

Date of Hearing: June 17, 2015

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
SB 750 (Mendoza) – As Amended May 12, 2015

**SENATE VOTE:** 36-0

**SUBJECT:** English language education: English learners: State Seal of Biliteracy.

**SUMMARY:** Modifies the definitions of a “long-term English learner” (LTEL) and “an English learner at risk of becoming a long-term English learner” (ARLTEL), expands the notification requirements of the California Department of Education (CDE) regarding these students, and authorizes the use of alternate assessments for the purpose of the State Seal of Biliteracy (SSB). Specifically, **this bill:**

- 1) Changes the definition of a “long term English learner” by:
  - a) including students who have been enrolled in school for six years or more (rather than more than six years)
  - b) including students who have regressed to a lower English language proficiency level (in addition to scoring at the same level for two or more consecutive years)
  - c) limiting the grades in which a student must score at below basic or far below basic on the English language arts assessment to grades 6-9 (instead of 6-12)
  - d) stating that, if the assessment data above is not available for a student, that student shall not have that criteria applied and shall not be excluded based on those criteria.
- 2) Changes the definition of “an English learner at risk of becoming a long-term English learner” by:
  - a) expanding the grade level of students who could be so classified from grades 5-11 to grades 3-12
  - b) expanding the number of years of U.S. school enrollment from 4 to 5 years
  - c) expanding the California Department of Education (CDE) notice requirements to include the posting of the statewide number of LTELs and ARLTELs
- 3) Authorizes the use of alternate criteria for the purpose of the SSB by requiring the Superintendent of Public Instruction (SPI) to designate alternative equivalent criteria for eligibility for the SSB in the event that scores from the California Standards Test in English language arts or its successor are not available.
- 4) Requires the use of the alternative criteria only while the assessment scores are unavailable.

**EXISTING LAW:**

- 1) Defines an LTEL as an English learner who:
  - a) is enrolled in any of grades 6 to 12
  - b) has been enrolled in schools in the United States for more than six years
  - c) remains at the same English language proficiency level for two or more consecutive years
  - d) scores far below basic or below basic on the adopted English language arts standards-based achievement test
- 2) Existing law defines an ARLTEL as an English learner who:
  - a) is enrolled in any of grades 5-11
  - b) has been enrolled in schools in the United States for 4 years
  - c) scores at the intermediate level or below on the state adopted English language proficiency test
  - d) scores at the far below basic or below basic on the adopted English language arts standards-based achievement test
- 3) Requires that the CDE annually ascertain and report the number of students who are, or are at risk of becoming, long-term English learners and to provide this information to school districts and schools.
- 4) Establishes the SSB, which provides recognition to high school students who have demonstrated proficiency in speaking, reading, and writing in one or more languages in addition to English. Each school district, county office of education, or direct-funded charter school that confers the SSB is required to maintain appropriate records in order to identify students who have met the established criteria for the award and to affix the SSB insignia to the diploma or transcript of each qualifying student.
- 5) Requires high school graduates to meet all of the following criteria to be eligible for the SSB:
  - a) complete all English language arts requirements for graduation with an overall grade point average of 2.0 or above in those classes.
  - b) pass the California Standards Test in English language arts administered in grade 11 at the proficient level or above.
    - a) demonstrate proficiency in one or more languages in addition to English, through one of the following methods:
    - b) pass a foreign language Advanced Placement (AP) examination with a score of 3 or higher or an International Baccalaureate examination with a score of 4 or higher.

- c) successfully complete a four-year high school course of study in a world language, and attain an overall grade point average of 3.0 or above in that course of study.
- d) pass a school district language examination that, at a minimum, assesses speaking, reading, and writing in a language other than English at the proficient level or higher, if no AP examination or off-the-shelf language test exists, and the school district can certify to the Superintendent of Public Instruction (SPI) that the test meets the rigor of a four-year high school course of study in that foreign (world) language. If a school district offers an examination in a language in which an AP examination or off-the-shelf language test does exist, the school district language examination must be approved by the SPI for the purpose of determining proficiency in a language other than English.
- e) passing the Scholastic Assessment Test II foreign language examination with a score of 600 or higher.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**COMMENTS:**

***Need for the bill.*** According to the author, this bill is intended to address several technical issues identified by the CDE upon their implementation of the Long Term English Learner (LTEL) statute, and to update the criteria for the State Seal of Biliteracy by adding the new California Assessment of Student Performance and Progress in English language arts.

Changes to the LTEL and ARLTEL code include provisions which align the code with the state's assessment program (allowing for identification of LTELs when assessment data is not produced for a given grade level, and eliminating the use of the English language arts assessment in grades 10-12 because only 11<sup>th</sup> graders are tested), provide authority for the CDE to consider instances when a student's English proficiency scores regress (rather than just stay the same), and expanding the definition of ARLTEL to include students in their 5<sup>th</sup> year of school so that they may be identified the year before they can become identified as LTEL.

***First state data on LTELs now available.*** The first data available identifying the number and percentage of LTELs was produced by the CDE in draft form in December, 2014 and provided to school districts and county offices of education. These data indicate the following:

- Of the approximately 471,000 English learners in grades 6-12 (who were not previously reclassified), approximately 339,000 have been in a U.S. school for more than six years.
- Of the approximately 339,000 English learners who have been in U.S. schools for more than six years (and who have not been reclassified), approximately 90,000 are LTELs. This represents 26.5% of population which can be identified under current law (note that this percentage applies to the group of English learners who were not previously reclassified).
- The data on ARLTELs was not informative due to limitations in current law (including provisions which would be revised by this bill).

***Data for identification of LTELs limited as districts transition to new test data.*** Current law requires identification of LTELs and ARLTELs to be based in part on two of the criteria used in the reclassification of English learners: scores on the assessment of English language development, and scores on the assessment of English language arts.

These two assessments are currently in transition. The state's new Common Core aligned English language arts assessment was fully administered for the first time this year, and the state has not produced assessment data in English language arts for two years. In addition, starting in 2017-18 the state will begin using a new Common Core aligned measure of English proficiency – the English Language Proficiency Assessments for California (ELPAC).

***What will any new reclassification policy mean for the definition of LTEL?*** State law now recognizes three designations of students with respect to English proficiency: English learners, long term English learners, and reclassified English learners.

For several years the Legislature has heard that changes are necessary to the state's reclassification system for English learners. A 2014 analysis by the Public Policy Institute of California found that more than 90 percent of districts in the analysis use more demanding criteria than are suggested by the State Board of Education's reclassification guidelines.

SB 1108 (Padilla), Chapter 434, Statutes of 2012, required the CDE to undertake a review of the reclassification system, but funding was never provided for that purpose and the review did not take place. AB 491 (Gonzalez) of this session requires the CDE to recommend, and the State Board of Education to adopt, best practices for the reclassification of English learners by July 2022, when data from the new assessment of English language development will be available. If the state's reclassification criteria do change, ***the Committee may wish to consider*** what relationship new criteria will have to the definition of a long term English learner.

***State Seal of Biliteracy a growing trend.*** According to the CDE, since 2012 nearly 60,000 SSBs have been awarded to graduating seniors, and approximately 40 percent of those receiving the SSB are former EL students. California was the first state to adopt a seal of biliteracy.

***Related legislation.*** AB 491 (Gonzalez) of this session requires the CDE to recommend, and the State Board of Education to adopt, best practices for the reclassification of English learners, by July 2022.

AB 2303 (Bloom, 2014), among other things, would have authorized the use of alternate assessments for the purpose of the State Seal of Biliteracy. AB 2303 died in the Senate Appropriations Committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

State Superintendent of Public Instruction Tom Torlakson (sponsor)  
California Association for Bilingual Education  
California Immigrant Policy Center  
California Language Teachers Association  
California School Boards Association

California Teachers Association  
Californians Together  
Families in Schools  
Los Angeles Unified School District  
Public Advocates

**Opposition**

None on file

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