

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 370 (Addis) – As Amended March 20, 2023

SUBJECT: Pupil instruction: State Seal of Biliteracy

SUMMARY: Makes changes to the criteria for demonstrating proficiency in English and a language other than English for purposes of earning the State Seal of Biliteracy (SSB). Specifically, **this bill:**

- 1) For students demonstrating proficiency in English:
 - a) Raises the overall grade point average (GPA) in courses in English language arts (ELA) which are required for graduation from a 2.0 to a 3.0.
 - b) Adds the following means of demonstrating proficiency in English:
 - i) Obtaining a score of 3 or higher on an English Advanced Placement (AP) examination;
 - ii) Obtaining a score of 4 or higher on an International Baccalaureate (IB) examination;
 - iii) Achieving a score of 600 or higher on the Evidence-Based Reading and Writing section of the SAT; and
 - iv) Completion of one or more ELA courses at a community college or an accredited four-year university with a grade equivalent to a GPA of 3.0 or above.
- 2) For students demonstrating proficiency in one or more languages other than English:
 - a) Permits a student to take a school district language examination to fulfill this requirement, even if an AP examination or other off-the-shelf text exists. Eliminates the requirement that such a test be approved by the Superintendent of Public Instruction (SPI);
 - b) Eliminates the option to satisfy this requirement with a passing score of 600 or higher on the SAT II world language examination (which is no longer offered); and
 - c) Adds as a means of demonstrating proficiency the completion of one or more world language courses at a community college or an accredited four-year university with a grade equivalent to a GPA of 3.0 or above and oral proficiency in the language which is comparable to an AP or IB score meeting the criteria above.
- 3) Changes references to students whose primary language is other than English to English learner (EL) and requires that a student attain a score of Level 4 only on the oral language section of the English Language Proficiency Assessments for California (ELPAC), instead of a level 4 in all domains of the assessment (listening, speaking, reading, writing).

- 4) Eliminates flexibilities provided to students on track to graduate in 2020 or 2021 who were seeking to earn the SSB during the Covid-19 pandemic school disruptions.

EXISTING LAW:

- 1) Establishes the SSB, which certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English, and certifies that a graduate meets all of the following criteria:
 - a) To demonstrate proficiency in English:
 - i) Completion of all ELA requirements for graduation with an overall GPA of 2.0 or above in those classes; or
 - ii) Passing the California Assessment of Student Performance and Progress (CASPP) for ELA, or any successor test, administered in grade 11, at or above the “standard met” achievement level;
 - b) To demonstrate proficiency in one or more languages other than English:
 - i) Passing a world language AP examination with a score of 3 or higher or an IB examination with a score of 4 or higher;
 - ii) Successful completion of a four-year high school course of study in a world language, attaining an overall GPA of 3.0 or above in that course of study, and oral proficiency in the language comparable to that required to pass a world language Advanced Placement examination with a score of 3 or higher or an International Baccalaureate examination with a score of 4 or higher; or
 - iii) Passing the SAT II world language examination with a score of 600 or higher.
 - iv) If no AP examination or off-the-shelf language test exists and the school district can certify to the SPI that the test meets the rigor of a four-year high school course of study in that world language, passing 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 a school district offers a language examination in a language in which an AP examination or off-the-shelf language test exists, the school district language examination shall be approved by the SPI for the purpose of determining proficiency in a language other than English.
 - v) Authorizes a student who seeks to qualify for the SSB through a language that is not characterized by listening, speaking, or reading, or for which there is no written system, to meet this requirement by passing an assessment on the modalities that characterize communication in that language at the proficient level or higher.
 - c) Requires that, if the primary language of a pupil in any of grades 9 to 12, inclusive, is other than English, a student additionally attain the level demonstrating English language proficiency on the ELPAC, in transitional kindergarten to grade 12.

- 2) Permits the SPI to provide a listing of equivalent summative tests that school districts may use in place of an AP test for languages in which an AP test is not available, and permits a school district to provide the SPI a list of such tests.
- 3) Permits the SPI to provide alternatives for meeting specified requirements to earn the SSB for students who were on track to graduate in 2020, 2021, and 2022 who were unable to take assessments or who did not receive letter grades due to the Covid-19 pandemic-related school disruptions. (Education Code (EC) 51461)
- 4) Requires the SPI to prepare and deliver to participating school districts an appropriate insignia to be affixed to the diploma or transcript of the pupil indicating that the pupil has been awarded an SSB by the SPI. (EC 51462)
- 5) Requires a participating school district to maintain appropriate records in order to identify pupils who have earned an SSB. (EC 51463)

FISCAL EFFECT: Unknown

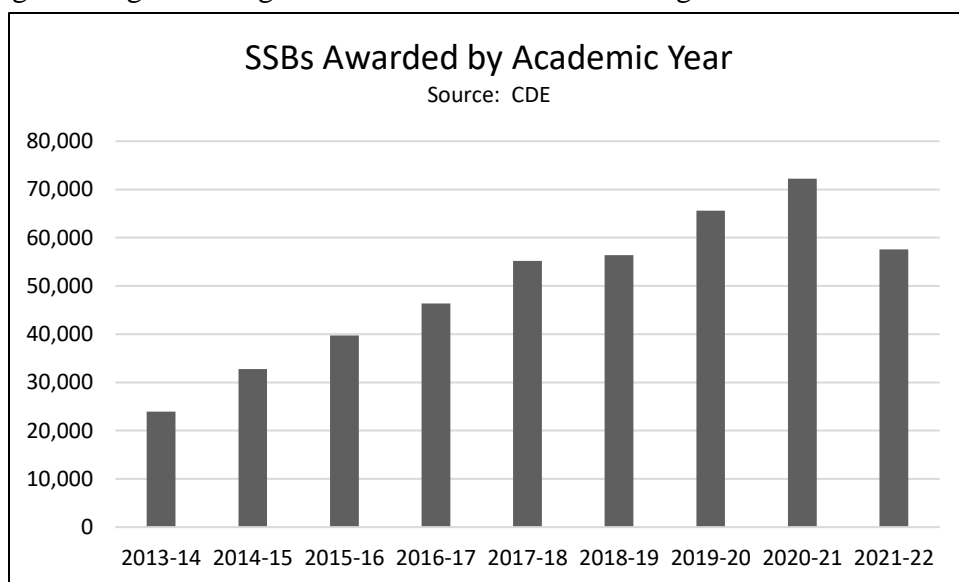
COMMENTS:

Need for the bill. The author states, “Obtaining the State Seal of Biliteracy should be achievable for multilingual students from all primary-language backgrounds. AB 370 addresses this equity issue by updating the criteria required to obtain the State Seal of Biliteracy in order to make it attainable for all students, while creating a clear path for all participating Local Educational Agencies to implement. Balancing this benchmark is a step in the right direction when it comes to equitable education.”

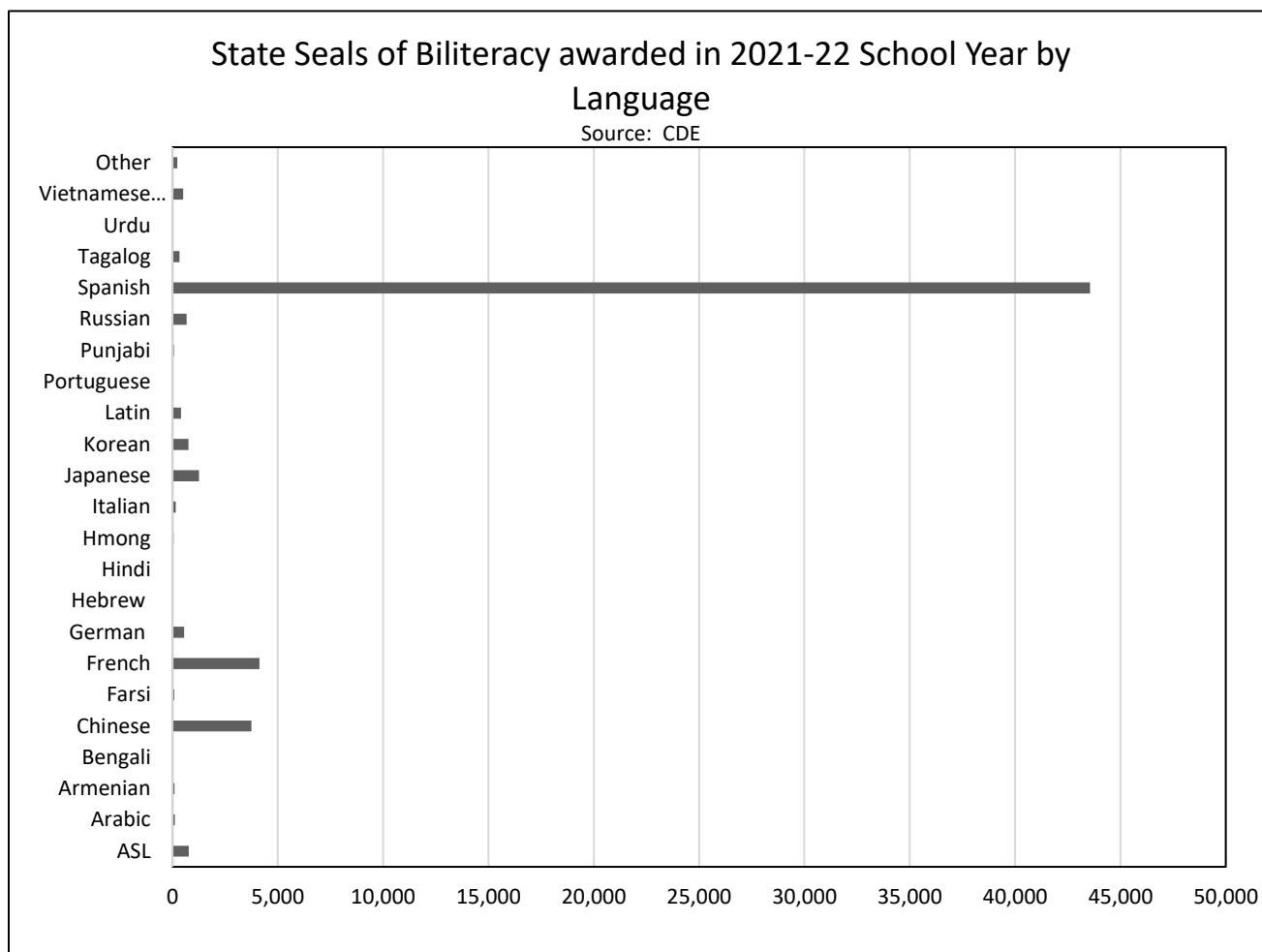
Ten years of the State Seal of Biliteracy. AB 815 (Brownley), Chapter 618, Statutes of 2011, created the SSB, which recognizes high school graduates who have attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English.

In the last ten years, the number of students receiving the SSB has grown from 23,941 in 2013-14 to 57,582 in 2021-22, as shown in the table above.

Participation dropped between 2020-21 and 2021-22, likely due to the Covid-19 pandemic school disruptions.



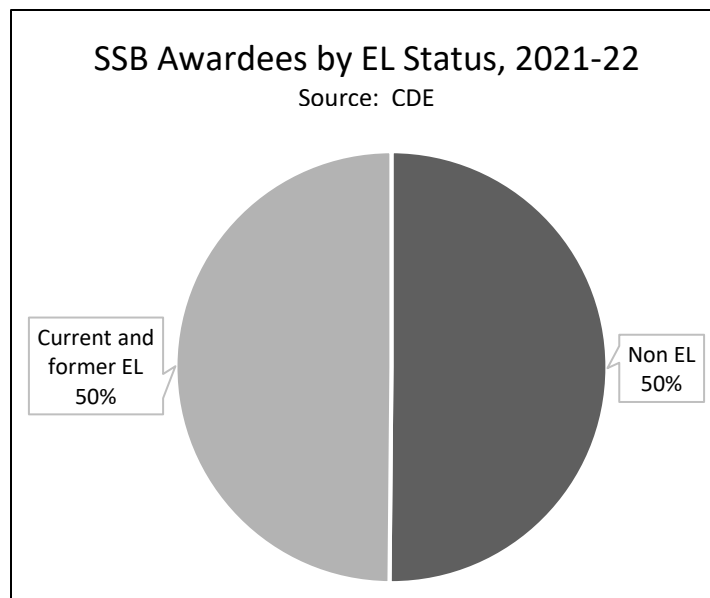
As shown below, the largest number of SSBs issued are to recognize biliteracy in English and Spanish, followed by French, Chinese, Japanese, and American Sign Language ASL.



Authorizing more ways to demonstrate proficiency for purposes of earning the SSB. This bill proposes to add several new ways for students to demonstrate that they have met the criteria to earn the SSB, including passing assessments, earning credit at a community college, and passing a school district identified examination which meets specified criteria.

ELs required to demonstrate some forms of proficiency more than once. To earn the SSB under current law, students in grades 9 to 12 whose primary language is not English must score a level 4 on the ELPAC in all four domains of the test: reading, writing, listening, and speaking. They are also required to demonstrate proficiency in ELA, which also includes reading and writing. This means that under current law these students must demonstrate proficiency in these domains more than once, while non-ELs must do so only one time.

This bill proposes to eliminate this duplication by requiring that ELs show proficiency only on the oral language portions of the ELPAC. Listening and speaking are currently scored as one composite “oral language” score.



Are barriers for ELs in earning the SSB resulting in fewer students receiving it? Supporters of this bill are concerned that the current criteria for earning the SSB present barriers for EL students. According to the Public Policy Institute for California, current and former EL students constitute 38% of the total school population. So it would appear that current and former ELs are earning the SSB in numbers slightly greater than their share of the overall student population. Advocates believe that, given the primary language skills of English learners, this level of participation could be even higher.

Additional options for demonstrating proficiency in languages other than English. This bill is intended in part to expand options for demonstrating proficiency in English and other languages, while maintaining high standards for receipt of the SSB. It expands options for examinations students may take, and for coursework they may complete at an institution of higher education (IHE). The author may wish to add a few more options for students to demonstrate proficiency for purposes of earning the SSB.

Some recently arrived immigrant students may have difficulty fulfilling the requirements in existing law, despite mastery of their primary language. Another group, students taking a world language course of study starting in middle school, may not be able to complete a four year course of study while in high school, despite reaching a level of proficiency comparable to students who do. ***Staff recommends that the bill be amended*** to authorize these courses to count toward the four year course of study.

The majority of states authorize students to demonstrate proficiency in a language other than English through successful passage of a language examination produced by the American Council on the Teaching of Foreign Languages (ACTFL), an assessment offered in major languages as well as 24 less commonly taught and assessed languages including: Albanian, Amharic, Bengali/Bangla, Bosnia/Croatian, Bulgarian, Cantonese, Dari, Gujarati, Haitian Creole, Hebrew, Hindi, Malayalam, Pashto, Polish, Swahili, Tamil, Tagalog, Thai, Turkish, Ukrainian, Urdu, Vietnamese and Yoruba. ***Staff recommends that the bill be amended*** to authorize passage of this examination at the Intermediate Mid level to fulfill the language other than English requirement.

Finally, the proposed authorization to count a course taken at an IHE toward this requirement seems to imply that completion of a basic language course would suffice. ***Staff recommends that this bill be amended*** to clarify that courses completed at IHEs may apply toward the course of study requirements for ELA and languages other than English.

English Learner Roadmap for California shifts to an asset-based orientation toward home language and culture. In July, 2017, the State Board of Education (SBE) adopted the California English Learner Roadmap SBE Policy (Roadmap). The Roadmap is intended to articulate a

common vision and mission for educating English learners and to assist the California Department of Education (CDE) in providing guidance to LEAs in order to welcome, understand, and educate the diverse population of students who are ELs attending California public schools.

The vision of the Roadmap is: “English learners fully and meaningfully access and participate in a twenty-first century education from early childhood through grade twelve that results in their attaining high levels of English proficiency, mastery of grade level standards, and opportunities to develop proficiency in multiple languages.” The principles of the Roadmap are:

- 1) Assets-Oriented and Needs-Responsive Schools;
- 2) Intellectual Quality of Instruction and Meaningful Access;
- 3) System Conditions that Support Effectiveness; and
- 4) Alignment and Articulation Within and Across Systems

The first principle is assets-oriented and needs-responsive schools, which is described: “Pre-schools and schools are responsive to different English learner (EL) strengths, needs, and identities and support the socio-emotional health and development of English learners. Programs value and build upon the cultural and linguistic assets students bring to their education in safe and affirming school climates. Educators value and build strong family, community, and school partnerships.”

Recommended Committee amendments. Staff recommends that this bill be amended as follows:

- 1) Clarify that an IB examination used to qualify for the SSB must be in the subject of English.
- 2) Change “Attain a level 4 on the Oral Language section,” to “Attain a level 4 composite score in Oral Language.”
- 3) To address students in middle school who take high school level courses, as well as students who take dual enrollment courses at institutions of higher education (IHEs), change “a four year high school course of study” to “a four year course of study at a high school or higher level of content.”
- 4) Change the authorization to use one or more courses at an IHE to satisfy the ELA requirement, to an authorization to use completion of one or more English language arts courses at a community college or an accredited four-year university with a grade equivalent to a GPA of 3.0, verified through a transcript.
- 5) To allow for credit toward fulfilling requirements for the language other than English for newcomers with world language credit outside the U.S., and for students who earn dual enrollment credit, delete the provision relating to courses completed at IHEs, and add: “Pupils may additionally satisfy the requirements of (B) by either or both of the following means:
 - a) Successful completion of high school level courses completed in another country in language other than English in another country with the equivalent of an overall GPA of 3.0, verified through a transcript;
 - b) Completion of one or more world language courses at a community college or an accredited four-year university with a grade equivalent to a GPA of 3.0 or above and oral proficiency in the language comparable to that required pursuant to subparagraph (A), verified through a transcript.”

- 6) Add passage of an ACTFL written and oral examination at the Intermediate Mid level as an option for establishing proficiency in a language other than English.
- 7) Delete proposed changes to (a)(2)(C)(i), regarding the use of local assessments to establish proficiency in a language other than English when a standardized measure is not available.

Arguments in support. Californians Together writes, “The goal of this bill is to provide a menu of rigorous options to demonstrate English proficiency that is comparable to the current options available to demonstrate proficiency in the world language. These changes will ensure that more students have the opportunity to demonstrate English proficiency along with an additional language and attain the State Seal of Biliteracy. The updated requirements will allow students to show proficiency in English by their course work over their high school career, the Advanced Placement examination, the California Assessment of Student Performance and Progress (CAASPP) for English language arts or their score in the Scholastic Assessment Test (SAT). The most critical point with the updated criteria is that students and Local Educational Agencies have options, unlike what they have today. For instance, under the current criteria, a student who is unable to take the CAASPP assessment in 11th grade or has a bad testing day, would be ineligible to receive the SSB. This bill is a result of direct feedback from the field, lessons from the pandemic and the analysis of trends after reflection of ten years’ worth of SSB implementation.”

Related legislation. AB 130 (Committee on Budget), Chapter 44, Statutes of 2021, authorizes the SPI to use specified assessments to determine whether a student obtained the achievement level on a grade 11 ELA for the purposes of establishing proficiency in ELA to earn the SSB.

SB 98 (Committee on Budget and Fiscal Review), Chapter 24, Statutes of 2020, authorized the SPI to provide alternatives to demonstrating attainment of a high level of proficiency in one or more languages in addition to English for those pupils on track to graduate in 2020 or 2021 and who were unable to take the assessments identified in existing law, or who did not receive a letter grade in ELA.

AB 1142 (Medina), Chapter 208, Statutes of 2017, updates the criteria used to determine eligibility for the SSB to reflect new state assessments in ELD and ELA, and to authorize the SSB for pupils who seek to qualify through a language that is not characterized by listening, speaking, or reading, or for which there is no written system.

AB 815 (Brownley), Chapter 618, Statutes of 2011 established the SSB to recognize high school graduates who attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association for Bilingual Education (co-sponsor)
 Californians Together (co-sponsor)
 Alliance for a Better Community
 Association of Mexican American Educators
 Association of Two-way Dual Language Education

California Council on Teacher Education
Los Angeles County Office of Education
Loyola Marymount University - The Center for Equity for English Learners
Sobrato Early Academic Language

Opposition

None on file

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