



INDIANA STATE BOARD OF EDUCATION

To: State Board of Education
From: Timothy Schultz, General Counsel
Date: July 6, 2016
RE: Approval of the proposed multilingual proficiency rules—LSA #15-283

Recommendation: Review the public comment summary before the meeting and approve the Final Rule at the July 6, 2016 meeting.

The proposed multilingual proficiency rules, approved by the State Board of Education (“Board”) during the December 2, 2015 regular business meeting, were published and a public hearing was held for oral public comments on May 27, 2016. Comments were also accepted by email or regular mail. The comments were all incorporated, to the extent they could be, to ensure the final rules addressed concerns from the field, and represents a fair and reasonable approach to creating the certificate of biliteracy. The detailed public comment summary and the final rules are attached. Each change from the proposed to the final rules are redlined.

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Proposed Rule
LSA Document #15-283

DIGEST

Amends 511 IAC to establish criteria or procedures, or both, regarding the state certificate of biliteracy. Effective 30 days after filing with the Publisher.

511 IAC 20

SECTION 1. 511 IAC 20 IS ADDED TO READ AS FOLLOWS:

ARTICLE 20. CERTIFICATE OF MULTILINGUAL PROFICIENCY

Rule 1. General Provisions

511 IAC 20-1-1 Applicability

Authority: IC 20-30-14.5

Affected: IC 20-18-2-2.5; IC 20-18-2-12; IC 20-18-2-16

Sec. 1. This rule applies to the following:

- (1) A school corporation as defined in IC 20-18-2-16.
- (2) A charter school as defined in IC 20-18-2-2.5.
- (3) An accredited nonpublic school.
(*Indiana State Board of Education; 511 IAC 20-1-1*)

511 IAC 20-1-2 Definitions

Authority: IC 20-30-14.5

Affected: IC 20-30-14.5; IC 20-18-2-3; IC 20-18-2-19

Sec. 2. The following definitions apply throughout this article:

- (1) "Accredited nonpublic school" means a nonpublic school defined in IC 20-18-2-12 that is accredited by the state.
- (2) "Certificate of multilingual proficiency" means the state certificate of biliteracy established by IC 20-30-14.5.
- (3) "Certificate" means the state certificate of multi-language multilingual proficiency.
- (4) "Credit" means a demonstration of proficiency of the academic standards in a course that meets the following requirements:
 - (A) The course is approved by the Department and complies with the approved course description.
 - (B) For those courses for which Indiana academic standards are defined, the course is consistent with Indiana academic standards.
 - (C) For those courses for which there is an end of course assessment, the required proficiency is at or greater than that required to pass the assessment.
- (5) "Department" has a meaning set forth in IC 20-18-2-3.
- (6) "Proficiency" means the ability to use a world language in:
 - (A) the forms of communication available;
 - (B) real world situations; and

(C) a spontaneous interaction and non-rehearsed context that is appropriate and acceptable to native users of the language.

(7) "State board" has a meaning set forth in IC 20-18-2-19.

(8) "World language" means any language other than English, including, but not limited to:

- (A) modern languages;
- (B) Latin;
- (C) American Sign Language;
- (D) Native American languages; and
- (E) native languages.

(Indiana State Board of Education; 511 IAC 20-1-2)

Rule 2. Certificate Criteria and Department Duties

511 IAC 20-2-1 Criteria for Obtaining a Certificate of Multilingual Proficiency

Authority: IC 20-30-14.5

Affected: IC 20-30-14.5

Sec. 1. (a) In order to earn the certificate, a student must meet the following criteria:

- (1) Earn 8 credits in English and Language Arts.
- (2) Earn 6 credits in a single world language.
- (3) Pass the following assessments:
 - (A) The ISTEP+ English 10 Graduation Exam.
 - (B) A state board approved assessment of the world language.

(b) Students who enroll in school already proficient in a world language may satisfy the requirements of this section through a demonstration of proficiency on a state board approved assessment of the world language. Students who demonstrate a proficiency in a world language on a state board approved assessment may bypass the requirement contained in (a)(2) of this section and shall be awarded the 6 credits in the world language in which the student has been deemed proficient.

(c) The department of education shall prepare and keep a proposed list of standardized assessments of world languages for the state board's approval. This list shall be updated periodically as needed.

(Indiana State Board of Education; 511 IAC 20-2-1)

511 IAC 20-2-2 Duties of the Department

Authority: IC 20-30-14.5

Affected: IC 20-30-14.5

Sec. 2. The department of education shall prepare and deliver to school corporations, charter schools, and accredited nonpublic high schools the following:

- (1) An appropriate mechanism, approved by the state board, for awarding the certificate and designating on a student's transcript that the student has been awarded the certificate of **multi-language multilingual** proficiency.
- (2) The certificate template, which includes the State of Indiana Seal and instructions on ordering the accompanying national seal medallion.
- (3) Any other information the state board deems necessary for schools to successfully participate in the program.

(Indiana State Board of Education; 511 IAC 20-2-2)



INDIANA STATE BOARD OF EDUCATION

To: State Board of Education
From: Timothy Schultz, General Counsel
Date: July 6, 2016
RE: LSA #15-283—Public Comment Summary

Staff for the Indiana State Board of Education (“Board”) conducted a public hearing for 15-283 on May 27, 2016, at 9:00 a.m., at the Indiana Government Center South, Conference Rooms 4 and 5. There were two attendees who made comments: Beatrice Pfaff and Pamela Gemmer. The comments are summarized below.

1) Beatrice Pfaff- WASLTA (Willard American Sign Language Teacher’s Association)

Ms. Pfaff noted her support for the biliteracy certificate program. Ms. Pfaff explained that she is in favor of the proposed rules as they encourage students to become proficient in additional languages. Although Ms. Pfaff’s voiced support, she also noted that she believed that teachers teaching American Sign Language (“ASL”) courses should have an American Sign Language Teachers Association (“ASLTA”) certification. Thus, she recommended that the proposed rules incorporate a requirement that teachers that teach ASL have an ASLTA certification.

Board staff response: While certification for teaching any subject may be preferable, it may not be prudent to alter the rule to only require certification for one type language. However, this concern will be addressed as the Board and the Department of Education will work to create assessments that will ensure that students achieve a level of proficiency that can only be obtained if students are being taught by teachers that have the proper training.

2) Pamela Gemmer- IFLTA (Indiana Foreign Language Teacher’s Association) AATSP (American Association of Teachers of the Spanish and Portuguese) INNELL (Indiana Network for Early Language Learning)

Ms. Gemmer noted her support for the biliteracy certificate program. Ms. Gemmer explained that she is in favor of the proposed rules as they encourage students to become proficient in additional languages. Although Ms. Gemmer supports the program, she was noted that the statute uses the term “biliteracy” while the proposed rules use the term “multilingual.” Ms. Gemmer wanted to ensure that the interested parties understood the change.

Board staff response: The use of the term “multilingual” in the proposed rules was deliberate. First, the term “biliteracy” suggests only two languages, but a student may be proficient in more than two languages so the use of the term “multi” seemed appropriate. Second, the term “literacy” is commonly understood to refer to the ability to read and write a language. However, to be proficient in a language, which the legislation requires, a student may need to demonstrate the ability to speak or sign a language. Therefore, the proposed rules make use of the term “multilingual” proficiency to ensure that intent of the legislation is satisfied.

Board staff have also received written comments:

1) Robert Frew- Co-Owner, Central Indiana Interpreting Service, LLC

Mr. Frew provided a letter supporting the proposed rules. Mr. Frew explained that he is in favor of the proposed rules as they encourage students to become proficient in additional languages. Although Mr. Frew's letter voiced support, he also noted two areas of concern: 1) professional qualifications, and 2) standardized test assessments.

Regarding professional qualifications, Mr. Frew's concern was specific to teachers teaching ASL courses that do not have an ASLTA certification. He recommends that the proposed rules incorporate a requirement that teachers that teach ASL have an ASLTA certification.

Regarding standardized test assessments, Mr. Frew's concern was the development of two different types of standardized assessment tests: first and second languages. Mr. Frew encourages the establishment two committees focusing on the development and implementation of the assessment tests. Further, Mr. Frew recommends that at least one member of each committee possess an ASLTA certification.

Board staff response: Please see the Board Staff response above regarding the ASLTA certification and the development of adequate assessments for students to demonstrate proficiency.

2) Karen Donah- Continuing Lecturer and Coordinator of American Sign Language, Purdue University Northwest

Ms. Donah provided a letter supporting the proposed rules. Ms. Donah explained that she is in favor of the proposed rules as they encourage students to become proficient in additional languages. Although Ms. Donah's letter voiced support, she also noted two areas of concern: 1) professional qualifications, and 2) standardized test assessments.

Regarding professional qualifications, Ms. Donah's concern was specific to teachers teaching ASL courses that do not have an ASLTA certification. She recommends that the proposed rules incorporate a requirement that teachers that teach ASL have an ASLTA certification.

Regarding standardized test assessments, Ms. Donah's concern was the development of two different types of standardized assessment tests: first and second languages. Ms. Donah encourages the establishment two committees focusing on the development and implementation of the assessment tests. Further, Ms. Donah recommends that at least one member of each committee possess an ASLTA certification.

Board staff response: Please see the Board Staff response above regarding the ASLTA certification and the development of adequate assessments for students to demonstrate proficiency.

3) Dr. David Geeslin- Superintendent/CEO, Indiana School for the Deaf

Dr. Geeslin provided a letter supporting the proposed rules. Dr. Geeslin explained that he is in favor of the proposed rules as they encourage students to become proficient in additional languages. Although Dr. Geeslin's letter voiced support, he also noted two areas of concern: 1) professional qualifications, and 2) standardized test assessments.

Regarding professional qualifications, Dr. Geeslin's concern was specific to teachers teaching ASL courses that do not have an ASLTA certification. He recommends that the proposed rules incorporate a requirement that teachers that teach ASL have an ASLTA certification.

Regarding standardized test assessments, Dr. Geeslin's concern was the development of two different types of standardized assessment tests: first and second languages. Dr. Geeslin encourages the establishment two committees focusing on the development and implementation of the assessment tests. Further, Dr. Geeslin recommends that at least one member of each committee possess an ASLTA certification.

Board staff response: Please see the Board Staff response above regarding the ASLTA certification and the development of adequate assessments for students to demonstrate proficiency.

4) Scott Kochan- Visiting Lecturer, Indiana University School of Liberal Arts

Mr. Kochan provided a letter supporting the proposed rules. Mr. Kochan explained that he is in favor of the proposed rules as they encourage students to become proficient in additional languages. Although Mr. Kochan's letter voiced support, he also noted two areas of concern: 1) professional qualifications, and 2) standardized test assessments.

Regarding professional qualifications, Mr. Kochan's concern was specific to teachers teaching ASL courses that do not have an ASLTA certification. He recommends that the proposed rules incorporate a requirement that teachers that teach ASL have an ASLTA certification.

Regarding standardized test assessments, Mr. Kochan's concern was the development of two different types of standardized assessment tests: first and second languages. Mr. Kochan encourages the establishment two committees focusing on the development and implementation of the assessment tests. Further, Mr. Kochan recommends that at least one member of each committee possess an ASLTA certification.

Board staff response: Please see the Board Staff response above regarding the ASLTA certification and the development of adequate assessments for students to demonstrate proficiency.

5) Laura M. Smith- ASL Coordinator, Indiana University School of Liberal Arts

Ms. Smith provided a letter supporting the proposed rules. Ms. Smith explained that she is in favor of the proposed rules as they encourage students to become proficient in additional

languages. Although Ms. Smith's letter voiced support, she also noted two areas of concern: 1) professional qualifications, and 2) standardized test assessments.

Regarding professional qualifications, Ms. Smith's concern was specific to teachers teaching ASL courses that do not have an ASLTA certification. She recommends that the proposed rules incorporate a requirement that teachers that teach ASL have an ASLTA certification.

Regarding standardized test assessments, Ms. Smith's concern was the development of two different types of standardized assessment tests: first and second languages. Ms. Smith encourages the establishment two committees focusing on the development and implementation of the assessment tests. Further, Ms. Smith recommends that at least one member of each committee possess an ASLTA certification.

Board staff response: Please see the Board Staff response above regarding the ASLTA certification and the development of adequate assessments for students to demonstrate proficiency.

6) Beatrice Pfaff- WASLTA (Willard American Sign Language Teacher's Association)

Ms. Pfaff provided a letter supporting the proposed rules. Ms. Pfaff explained that she is in favor of the proposed rules as they encourage students to become proficient in additional languages. Although Ms. Pfaff's letter voiced support, she also noted two areas of concern: 1) professional qualifications, and 2) standardized test assessments.

Regarding professional qualifications, Ms. Pfaff's concern was specific to teachers teaching ASL courses that do not have an ASLTA certification. She recommends that the proposed rules incorporate a requirement that teachers that teach ASL have an ASLTA certification.

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Board staff response: Please see the Board Staff response above regarding the ASLTA certification and the development of adequate assessments for students to demonstrate proficiency.