

WSR 22-05-033
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed February 7, 2022, 6:32 p.m., effective March 10, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The office of superintendent of public instruction (OSPI) changed rules regarding earning the seal of biliteracy to expand options for demonstrating English language proficiency to be consistent with HB 1599, section 201 (1)(b)(i) - (v) (2019). Further, OSPI updated and clarified 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. The rule revision also clarifies that tribal language proficiency is determined by the tribe.

Citation of Rules Affected by this Order: Amending WAC 392-410-350.

Statutory Authority for Adoption: RCW 28A.300.575.

Adopted under notice filed as WSR 21-17-106 on August 16, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 2, 2022.

Chris P. S. Reykdal
State Superintendent
of Public Instruction

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.]