

WSR 21-17-106
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 16, 2021, 9:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-23-084.

Title of Rule and Other Identifying Information: WAC 392-410-350
Seal of biliteracy.

Hearing Location(s): On September 21, 2021, at 11:00 a.m., webinar via Zoom (call-in option will be available). Due to the public health emergency related to the COVID-19 virus pandemic, this public hearing will be held by webinar via Zoom (with a call-in option). There will be no physical location for the hearing. For information on registering and participating, please visit office of superintendent of public instruction's (OSPI) website at <https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity>. For questions, please email Kristin.murphy@k12.wa.us.

Date of Intended Adoption: September 24, 2021.

Submit Written Comments to: Veronica Trapani, OSPI, P.O. Box 47200, Olympia, WA 98504, email veronica.trapani@k12.wa.us, 360-819-0950, by September 21, 2021.

Assistance for Persons with Disabilities: Contact Kristin Murphy, phone 360-725-6133, fax 360-753-4201, TTY 360-664-3631, email Kristin.murphy@k12.wa.us, by September 14, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: OSPI is proposing rule making concerning the seal of biliteracy to expand options for demonstrating English language proficiency to be consistent with section 201 (4) (b) (i)-(v) of HB 1599 (2019). Further, OSPI is proposing to update and clarify the rule to ensure tribal languages, American sign language, and languages that may only be communicated orally (not through writing or reading) can be included in the criteria for awarding the seal of biliteracy.

Reasons Supporting Proposal: The proposed changes are intended to ensure that language does not inadvertently impede access for groups of students.

Statutory Authority for Adoption: RCW 28A.300.575.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting and Implementation: Veronica Trapani, OSPI, 600 South Washington Street, Olympia, WA.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.030.

Explanation of exemptions: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

August 16, 2021
Chris P. S. Reykdal

OTS-3202.1

AMENDATORY SECTION (Amending WSR 15-09-123, filed 4/21/15, effective 5/22/15)

WAC 392-410-350 Seal of biliteracy. (1) ~~((The authority for this section is RCW 28A.300.575, which authorizes the office of the superintendent of public instruction to adopt rules establishing criteria for award of the Washington state seal of biliteracy.~~

~~(2))~~ Graduating high school students must meet the following criteria to be awarded the Washington state seal of biliteracy:

(a) Students must demonstrate proficiency in English by ~~((i))~~ meeting the statewide minimum graduation requirements in English ~~((under WAC 180-51-066 through 180-51-068, as amended; and (ii) meeting the state standard on the reading and writing or English language arts assessments under RCW 28A.655.061))~~ in compliance with RCW 28A.655.250; and

(b) Students must demonstrate proficiency in one or more world languages ~~((through any one of the following methods:~~

~~(i) Passing a foreign language advanced placement examination with a score of three or higher;~~

~~(ii) Passing an International Baccalaureate examination with a score of four or higher;~~

~~(iii))~~, which includes heritage and tribal languages, by one of the following:

(i) Demonstrating intermediate-mid level proficiency or higher on all components in the world language based on the American Council on the Teaching of Foreign Languages (ACTFL) proficiency guidelines, using a national or international assessment((s)) approved by the office of the superintendent of public instruction ((for competency-based credits;

~~(iv) Qualifying for); or~~

(ii) Earning four competency-based credits ((by demonstrating proficiency in the world language at intermediate-mid level or higher based on the ACTFL proficiency guidelines,)) according to the school district's policy and procedure for competency-based credits for world languages; or

~~((v))~~ (iii) Demonstrating proficiency in ((speaking, writing, and reading the world language through other national or international assessments approved by the office of superintendent of public instruction at a level comparable to intermediate-mid level or higher based on the ACTFL proficiency guidelines.

(3) "Foreign language" and "world language" as used in this section means a language other than English, and includes, without limitation, American sign language, Latin, and Native American or other indigenous languages or dialects)) tribal or Native American languages; or

(iv) Demonstrating intermediate-mid proficiency in American Sign Language (ASL); or

(v) Passing an International Baccalaureate examination with a score of four or higher; or

(vi) Passing a world language Advanced Placement examination with a score of three or higher.

(2) Proficiency in tribal or Native American languages under subsection (1)(b)(iii) of this section is determined by the sovereign tribal government.

(a) Students of Native American languages spoken by Washington's twenty-nine federally recognized tribes must be assessed by a first peoples' first language, culture, and oral traditions certified educator under WAC 181-78A-700 and 181-79A-140.

(b) For Native and tribal languages that are outside of Washington's twenty-nine federally recognized tribes, consult the office of native education.

[Statutory Authority: RCW 28A.230.125, 28A.300.575. WSR 15-09-123, § 392-410-350, filed 4/21/15, effective 5/22/15.]