

AMENDED IN SENATE JUNE 18, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY MAY 1, 2014

AMENDED IN ASSEMBLY APRIL 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2303

Introduced by Assembly Member Bloom

February 21, 2014

An act to amend Section 51461 of, and to add Article 11 (commencing with Section 33460) to Chapter 3 of Part 20 of Division 2 of Title 2 of, the Education Code, relating to biliteracy education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2303, as amended, Bloom. State Recognition Program of Multiple Pathways to Biliteracy *and State Seal of Biliteracy*.

Existing law requires the Superintendent of Public Instruction to award a State Seal of Biliteracy. Existing law provides that the State Seal of Biliteracy 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 the graduate meets specified criteria, including, but not limited to, passing the California Standards Test in English language arts administered in grade 11 at the proficient level or above. Existing law also requires a pupil in grades 9 to 12, inclusive, whose primary language is other than English, to meet these same requirements and to also attain the early advanced proficiency level on the English language development test in order to qualify for the State Seal of Biliteracy.

This bill, to qualify for the State Seal of Biliteracy and if the California Standards Test in English language arts is not approved, would require a graduate to pass a Measurement of Academic Performance and Progress assessment that is aligned to English language arts administered in grade 11 at the proficient level or above. The bill also, to qualify for the State Seal of Biliteracy and if a state-adopted assessment has not been fully implemented, would require a graduate to score at level that demonstrates English language arts proficiency on an assessment selected by the governing board of a school district that is aligned to the English language arts standards adopted by the State Board of Education for grade 11.

This bill also would establish the State Recognition Program of Multiple Pathways to Biliteracy to be administered annually by the State Department of Education beginning January 1, 2016, to recognize school districts and county offices of education that voluntarily demonstrate excellence in providing and supporting multiple opportunities for pupils to attain high achievement and linguistic biliteracy in grades 1 to 12, inclusive, through biliteracy programs, as specified. The bill would require this program to be implemented only to the extent moneys are available to the department for purposes of the program from any source.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) In 2012, California became the first state in the nation to
- 4 award a State Seal of Biliteracy, pursuant to Article 6 (commencing
- 5 with Section 51460) of Chapter 3 of Part 28 of Division 4 of Title
- 6 2 of the Education Code, to graduating seniors with demonstrated
- 7 proficiency in two or more languages.
- 8 (2) This groundbreaking step was acknowledgment of the
- 9 economic and social value of multilingualism, the realities of a
- 10 global century, and of the high level of academic achievement
- 11 associated with attainment of literacy in multiple languages.
- 12 (3) In the context of the rollout of new common core standards,
- 13 the State Seal of Biliteracy also rounded out the very notion of

1 college and career readiness for this diverse and global 21st century
2 world.

3 (4) Ten thousand Seals of Biliteracy were awarded in the first
4 year for proficiency in 29 languages, including American Sign
5 Language.

6 (5) By June 2013, the number had more than doubled with 170
7 school districts, 19 charter schools, and six county offices of
8 education providing 21,655 awards to graduating seniors.

9 (6) Across the nation, other states were inspired to follow
10 California’s lead. In 2013, New York and Illinois adopted State
11 Seals of Biliteracy, and three additional states have pending
12 legislation.

13 (7) In addition to the establishment of the State Seal of
14 Biliteracy, other major changes recognizing the benefits of
15 biliteracy have occurred, including all of the following:

16 (A) Increased numbers of two-way immersion programs in our
17 public education system.

18 (B) Adoption in 2009 of California’s first World Language
19 Content Standards providing direction for the state’s world
20 language programs and the acknowledgment for the need for
21 developing “global competency.”

22 (C) Inclusion of the recommendation to “ensure English literacy
23 and biliteracy through a statewide campaign to better prepare
24 parents and students to support literacy” in the Blueprint for Great
25 Schools developed by the Transition Advisory Team of the
26 Superintendent of Public Instruction Tom Torlakson in 2011.

27 (8) These changes have led to an increased awareness and
28 acknowledgment of the benefits of multilingual proficiency and
29 result in the desire for additional opportunities to obtain
30 multilingual proficiency. However, these efforts are not enough.

31 (9) It is clear that increasing the number of graduating pupils
32 with multilingual skills is critical for the economic and societal
33 needs of our state.

34 (10) California needs people with biliteracy skills and
35 cross-cultural competencies to work in and fuel our economy, to
36 strengthen our social cohesion, and to enrich the quality of life in
37 our communities.

38 (11) Pathways toward the global competency and linguistic
39 skills of pupils need to be established. These pathways can address
40 a shortfall in needed skills in our communities and economy. It is

1 a recognition of the vibrancy and value of cultural diversity, and
2 it helps address the achievement gap for our English learners.

3 (12) California, the most ethnically and linguistically diverse
4 state in the nation and the birthplace of the State Seal of Biliteracy,
5 is the place to break new ground in the creation of comprehensive,
6 articulated, and powerful pathways to biliteracy.

7 (13) A powerful first step in establishing these pathways is to
8 provide state recognition to school districts and county offices of
9 education that establish and maintain comprehensive, articulated
10 pathways to biliteracy that include multiple entry points, provide
11 a continuum of language development in prekindergarten,
12 kindergarten, and grades 1 to 12, inclusive, and lead to the
13 attainment of the State Seal of Biliteracy.

14 (b) Therefore, it is the intent of the Legislature to do both of the
15 following:

16 (1) Establish state recognition to school districts and county
17 offices of education that provide multiple programs moving pupils
18 through a language learning continuum of study that is well
19 articulated and comprehensive for the purpose of attaining
20 biliteracy by its pupils.

21 (2) Identify multiple pathways to biliteracy that school districts
22 and county offices of education may utilize in developing their
23 comprehensive multiple pathways biliteracy programs.

24 SEC. 2. Article 11 (commencing with Section 33460) is added
25 to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education
26 Code, to read:

27
28 Article 11. State Recognition Program of Multiple Pathways
29 to Biliteracy
30

31 33460. For purposes of this article, “biliteracy” means the
32 ability to express oneself with clarity and cogency, to read and
33 write cogently, and to compute and think critically in two or more
34 languages. It includes the ability to function in and across language
35 communities. For English learners, this includes the development
36 of academic proficiency in the pupil’s primary language as well
37 as in English.

38 33461. (a) The State Recognition Program of Multiple
39 Pathways to Biliteracy is hereby established to be administered
40 annually by the department beginning January 1, 2016, to recognize

1 school districts and county offices of education demonstrating
2 excellence in providing and supporting multiple opportunities for
3 pupils to attain high achievement and linguistic biliteracy in grades
4 1 to 12, inclusive, through biliteracy programs. On or before
5 December 31, 2015, the department shall plan and design the
6 program. Beginning January 1, 2016, and each year thereafter, the
7 department shall disseminate and review applications for
8 recognition under the program. Beginning November 1, 2016, and
9 each year thereafter, the department shall provide recognition,
10 pursuant to the program, to approved school districts and county
11 offices of education.

12 (b) The department shall use appropriate state and federal
13 moneys to implement this article.

14 (c) The program established pursuant to this section shall be a
15 voluntary program. Neither a school district nor a county office
16 of education shall be required to participate.

17 33462. (a) The department shall recognize the governing board
18 of a school district or a county office of education under the State
19 Recognition Program of Multiple Pathways to Biliteracy if the
20 school district or county office of education meets any of the
21 following criteria:

22 (1) Has established and maintained for pupils in grades 9 to 12,
23 inclusive, for at least two years, a well-articulated State Seal of
24 Biliteracy program meeting the requirements established in Section
25 51461 and has established and maintained multiple pathways to
26 biliteracy pursuant to Section 33463.

27 (2) Has established and maintained for pupils in prekindergarten,
28 kindergarten, and grades 1 through 8, inclusive, a system of
29 benchmarking progress and recognition of pupil participation and
30 progress along a continuum toward high-level proficiency in two
31 or more languages. This may include the creation of pathway
32 awards aligned to milestones and critical developmental points
33 along the pathway towards biliteracy, culminating in the awarding
34 of the State Seal of Biliteracy at graduation from high school.
35 Critical development points include, but are not limited to, the
36 completion of preschool, third grade, elementary school, and
37 middle school.

38 (3) Has met the criteria of paragraphs (1) and (2) for pupils in
39 prekindergarten, kindergarten, and grades 1 to 12, inclusive.

1 (b) In addition to the requirements of subdivision (a), a school
2 district or county office of education also shall meet all of the
3 following criteria:

4 (1) Has a well-articulated plan for pupils in prekindergarten,
5 kindergarten, and grades 1 to 12, inclusive, that describes the
6 language programs that comprise a coherent set of language
7 development opportunities. The plan shall include consideration
8 of all of the following:

9 (A) Integration of English learner services with world language
10 programs.

11 (B) The amount of time allotted to language study, sequencing,
12 and articulation.

13 (C) Inclusion of multiple entry points into language learning.

14 (D) Equitable access to language learning.

15 (E) Inclusion of a developmental window from 4 to 8 years of
16 age, inclusive, for language learning in which pupils are able to
17 develop native-like proficiency in multiple languages.

18 (F) Consideration of language priorities where the governing
19 board of a school district or a county office of education has to
20 carefully consider a balance between a desire to offer multiple
21 languages and the realities of investment and space within school
22 schedules to accommodate the sequence of courses involved in
23 building to high levels of proficiency.

24 (2) Has supported quality implementation, including qualified
25 language teachers; a retention, recruitment, and professional
26 development system that results in identifying and hiring teachers
27 with needed skills; collaboration and planning time for teachers
28 to align and articulate the language curriculum across grade levels
29 and schools; and provided teachers with professional development
30 support to effectively implement research-based language strategies
31 and methodologies.

32 (3) Has created a districtwide, communitywide, countywide,
33 and school culture that celebrates language and cultural diversity
34 in the pursuit of biliteracy as a needed 21st century skill.

35 (4) *Does not have any outstanding English learner compliance*
36 *findings from the most recent federal and state program*
37 *monitoring.*

38 33463. For purposes of demonstrating whether a school district
39 or a county office of education qualifies for the State Recognition
40 Program of Multiple Pathways to Biliteracy, the governing board

1 of a school district or a county office of education may implement
2 any comprehensive program for the study of world languages that
3 includes, but is not limited to, any of the following:

4 (a) "FLEX" (Foreign Language experience, exposure,
5 enrichment, or exploratory) may be implemented for a regular
6 schoolday or an extended schoolday for prekindergarten,
7 kindergarten, and grades 1 to 8, inclusive, and includes all of the
8 following:

- 9 (1) Has classes that meet only once or twice a week.
- 10 (2) Has classes that are introductory and provide exposure.
- 11 (3) May be delivered during school or after school.
- 12 (4) Introduces pupils to one or more languages and cultures
13 other than their own in order to motivate them to pursue further
14 language study.
- 15 (5) Has varied objectives depending on the specific program,
16 length of instruction, and type of instruction.

17 (b) "FLES" (Foreign Language in Elementary Schools) may be
18 implemented as a period within a schoolday or an extended
19 schoolday for kindergarten and grades 1 to 6, inclusive, and
20 includes all of the following:

- 21 (1) Are less intensive than immersion.
- 22 (2) Teaches the target language for designated periods of time,
23 but varies a great deal in the amount of time devoted to foreign
24 language learning.
- 25 (3) Follows the natural sequence of language learning to
26 understand, speak, read, and write.
- 27 (4) Does not include academic study through the language, but
28 focuses on language study itself.
- 29 (5) Has proficiency goals and pupil outcomes that vary
30 according to the amount and type of instruction.
- 31 (6) Provides initial instruction and exposure to a second
32 language.

- 33 (7) Usually meets daily.
- 34 (8) Begins in kindergarten and continues through grade 6, but
35 may begin in grade 2, grade 3, or grade 4.

36 (c) "Transitional Bilingual" may be implemented as a whole
37 schoolday program for prekindergarten, kindergarten, and grades
38 1 to 3, inclusive, and includes all of the following:

- 39 (1) Are for English learners.

1 (2) Provides academic instruction and initial literacy
2 development in the home language along with English language
3 development, with increasing amounts of the English language
4 leading to full transition to the English language by the end of
5 grade 3.

6 (3) Provides that the goal is not biliteracy but a transition to
7 English.

8 (d) “Developmental Bilingual” may be implemented as a whole
9 schoolday program for prekindergarten, kindergarten, and grades
10 1 to 5, inclusive, and includes all of the following:

11 (1) Has a program for English learners using both the English
12 language and their first language for academic instruction and
13 develops literacy skills in both languages.

14 (2) Includes an additive approach that continues through grade
15 5 and an attainment of threshold literacy skills in both languages.

16 (3) Has the goal of biliteracy.

17 (e) “Immersion” may be implemented as a whole schoolday
18 program or a summer enrichment program for prekindergarten,
19 kindergarten, and grades 1 to 12, inclusive, and includes all of the
20 following:

21 (1) Provides that the target language is used for all academic
22 instruction with the exception of language arts in English.

23 (2) Maintains a ratio of target language use to English language
24 use as high as 80 percent to 20 percent throughout kindergarten
25 and grades 1 to 6, inclusive.

26 (f) “Two-Way Immersion” (Dual Language) may be
27 implemented as a whole schoolday program for prekindergarten,
28 kindergarten, and grades 1 to 12, inclusive, and includes all of the
29 following:

30 (1) Integrates native English language speakers and speakers
31 of another language by providing instruction in both languages for
32 all pupils.

33 (2) Promotes bilingualism and biliteracy, grade-level academic
34 achievement, and positive cross-cultural attitudes and behaviors
35 in all pupils.

36 (3) Has classes made up of roughly equal numbers of native
37 speakers of English and native speakers of the target language.

38 (4) Has each language roughly one-half of the time for academic
39 instruction in the 50/50 Two-Way Immersion model.

1 (5) Has the target language used for 90 percent of instruction
2 in the early years, usually tapering to 50 percent by grade 4 in the
3 90/10 Two-Way Immersion model. At the secondary level, pupils
4 continue to study academic content in the target language for at
5 least two periods a day.

6 (6) Typically begins in kindergarten or grade 1 and lasts at least
7 through grade 5, and preferably through grades 9 to 12, inclusive.

8 (g) “Native Speakers Courses” may be implemented as a period
9 offered during a schoolday or after school for grades 6 to 12,
10 inclusive, and includes all of the following:

11 (1) Designed to develop literacy, academic language, and
12 proficient skills in a language other than English for native speakers
13 of that language.

14 (2) Designed for pupils from homes in which the target language
15 is spoken and for pupils who speak or understand the target
16 language to some extent.

17 (3) Has the intent of these courses being to build on existing
18 skills of pupils and help them develop full academic proficiency.

19 (4) Requires Advanced Placement language courses.

20 (h) “Heritage Language” may be implemented as a period
21 offered during a schoolday or after school for kindergarten and
22 grades 1 to 12, inclusive, and includes all of the following:

23 (1) Are additive programs that enable
24 English-language-dominant pupils from language minority families
25 to reclaim their heritage language and receive an education that
26 incorporates a culturally responsive curriculum in school.

27 (2) Requires Advanced Placement language courses.

28 (i) “World Language Classes” may be implemented as a period
29 offered during a schoolday or after school for grades 6 to 12,
30 inclusive, and includes all of the following:

31 (1) Begins in middle school or high school.

32 (2) Has the curriculum aligned with the A to G requirements of
33 the University of California.

34 (3) Requires the study of the same world language for two years
35 in grades 9 to 12, inclusive, to meet the freshman admissions
36 requirements for the University of California and the California
37 State University.

38 (4) Requires Advanced Placement language classes.

39 (j) “Study Abroad, International Student Exchange Program”
40 for grades 6 to 12, inclusive, includes both of the following:

1 (1) Provides world language pupils with opportunities to travel,
 2 live, and study for a short time in another nation.

3 (2) Includes trips sponsored by language clubs or language
 4 courses for a few weeks or full semester, or live-abroad placement
 5 programs.

6 *SEC. 3. Section 51461 of the Education Code is amended to*
 7 *read:*

8 51461. (a) The State Seal of Biliteracy certifies attainment of
 9 a high level of proficiency by a graduating high school pupil in
 10 one or more languages, in addition to English, and certifies that
 11 the graduate meets all of the following criteria:

12 (1) Completion of all English language arts requirements for
 13 graduation with an overall grade point average of 2.0 or above in
 14 those classes.

15 (2) Passing the California Standards Test in English language
 16 arts administered in grade 11 at the proficient level or above.

17 (A) *For purposes of this paragraph, if the California Standards*
 18 *Test in English language arts is not approved, then both of the*
 19 *following shall apply:*

20 (i) *The governing board of the school district shall administer*
 21 *an assessment that is aligned to English language arts, as*
 22 *established pursuant to subparagraph (A) of paragraph (1) of*
 23 *subdivision (b) of Section 60640, in grade 11.*

24 (ii) *The graduate shall pass the assessment at the proficient*
 25 *level or above.*

26 (B) *For purposes of this paragraph, if a state-adopted*
 27 *assessment has not been fully implemented, both of the following*
 28 *shall apply:*

29 (i) *The governing board of the school district shall select an*
 30 *assessment to be used that is aligned to the English language arts*
 31 *standards adopted by the state board for grade 11.*

32 (ii) *The graduate shall score at a level that demonstrates English*
 33 *language arts proficiency.*

34 (3) Proficiency in one or more languages other than English,
 35 demonstrated through one of the following methods:

36 (A) Passing a foreign language Advanced Placement
 37 examination with a score of 3 or higher or an International
 38 Baccalaureate examination with a score of 4 or higher.

1 (B) Successful completion of a four-year high school course of
2 study in a foreign language, and attaining an overall grade point
3 average of 3.0 or above in that course of study.

4 (C) If no Advanced Placement examination or off-the-shelf
5 language test exists and the school district can certify to the
6 Superintendent that the test meets the rigor of a four-year high
7 school course of study in that foreign language, passing a school
8 district language examination that, at a minimum, assesses
9 speaking, reading, and writing in a language other than English at
10 the proficient level or higher. If a school district offers a language
11 examination in a language in which an Advanced Placement
12 examination or off-the-shelf language test exists, the school district
13 language examination shall be approved by the Superintendent for
14 the purpose of determining proficiency in a language other than
15 English.

16 (D) Passing the SAT II foreign language examination with a
17 score of 600 or higher.

18 (b) If the primary language of a pupil in any of grades 9 to 12,
19 inclusive, is other than English, he or she shall do both of the
20 following in order to qualify for the State Seal of Biliteracy:

21 (1) Attain the early advanced proficiency level on the English
22 language development test. For purposes of this paragraph, a
23 participating school district may administer the English language
24 development test an additional time as necessary.

25 (2) Meet the requirements of subdivision (a).

26 (c) For languages in which an Advanced Placement test is not
27 available, the Superintendent may provide a listing of equivalent
28 summative tests that school districts may use in place of an
29 Advanced Placement test for purposes of subparagraph (A) of
30 paragraph (3) of subdivision (a). A school district may provide the
31 Superintendent with a list of equivalent summative tests that the
32 district uses in place of an Advanced Placement test for purposes
33 of subparagraph (A) of paragraph (3) of subdivision (a). The
34 Superintendent may use lists received from school districts in
35 developing his or her list of equivalent summative tests.

36 (d) For purposes of this article, “foreign language” means a
37 language other than English, and includes American Sign
38 Language.

1 ~~SEC. 3.~~

2 *SEC. 4.* The State Recognition Program of Multiple Pathways
3 to Biliteracy (Article 11 (commencing with Section 33460) of
4 Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code)
5 shall be implemented only to the extent moneys are available to
6 the State Department of Education for purposes of the program
7 from any source, including, but not limited to, state moneys, federal
8 moneys, and other nonstate funding sources.