathematical processes; and written analysis and expression.

5. Clause (a) of subparagraph (i) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Content core. In addition to meeting the general requirements for the content core prescribed in clause (2)(ii)(b) of this subdivision, the content core shall be a major, concentration, or the equivalent in one or more of the liberal arts and sciences, which, in combination with the general education core and pedagogical core, shall ensure that the candidate has a knowledge base for teaching to the State learning standards for students, as prescribed in Part 100 of this Title, in the following areas of the early childhood education curriculum: the arts; career development and occupational studies; English language arts; health, physical education, and family and consumer sciences;[a language other than English] world languages; mathematics, science and technology; and social studies.

6. Clause (a) of subparagraph (ii) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Content core. In addition to meeting the general requirements for the content core prescribed in clause (2)(ii)(b) of this subdivision, the content core shall be a major, concentration, or the equivalent in one or more of the liberal arts and sciences, which, in combination with the general education core and pedagogical core, ensures that the candidate has a knowledge base for teaching to the State learning standards for students in the following areas of the childhood education curriculum: the arts; career development and occupational studies; English language arts; health, physical education, and family and consumer sciences; world languages [other than English]; mathematics, science and technology; and social studies, as prescribed in Part 100 of this Title.

7. Clause (a) of subparagraph (iii) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Content core. In addition to meeting the general requirements for the content core prescribed in clause (2)(ii)(b) of this subdivision, the content core shall be study that provides a content knowledge base for assisting students in grades 5 through 9 in meeting the State learning standards for students, as prescribed in Part 100 of this Title, through the following options:

(1) specialist option - a major or the equivalent in English, a world language other than English, biology, chemistry, earth science, physics, mathematics, or social studies; provided that the content core in social studies shall include study in economics, government, and at least a total of 21 semester hours of study in the history and geography of the United States and the world; or

(2) generalist option – a major, concentration, or the equivalent, in one or more of the liberal arts and sciences, which, in combination with the general education core and

pedagogical core, shall ensure that the candidate has a knowledge base for teaching to the State learning standards for students in the following areas of the middle childhood education curriculum: the arts; career development and occupational studies; English language arts; health, physical education, and family and consumer sciences; world languages[other than English]; mathematics, science and technology; and social studies; as prescribed in Part 100 of this Title.

8. Clause (a) of subparagraph (iv) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Content core. In addition to meeting the general requirements for the content core prescribed in clause (2)(ii)(b) of this subdivision, the content core shall be a major or its equivalent in one of the liberal arts and sciences that provides a knowledge base for assisting students in grades 7 through 12 in meeting the State learning standards for students, as applicable to one of the following subjects and prescribed in Part 100 of this Title: English,[a language other than English] world languages, biology, chemistry, earth science, physics, mathematics, or social studies, provided that the content core in social studies shall include study in economics, government, and at least a total of 21 semester hours of study in the history and geography of the United States and the world.

9. Clause (a) of subparagraph (x) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Content core. In addition to meeting the general requirements for the content core prescribed in clause (2)(ii)(b) of this subdivision, the content core shall be a major, concentration, or the equivalent, which, in combination with the general education core and the pedagogical core, provides a knowledge base for assisting students in

elementary and secondary schools in meeting the State learning standards for students in English language arts; mathematics, science, and technology; and social studies, as prescribed in Part 100 of this Title; and also includes at least 12 semester hours or the equivalent of study of a world language other than English.

10. Paragraph (1) of subdivision (b) of section 80-1.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) *Academic subject* means one of the following subjects offered in secondary schools: English,[the foreign] world languages, mathematics, the sciences (biology, chemistry, physics, earth science, general science) and citizenship education (civics, economics, economic geography, geography, history, political science, sociology) and such other similar subjects.

11. Paragraph (1) of subdivision (e) of section 80-3.2 of the Regulations of the Commissioner of Education are amended to read as follows:

(1) Certificate titles in the classroom teaching service. Candidates for whom the requirements of this Subpart are applicable, pursuant to the conditions prescribed in section 80-3.1(a) of this Subpart, shall be issued the following certificate titles in the classroom teaching service:

(i) ...

(v) [Language] World language other than English (specified) (grades 5-9);

(vi) ...

(xiii) [Language] World language other than English (specified) (grades 7-12);

(xiv) ...

12. Subparagraph (iii) paragraph (2) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(iii) General education core in the liberal arts and sciences. The candidate shall complete 30 semester hours of coursework that includes study in each of the following subjects: artistic expression, communication, information retrieval, concepts in history and social sciences, humanities, a world language other than English, scientific and mathematical processes, and written analysis and expression, except as otherwise provided in this subparagraph. A candidate who holds one or more provisional certificates, permanent certificates, initial certificates, or professional certificates in a title in the classroom teaching service, other than a title in a specific career and technical subject (grades 7-12), shall not be required to demonstrate completion of the general education core in the liberal arts and sciences, as prescribed in this subparagraph, for an additional initial certificate in the classroom teaching service sought.

13. Clause (a) of subparagraph (ii) of paragraph (3) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Content core. The content core prescribed in subparagraph (2)(iv) of this subdivision shall consist of 30 semester hours of coursework in the subject area of the certificate title sought (English, a world language other than English, biology, chemistry, earth science, physics, mathematics, or social studies) in addition to the 30 semester hours of coursework prescribed in the general education core in the liberal arts and sciences. For social studies (5-9) and social studies (7-12), within the 30 semester hour content core, the candidate shall complete coursework in economics and government,

and a total of 21 semester hours of coursework that includes study in United States history, world history and geography.

14. Clause (a) of subparagraph (iii) of paragraph (3) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Content core. The content core prescribed in subparagraph (2)(iv) of this subdivision shall consist of 30 semester hours of coursework in one or more of the liberal arts and sciences and shall include study in linguistics and English grammar, in addition to the 30 semester hours of coursework prescribed in the general education core in the liberal arts and sciences if required. Study in the general education core and the content core shall include 12 semester hours in a world language other than English.

15. Subclause (2) of clause (a) of subparagraph (vii) of paragraph (3) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(2) For specialist (grades 5-9) certificates, the content core prescribed in subparagraph (2)(iv) of this subdivision shall consist of 30 semester hours of coursework in the subject area of the certificate sought (English, a world language other than English, biology, chemistry, earth science, physics, mathematics, or social studies), in addition to the 30 semester hours of coursework prescribed in the general education core in the liberal arts and sciences if required. For social studies (5-9), within the 30 semester hour content core, the candidate shall complete coursework in economics and government, and a total of 21 semester hours of coursework that includes study in United States history, world history, and geography.

16. Subclause (2) of clause (a) of subparagraph (viii) of paragraph (3) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(2) For specialist (grades 7-12) certificates for candidates who apply for their certificate prior to September 1, 2014 and complete all requirements before February 1, 2012, the content core prescribed in subparagraph (2)(iv) of this subdivision shall consist of 30 semester hours of coursework in the subject of the certificate sought (English, a world language other than English, biology, chemistry, earth science, physics, mathematics or social studies) in addition to the 30 semester hours of coursework prescribed in the general education core in the liberal arts and sciences if required. For social studies (7-12), within the 30 semester hours content core, the candidate shall complete coursework in economics and government, and a total of 21 semester hours of coursework that includes study in United States history, world history, and geography.

17. Subdivision (a) of section 80-3.15 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Upon application, a person who meets the requirements of this section and is employed in a public school or other school for which teacher certification is required to teach a special class, as defined in section 200.1(uu) of this Title, may be issued a statement of continued eligibility pursuant to which such person may teach one or more of the following subject areas in a special class without a teaching certificate in these areas as is required under this Part: biology, chemistry, earth science, English Language Arts, general science, world language other than English (specified) in either (grades 5-9) or (grades 7-12), mathematics, physics, and social studies; provided that such person

holds a valid initial or professional certificate in the classroom teaching service in students with disabilities (grades 7-12) generalist, students with disabilities (grades 7-12) content specialist, students with disabilities (grades 5-9) generalist, students with disabilities (grades 5-9) content specialist; or the special education generalist permanent certificate and meets the requirements of this section for each subject area for which the person is seeking a statement of continued eligibility.

18. Subdivision (a) of section 80-4.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Extension titles. Candidates for whom the requirements of this Subpart are applicable, pursuant to the conditions prescribed in section 80-4.1(a) of this Subpart, shall be issued the following extension titles:

(1) ...

(7) [Language] World language other than English (specified) (grades 1-6);

(8) ...

(18) Students with Disabilities – [Languages] World languages other than English - specified (grades 5-9);

(19) ...

(26) Students with Disabilities – [Languages] World languages other than English - specified (grades 7-12).

19. Paragraph (1) of subdivision (b) of section 80-4.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) The candidate shall hold a valid permanent, initial, emergency COVID-19, or professional certificate in English language arts (7-12), world language other than English

(7-12), mathematics (7-12), biology (7-12), chemistry (7-12), earth science (7-12), physics (7-12), social studies (7-12), or in any specific career and technical education subject (7-12).

20. Subdivision (g) of section 80-4.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(g) Requirements for the extension in a world language other than English - early childhood education (birth-grade 2) and childhood education (grades 1-6).

The candidate shall meet the requirements in each of the following paragraphs:

(1) The candidate shall hold a valid provisional or permanent certificate in a world language other than English (grades 7- 12) or a valid initial, emergency COVID-19, or professional certificate in a world language other than English (grades 5-9) or a world language other than English (grades 7-12).

(2) The candidate shall complete a total of three semester hours of study or its equivalent in the teaching of a world language other than English in early childhood and childhood education.

21. Subparagraph (i) of paragraph (3) of subdivision (m) of section 80-4.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) the candidate shall hold a valid provisional, initial, permanent, or professional certificate in English language arts (7-12), world language other than English (7-12), mathematics (7-12), biology (7-12), chemistry (7-12), earth science (7-12), physics (7-12), or social studies (7-12); and

22. Paragraph (2) of subdivision (n) of section 80-4.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(2) Subjects for which extension may be obtained. A teacher who holds a valid initial, emergency COVID-19, or professional certificate in the classroom teaching service in students with disabilities generalist, students with disabilities (grades 5-9) content specialist, students with disabilities (grades 7-12) generalist, students with disabilities (grades 7-12) content specialist, or the special education generalist permanent certificate may seek an extension under this subdivision in one of the following subjects: mathematics; English language arts; biology; chemistry; earth science; physics; social studies; world language other than English (specified) in either (grades 5-9) or (grades 7 through 12).

23. Paragraph (1) of subdivision (t) of section 80-4.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) Purpose. The purpose of limited extensions issued under this subdivision is to authorize a teacher who holds a valid initial, emergency COVID-19, or professional certificate in the classroom teaching service in students with disabilities (grades 7-12) generalist, students with disabilities (grades 7-12) content specialist, students with disabilities (grades 5-9) generalist, students with disabilities (grades 5-9) content specialist, or the special education generalist permanent certificate to teach one of the following subject areas in a special class as defined in section 200.1(uu) of this Title: biology, chemistry, earth science, English Language Arts, general science, world language other than English (specified) in either (grades 5-9) or (grades 7-12), mathematics, physics, and social studies.

24. Subclause (4) of clause (a) of subparagraph (ii) of paragraph (1) of subdivision (c) of section 80-5.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(4) utilizing their own special skills and abilities by assisting in instructional programs in such areas as:[foreign] world languages other than English, arts, crafts, music and similar subjects; and

25. Subdivision (c) of section 80-5.12 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) A person who holds a permanent or professional certificate in English language arts (7-12), world language other than English (7-12), mathematics (7-12), biology (7-12), chemistry (7-12), earth science (7-12), physics (7-12), or social studies (7-12) and whose teaching assignment covered by an experiment in organizational change during three of the five years of an experiment approved by the commissioner on or before February 1, 2004 is in the subject of the certificate held but is in grades 5-6, may be issued a statement of continued eligibility pursuant to which such person may continue to teach in such assignment without the extension prescribed in section 80-4.3(b) of this Part to teach the subject in grades 5-6. In order for such person to be eligible for the statement of continuing eligibility, his or her experience in teaching the subject in grades 5-6 must have occurred on or after July 1, 1993. A statement of continued eligibility shall be limited to the specific permanent or professional certificate that was extended to authorize such service but shall be valid for service in any school district. Applications for the statement of continued eligibility must be filed with the department.

26. Subparagraph (iv) of paragraph (1) of subdivision (t) of section 100.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(iv) [Languages other than English] World languages.

(a) Students will be able to use a language other than English for communication.

(b) Students will develop cross-cultural skills and understandings.

27. Subdivision (d) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(d) [*Language other than English*] World language requirements.

(1) Public school students first entering grade nine in 1988 or 1989 shall have completed at least one unit of study in a [language other than English] world language at some time during grades kindergarten through nine. Public school students first entering grade nine in 1990 and thereafter shall have completed at least two units of study in a [language other than English] world language at some time during grades kindergarten through nine. Such requirements shall be met subject to the following provisions:

(i) Such unit of study requirements in a [language other than English] world language may be in more than one language, provided that at least one half of the required units of study shall be in a single language.

(ii) Such unit of study requirements in a language other than English shall be offered in segments of not less than a half unit of study per school year.

(iii) A student identified as having a disability which adversely affects the ability to learn a language may be exempted from the requirements set forth in this paragraph if the student's individualized education program, developed in accordance with section 200.4 of this Title states that such requirements are not appropriate.

(iv) A student may be exempted from such unit of study requirements in a [language other than English] world language by passing an approved second language proficiency examination, as defined in section 100.1(j) of this Part.

(v) For the 2019-20 school year a student may be exempted from such unit of study requirements in a [language other than English] world language where a student is unable to complete such requirements due to a school being closed pursuant to an Executive Order(s) of the Governor pursuant to the State of emergency for the COVID-19 crisis where such student otherwise achieves the learning outcomes for the portion of such unit of study completed.

(2) Public school districts may commence language other than English instruction at any grade level prior to grade 8 but shall do so no later than the beginning of grade 8 so that students are provided the required two units of study by the end of grade nine.

(3) Beginning in May 1989, all students entering grade nine prior to the 2001-2002 school year who passed an approved second language proficiency examination shall be awarded the first unit of credit in a [language other than English] world language, unless the student has already been awarded such first unit of credit in a language other than English, as set forth in section 100.1(b) of this Part.

(4) Public school students first entering grade nine in the 2001-2002 school year and thereafter shall earn at least one unit of credit in a [language other than English] world language, as defined in section 100.1(b) of this Part, in order to complete the [language other than English] world languages requirement for a high school diploma. Students may earn one unit of credit by having passed the State second language proficiency assessment, when available.

(5) Beginning in the 2010-2011 school year, students enrolled in grades eight or earlier may be granted one unit of credit by successfully completing two units of study in a [language other than English] world language and passing a locally developed test, both of which are aligned to the checkpoint A learning standards for languages other than English, which has been approved for high school credit by the public school district superintendent or the chief administrative officer of a registered charter or nonpublic high school.

27. Paragraph (2) of subdivision (f) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(2) Pathway assessments. With the approval of the commissioner, pathway assessments which measure an equivalent level of knowledge and skill may be substituted for the assessments specified in this Part. Notwithstanding the requirements of subdivision (d) of this section and section 100.5(b)(7)(v)(c) of this Part any examination that is used to satisfy the pathway assessment graduation requirements in section 100.5(a)(5)(i)(f) of this Part, other than those specifically enumerated in subdivision (mm) of this section relating to pathway assessments in career and technical education, [Languages other than English] world languages and in the arts. shall meet the conditions and criteria set forth in subparagraphs (1)(i) through (vi) of this subdivision.

28. Subclause (5) clause (b) of subparagraph (ii) of paragraph (2) of subdivision (ee) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(5) unit and lesson assessments for ELA, mathematics, science, social studies and [languages other than English] world languages for grades 7 through 8; and/or

29. The opening paragraph of subdivision (mm) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(mm) *Pathway assessments in career and technical education, [Languages other than English] world languages, and the arts.* Except as provided in subdivision (f) of this section, students who have passed four required Regents examinations or department-approved alternative assessments in each of the areas of English Language Arts, mathematics, science, and social studies pursuant to section 100.5 of this Part and who are otherwise eligible to receive a high school diploma in June 2015 and thereafter may meet the fifth assessment requirement for graduation pursuant to section 100.5 of this Part by passing a fifth pathway assessment in career and technical education (CTE), [Languages other than English] world languages, or the arts, that is approved by the commissioner pursuant to the following conditions and criteria:

30. Subparagraph (iv) of paragraph (1) of subdivision (b) of section 100.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(iv) [languages other than English] world languages, pursuant to section 100.2(d) of this Part;

31. Subparagraph (xi) paragraph (1) of subdivision (c) of section 100.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(xi) [languages other than English] world languages pursuant to section 100.2 (d) of this Part;

32. Paragraphs (4) and (5) of subdivision (c) of section 100.4 of the Regulations of the Commissioner of Education are amended to read as follows:

(4) The unit of study requirements for [languages other than English] world languages in this subdivision may be initiated in any grade prior to grade 8, pursuant to section 100.2(d)(2) of this Part, provided that in public schools such subject shall be taught by teachers certified in that area.

(i) To receive one unit of high school credit for [languages other than English] world languages prior to grade nine, pursuant to section 100.2(d) of this Part, a student must take and pass the second language proficiency examination when available, or beginning in the 2010-2011 school year, successfully complete two units of study in a [language other than English] world language and pass a locally developed test, both of which are aligned to the Checkpoint A learning standards for [languages other than English] world languages, which has been approved for high school credit by the public school district superintendent or chief administrative officer of a registered charter or nonpublic high school.

(5) Students who have been determined to need academic intervention services as set forth in section 100.2(ee)(2)(i) of this Part may have the unit of study requirements for one or more of their subjects reduced, provided that:

(i) ...

(ii) requirements for subjects set forth in paragraph (1) of this subdivision and for [languages other than English] world languages instruction set forth in section 100.2(d) of this Part may be reduced but not eliminated. Academic intervention services shall be provided in a manner that does not diminish instructional time to a degree that may prevent a student from achieving the State learning standards in any area required for graduation or from meeting local standards for promotion. A principal shall consider a

student' s abilities, skills and interests in determining the subjects for which the unit of study requirements may be reduced;

(iii) ...; and

(iv) ...

33. Paragraph (1) of subdivision (d) of section 100.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) Public school students in grade 8 shall have the opportunity to take high school courses in mathematics and in at least one of the following areas: English, social studies, [languages other than English] world languages, art, music, career and technical education subjects or science courses.

34. Subclause (iv) of clause (1) of subparagraph (f) subparagraph (i) of paragraph (5) of subdivision (a) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(iv) a pathway assessment in [Languages other than English] world languages approved by the commissioner in accordance with section 100.2(mm) of this Part; or

35. Clauses (g) and (i) of subparagraph (iv) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education are amended to read as follows:

(g) [Languages other than English] World languages, one unit of commencement-level credit. A student identified as having a disability which adversely affects the ability to learn a language may be excused from the [language other than English] world languages requirement set forth in this subparagraph if such student's individualized education program indicates that such requirement is not appropriate to the student's

special educational needs. Such a student need not have a sequence in a [language other than English] world language but must meet the requirements for the total number of credits required for a diploma.

(j) Additional units in English language arts, mathematics, social studies, science, the arts, [languages other than English] world languages, career and technical education, or any other subject area approved by the commissioner to a total of 22 units of credit.

36. Clause (c) of subparagraph (v) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) two additional units in a [language other than English] world language for a total of three units and the Regents comprehensive assessment in that language when available. In those languages for which no Regents comprehensive assessment is available, a locally developed test, which is aligned to the checkpoint B learning standards for [languages other than English] world languages, may be administered. A student identified as having a disability that adversely affects the ability to learn a language may be excused from the [language other than English] world language requirement set forth in this subparagraph if such student's individualized education program indicates that such requirement is not appropriate to the student's special educational needs. Such a student need not have a sequence in a [language other than English] world language but must meet the requirements for the total number of credits required for a diploma. Students completing a five-unit sequence in career and technical education or the arts (visual arts, music, dance, and theatre) are not required to complete the additional two units of the [language other than English] world language requirement for the Regents

diploma with advanced designation but must still meet the requirements for the total number of units of credit.

37. Paragraphs (1) and (2) of subdivision (h) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) Purpose and Intent. The purpose of this subdivision is to establish requirements for earning a New York State (NYS) Seal of Biliteracy pursuant to Education Law section 815. The intent of the NYS Seal of Biliteracy is to encourage the study of languages; certify attainment of biliteracy; provide employers with a method of identifying high school graduates with language and biliteracy skills; provide universities with an additional method to recognize applicants seeking admission; prepare students with twenty-first century skills; recognize the value of [foreign and home language] world languages and heritage language instruction in schools; and strengthen intergroup relationships, affirm the value of diversity, and honor the multiple cultures and languages of a community. The NYS Seal of Biliteracy shall be awarded by the commissioner to students who meet the criteria of this subdivision and attend schools in school districts that are approved by the commissioner pursuant to this subdivision to participate in the program. The NYS Seal of Biliteracy shall be affixed to high school diplomas and transcripts of graduating pupils attaining Seal criteria. No fee shall be charged to a student pursuant to this subdivision.

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

38. Clause (b) of subparagraph (i) of paragraph (2) of subdivision (a) of section 100.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) take a general comprehensive examination prescribed for the program in a [language other than English] world language, where available, and achieve a standing designated as satisfactory by the commissioner on such examination, except a passing score or scores on any mathematics Regents examination, ELA Regents examination, Social Studies Regents examination and/or Science Regents examination or any other examination approved by the commissioner pursuant to section 100.2(f) or (mm) of this Part may be accepted as a passing score on the corresponding subtest or sub-tests of any general comprehensive examination prescribed for the program and administered on or after February 7, 2018, except that such candidates shall receive a high school equivalency diploma with a transcript that bears an inscription indicating the language in which the general comprehensive examination was taken. For purposes of this clause, passing score or scores on a mathematics Regents examination, ELA Regents examination, Social Studies Regents examination and/or Science Regents examination shall mean a passing score as defined in 100.5(a)(5)(i)(a)(2) and (3); (a)(5)(i)(b)(2) and (3) and 100.5(g) (English); (a)(5)(i)(c)(3) and (4) and 100.5(g) (Mathematics); (a)(5)(i)(d)(2) and (3) (Science); (a)(5)(i)(e)(4) and (5) (Global History and geography); and/or 100.5(d)(7)(i)(a), (b) and (c) of this Part, as applicable for such examination. Such candidates shall receive a high school equivalency diploma with a transcript that bears an inscription indicating the language in which the general comprehensive examination was taken, and may exchange such diploma with a transcript for a diploma with a transcript not containing such inscription upon achievement of a satisfactory standing on

the Reading and Writing subtest of the general comprehensive exam subsequently taken in the English language; or

39. Subdivision (p) of section 154-2.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(p) *Personnel qualified to teach Home Language Arts at the elementary (K-6) level* shall mean a teacher, certified pursuant to Part 80 of this Title, who holds a teaching certificate with a bilingual education extension in the home language (other than English). Personnel qualified to teach Home Language Arts in grades 7--12 shall mean a teacher, certified pursuant to Part 80 of this Title, who holds a teaching certificate in [Languages Other than English] World Language Other than English.

40. Subparagraph (i) of paragraph (3) of subdivision (h) of section 154-2.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) two units of study or its equivalent in language arts, one in English and one in the student's home language. English language arts may be provided through integrated English as a new language as prescribed in paragraphs (1) and (2) of this subdivision. A student shall earn one English language arts or home language arts/[languages other than English] world languages credit for each language arts unit of study, for a total of two total credits for language arts each year;

41. Subdivision (c) of section 151-2.10 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) A bilingual teacher shall be certified or licensed in the area of bilingual education or [foreign language] world language instruction as described in sections 80.9(a) and 80.16(d) of this Title.

ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Revised Rule Making in the State Register on March 31, 2021, the State Education Department (SED) received the following comments on the proposed amendment.

1. COMMENT:

One commenter expressed support for the change: “I support the proposed regulatory changes from LOTE to World Languages.”

DEPARTMENT RESPONSE:

Since the comment is supportive, no change is necessary.

2. COMMENT:

One commenter expressed support for the change: “I support this proposed terminology since it is more global in scope. It removes the connotation of ‘other’ which insinuates that English is ours, and therefore, the best. Using the term “World Languages” presents a mind-opening perspective to the validity and acceptance of vibrant cultures beyond our shores. Further, such a term exemplifies the concepts of global interaction and global commerce. Thank you for this opportunity to express my thoughts.”

DEPARTMENT RESPONSE:

Since the comment is supportive, no change is necessary.

3. COMMENT:

One commenter expressed support for the change: “I write to express my wholehearted support for the name change from LOTE (Languages Other Than English) to World Languages. It is important to define our subject not by what we are not, but by what we are. In addition, it is quite difficult to communicate acronyms such as LOTE to

the broader community, especially parents. Given the excellent new standards that are on their way to implementation, the time is right to align New York State with nationwide and worldwide practices and change the name to World Languages. Thank you for your support of language-learning.”

DEPARTMENT RESPONSE:

Since the comment is supportive, no change is necessary.