# **MEMORANDUM**

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| **To:** | Members of the Board of Elementary and Secondary Education  |
| **From:**  | Pedro Martinez, Commissioner |
| **Date:**  | October 21, 2025 |
| **Subject:** | Seal of Biliteracy: Proposed Amendments to Regulations on State Seal of Biliteracy, 603 CMR 31.04 |

This month I am presenting proposed amendments to 603 CMR 31.04, the Regulations on Criteria for the State Seal of Biliteracy, to the Board of Elementary and Secondary Education (Board) for a vote to solicit public comment, anticipating a final vote by the Board in January 2026, following the public comment period.

These regulations were originally adopted following the passage of the Language Opportunity for Our Kids (LOOK) Act in 2017, which called for the Department of Elementary and Secondary Education (Department) to develop a State Seal of Biliteracy that would recognize Massachusetts high school graduates who demonstrate proficiency in English and at least one other language by meeting all graduation requirements and demonstrating a high level of proficiency in both languages.

When these regulations were adopted, the criteria for demonstrating a high level of proficiency in English were based on meeting the English Language Arts (ELA) standard for the competency determination as described in 603 CMR 30.03. At that time, the competency determination standard was based on attaining a certain score on the grade 10 MCAS tests.

Following the passage of Question 2 in November 2024, attaining a certain MCAS score is no longer a requirement for the competency determination. In May 2025, the Board amended the Competency Determination Regulations to be consistent with the state law. For the same reason, I am proposing amendments to the Seal of Biliteracy regulations to delete the reference to the competency determination and conform to state law, as amended.

Additionally, the proposed amendments include other minor changes intended to provide clarity and streamline procedures for schools and districts. See details below.

**Proposed Amendments to 603 CMR 31.04**

The proposed amendments address the change in state law relating to the competency determination and also provide greater clarity and help schools and districts streamline their procedures related to the Seal of Biliteracy.

* 31.04 (1)(b) - Insert the word "annual" to clarify that districts should provide written notification to parents or guardians about the Seal of Biliteracy every year, so that all students and families are aware of the program. This is a simple clarification that addresses questions the Department has received.
* 31.04 (1)(c) - Replace the words "diploma or the transcript, or both" with "transcript." This clarification responds to questions the Department has received from districts, families, and institutions of higher education. When high schools put the Seal on the diploma only, and not on the transcript, institutions of higher education cannot verify that students earned the Seal of Biliteracy because students do not submit their diplomas. If Seals are included on transcripts, then students will be able to get appropriate placement and/or credit in college. Districts would still be able to put the Seal on the diploma, if they choose to do so.
* 31.04 (2)(b) - Replace the term "foreign language” with “language other than English." This change has been made in other areas across the Department since the release of the 2021 World Languages Framework to be more inclusive.
* 31.04 (2)(b)(1) - Specify that scores on an assessment of a language other than English must come from a test taken "during or after 8th grade." This clarifies that scores must come from a test taken in high school, or no earlier than 8th grade, which is a common time that many world language students are assessed. This change is in line with Seal of Biliteracy standards in many other states.
* 31.04 (2)(a) - Remove original English proficiency criteria 1, 2, 3, and 4, which referenced the old MCAS/Competency Determination regulations, and replace them with new criteria now labeled 1, 2, 3. These updated criteria still use the grade 10 ELA MCAS test as a key measure of English proficiency, as required by state law, but they also give the Department the flexibility to approve additional measures of English proficiency by identifying other "nationally recognized or readily available assessments" and determining a score threshold aligned to the Meeting or Exceeding Expectations on the ELA MCAS. This change leverages the flexibility afforded to the Department within the law and also addresses feedback from a variety of stakeholders requesting additional options for students to demonstrate English proficiency.

Allison Balter, Special Advisor and Director of the Office of Language Acquisition, and Jo Wakelin of our legal staff will join us for the discussion at the October Board meeting.

With the Board’s approval, the Department will solicit public comment on the proposed amendments. After reviewing all the comments and determining whether further changes are needed, the Department anticipates bringing the amendments back to the Board in January 2026 for final adoption.

A redlined version of the regulations is attached, along with a motion to solicit public comment on the proposed amendments.

Enclosures:

* 603 CMR 31.04 Strikethrough version of relevant portion of regulations showing amendments
* Motion