



Karen B. Salmon, Ph.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • msde.maryland.gov

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: January 24, 2017

SUBJECT: COMAR 13A.03.07
Maryland Seal of Biliteracy Program
ADOPT

PURPOSE:

The purpose of this action is to obtain permission to adopt the 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 met to plan and propose a Seal of Biliteracy program in 2013, developing rationale and guidelines. When the Seal of Biliteracy bill was introduced in the 2014 legislative session, the workgroup postponed further planning pending the action of the General Assembly. The bill passed in 2016, and MSDE reconvened and expanded the workgroup to revisit the guidelines and draft the regulation required by the legislation. This workgroup continues to meet to discuss logistics and develop resources for participating school systems.

EXECUTIVE SUMMARY:

The regulation was presented at the August State Board meeting for permission to publish. MSDE received 52 comments from diverse stakeholders in favor of the regulation during the publication period:

Number	Title/Affiliation
1	School system chief academic officer
1	County Council member
2	Local school board members
2	World languages/ESOL coordinators
2	Community organizations
3	Maryland legislators
4	Educators
15	Title/affiliation not designated
22	Parents of language students

One comment was received from Washington County, one from Prince George’s County, and the remaining 50 were from Montgomery County. Sample comments are attached.

At the August 2016 State Board meeting, a question was posed regarding the intermediate high proficiency rating requirement, particularly as it aligns to Montgomery County’s (MCPS) curriculum documents posted online. MSDE staff consulted with the MCPS world language coordinator who clarified the expectations for level IV language and AP courses. In fact, 71.6 percent of MCPS students enrolled in AP language courses received a 4 or 5 on the AP exam in 2015 and would be eligible for a Seal of Biliteracy. Additionally, the Seal of Biliteracy workgroup and local school system world language supervisors confirmed that the intermediate high proficiency level is appropriate. A description of the ATFL (American Council on the Teaching of Foreign Languages) intermediate high proficiency level is attached.

Several local school systems have already begun to plan implementation of the program pending adoption of this regulation. The state workgroup has a meeting scheduled for January 18, 2017; information and forms are ready to be posted on the MSDE website to assist local school systems in the implementation.

ACTION:

Request permission to adopt COMAR 13A.03.07.

(b) The degree to which the project leverages additional federal, State, local, and private sector transportation investment.	33
(c) The degree to which the project will increase transportation alternatives and redundancy.	33
(9) Local Priorities and Planning — The degree to which the project supports local government land use plans and goals.	100
(10) Total Possible Project Score.	900

B. The project score determined from §A of this regulation for a major transportation project shall be inserted into the following equation to obtain the weighted project score:

$$W = S \times (1 + (P/M))$$

- W = Weighted project score
- S = The project score determined by adding together the individual measure scores from §A of this regulation
- P = The population of the area served by the project as determined by the most recent population estimate done by the Maryland Department of Planning
- M = The population of Maryland as determined by the most recent population estimate done by the Maryland Department of Planning

C. The Department of Transportation shall use the weighted project score, as determined by the equation in §B of this regulation, to rank a major transportation project for inclusion in the draft and final Consolidated Transportation Program.

HEATHER MURPHY
Director
Office of Planning and Capital Programming

Title 13A STATE BOARD OF EDUCATION

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

13A.02.08 Recognition of Employee Organizations

Authority: Education Article, Title 6, Subtitles 4 and 5, Annotated Code of Maryland

Notice of Proposed Action [16-267-P]

The Maryland State Board of Education proposes to repeal Regulations .01—.03 under **COMAR 13A.02.08 Recognition of Employee Organizations**. This action was considered at the State Board of Education meeting held on August 23, 2016.

Statement of Purpose

The purpose of this action is to repeal COMAR 13A.02.08 as obsolete since the Public School Labor Relations Board now has jurisdiction over and has adopted regulations to carry out this activity.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Amanda Stakem Conn, Esquire, Director of Education Policy and Government Relations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0469 (TTY 410-333-6442), or email to amanda.conn@maryland.gov, or fax to 410-333-2226. Comments will be accepted through November 28, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 24, 2017, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

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State Superintendent of Schools

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

13A.03.07 Maryland Seal of Biliteracy Program

Authority: Education Article, §7-208, Annotated Code of Maryland

Notice of Proposed Action

[16-281-P]

The Maryland State Board of Education proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 13A.03.07 Maryland Seal of Biliteracy Program**. This action was considered by the Maryland State Board of Education at their meeting on August 23, 2016.

Statement of Purpose

The purpose of this action is to establish a voluntary recognition program for Maryland students who have achieved high levels of proficiency in English and another language as required by S.B. 781, Ch. 232, Acts of 2016.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Susan C. Spinnato, Director of Instructional Programs, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0349 (TTY 410-333-6442), or email to susan.spinnato@maryland.gov, or fax to 410-333-1146. Comments

will be accepted through November 28, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 24, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.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. *In this chapter, the following terms have the meanings indicated.*

B. Terms Defined.

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

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

.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.

A. To receive a Maryland Seal of Biliteracy:

(1) *The student must meet the assessment requirement as set forth in COMAR 13A.03.02.09 on the Maryland High School English Language Arts/Literacy assessment; and*

(2) *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.*

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Subtitle 04 SPECIFIC SUBJECTS

13A.04.03 Driver Education Programs

Authority: Education Article, §7-412; Transportation Article, §§16-212.1 and 16-501—16-506; Annotated Code of Maryland

Notice of Proposed Action

[16-276-P]

The Maryland State Board of Education proposes to repeal Regulations .01 — .11 under **COMAR 13A.04.03 Driver Education Programs**. This action was considered at the State Board meeting held on August 23, 2016.

Statement of Purpose

The purpose of this action is to repeal **COMAR 13A.04.03 Driver Education Programs** as obsolete. Driver education programs are now governed by the Maryland Vehicle Administration.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Amanda Stakem Conn, Esquire, Director of Education Policy and Government Relations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0469 (TTY 410-333-6442), or email to amanda.conn@maryland.gov, or fax to 410-333-2226. Comments will be accepted through November 28, 2016. A public hearing has not been scheduled.

Open Meeting

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January 24, 2017
COMAR 13A.03.07 Seal of Biliteracy
Sample Comments of Support

Dr. Maria V. Navarro, Chief Academic Officer, Montgomery County Public Schools:
MCPS fully supports this mission to encourage students to attain high levels of linguistic proficiency and cultural literacy in one or more languages in addition to English, and to provide recognition of this attainment through a Seal of Biliteracy at high school graduation. MCPS has already begun mobilizing staff in anticipation of implementing this program, and stands ready to participate in the initial phase, if approved.

Ana Sol Gutierrez, Maryland State Delegate:
As the original proponent of legislation for this program in Maryland, I am pleased and excited to finally see a bill passed into law. I have worked closely with MSDE staff to review implementation strategies and believe that these proposed new regulations will help deliver the intended, significant benefits the Seal of Biliteracy program to Maryland high school students. I fully support the recommended list of assessments and the levels of proficiency, which reflect a balanced, yet rigorous approach to establishing new program standards.

Paula Moore, WCPS ESOL and World Language Supervisor:
The Seal of Biliteracy will be one means of recognizing the diversity of Maryland's changing student population. As of 2015, Maryland had more than 63,000 heritage language students representing 182 countries whose first language could potentially be validated with a Seal of Biliteracy on their diploma or transcript. I believe the program will also increase the rigor of language learning in our high schools because the program will encourage Maryland's 144,000 world language high school students to enroll in upper level courses in order to strive for the highest possible level of proficiency.

Carmen Henninger, PGCPS Immersion Specialist:
I am writing in support of the Maryland Seal of Biliteracy. In order to compete in the global marketplace, Maryland businesses need to be able to identify the best available biliterate employees. The benefits of the Seal of Biliteracy should be obvious. Colleges will be able to identify highly qualified candidates for their language and international studies programs. Employers will be able to select exceptional candidates for their international operations, and for their operations in immigrant communities. Beyond the benefits to students, universities, and employers, there are significant benefits to communities, as well as local and state government. Students will qualify for better-paying jobs, increasing the tax base. Employers who hire these highly qualified candidates will reap greater profits, resulting in increased hiring in the State. The time is now to follow in the footsteps of other states as well as the District of Columbia. I respectfully request a support for the Maryland Seal of Biliteracy.

David Moon, Maryland House of Delegates, District 20:
In our increasingly globalized world, dual language proficiency is a sought after trait that I feel is worthy of recognition among our student population. I was proud to support this legislation in the House of Delegates and hope you are able to move forward with implementation.

January 24, 2017

Sample Comments of Support for the Seal of Biliteracy Regulation COMAR 13A.03.07

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Nancy Navarro, Montgomery County Councilmember:

As a former Board of Education member for MCPS, and as a Councilmember representing one of the most culturally and linguistically diverse districts in the County, this program is of great benefit to students' professional trajectories because it recognizes and rewards their linguistic skills. Today's youth are this country's workforce pipeline. Knowing what we do about the benefits of bilingualism and multilingualism, and the demographic trends our nation and localities are undergoing, the Maryland Seal of Biliteracy Program is a step in the right direction.

Miriam Calderon, Parent:

The policies in my community to capitalize on the diversity of languages in our schools and expand opportunities for native English speakers are woefully inadequate relative to the interest and demand among families from all sorts of different backgrounds. I believe that the Seal of Biliteracy program is something that we can leverage to advance this important work.

Charles Segerman, Parent:

A badge or seal of achievement would be a welcome addition to a program that's been both challenging and rewarding. The children would appreciate recognition for their well-deserved achievements.

Rodrigo Jorge Gutiérrez, Ph.D., University of Maryland:

I would like to offer my support for the Maryland Seal of Biliteracy Program. Implementation of these regulations would help communicate to administrators and teachers that language resources are to be acknowledged, valued, and cultivated.

Maritza Solano, CASA:

CASA writes in SUPPORT of the proposed regulations for implementation of the Maryland Seal of Biliteracy Program. One of the fast growing program areas at CASA is our work with immigrant youth, especially high school aged youth. This is why we are very excited by the adoption of the Biliteracy Seal bill that occurred recently in the state and the impact it will have on the immigrant students we serve in our various youth centered programs. The Biliteracy Seal Bill and its proper implementation is a great step to ensure that one of our most vulnerable populations---immigrant students---have an opportunity to make higher education more accessible or enhance their career choices.

Cheryl C. Kagan, Maryland State Senator:

As someone who grew up learning multiple languages, I can personally attest to the advantages it has provided me in my professional and personal career. Acknowledging and promoting these skills at a young age will better equip our residents with the tools they need to succeed in the 21st century.

ACTFL Proficiency Guidelines

SPEAKING: Intermediate High

Intermediate High speakers are able to converse with ease and confidence when dealing with the routine tasks and social situations of the Intermediate level. They are able to handle successfully uncomplicated tasks and social situations requiring an exchange of basic information related to their work, school, recreation, particular interests, and areas of competence. Intermediate High speakers can handle a substantial number of tasks associated with the Advanced level, but they are unable to sustain performance of all of these tasks all of the time.

Intermediate High speakers can narrate and describe in all major time frames using connected discourse of paragraph length, but not all the time.

Typically, when Intermediate High speakers attempt to perform Advanced-level tasks, their speech exhibits one or more features of breakdown, such as the failure to carry out fully the narration or description in the appropriate major time frame, an inability to maintain paragraph-length discourse, or a reduction in breadth and appropriateness of vocabulary. Intermediate High speakers can generally be understood by native speakers unaccustomed to dealing with non-natives, although interference from another language may be evident (e.g., use of code-switching, false cognates, literal translations), and a pattern of gaps in communication may occur.

LISTENING: Intermediate High

At the Intermediate High sublevel, listeners are able to understand, with ease and confidence, simple sentence-length speech in basic personal and social contexts. They can derive substantial meaning from some connected texts typically understood by Advanced-level listeners although there often will be gaps in understanding due to a limited knowledge of the vocabulary and structures of the spoken language.

READING: Intermediate High

At the Intermediate High sublevel, readers are able to understand fully and with ease short, non-complex texts that convey basic information and deal with personal and social topics to which the reader brings personal interest or knowledge. These readers are also able to understand some connected texts featuring description and narration although there will be occasional gaps in understanding due to a limited knowledge of the vocabulary, structures, and writing conventions of the language.

WRITING: Intermediate High

Intermediate High Writers at the Intermediate High sublevel are able to meet all practical writing needs of the Intermediate level. Additionally, they can write compositions and simple summaries related to work and/or school experiences. They can narrate and describe in different time frames when writing about everyday events and situations. These narrations and descriptions are often but not always of paragraph length, and they typically contain some evidence of breakdown in one or more features of the Advanced level. For example, these writers may be inconsistent in the use of appropriate major time markers, resulting in a loss of clarity. The vocabulary, grammar, and style of Intermediate High writers essentially correspond to those of the spoken language. Intermediate High writing, even with numerous and perhaps significant errors, is generally comprehensible to natives not used to the writing of non-natives, but there are likely to be gaps in comprehension.

