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AB-370 Pupil instruction: State Seal of Biliteracy. (2023-2024)

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Assembly Bill No. 370

CHAPTER 326

An act to amend Section 51461 of the Education Code, relating to pupil instruction.

[Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 370, Addis. Pupil instruction: State Seal of Biliteracy.

Existing law establishes the State Seal of Biliteracy to recognize 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. Existing law requires the State Seal of Biliteracy to be awarded by the Superintendent of Public Instruction to a pupil who completes all English language arts requirements for graduation with an overall grade point average of 2.0 or above in those classes, passes the California Assessment of Student Performance and Progress for English language arts, as provided, and demonstrates proficiency in one or more languages other than English through at least one method, as specified.

This bill would change the criteria needed to be met by a pupil to be awarded the State Seal of Biliteracy by requiring the pupil to both demonstrate proficiency in English by meeting one of 4 specified requirements and demonstrate proficiency in one or more languages other than English by meeting one of 3 specified requirements.

Existing law requires the State Seal of Biliteracy to be awarded to a pupil whose primary language is other than English if the pupil meets the above-specified requirements and additionally attains a level demonstrating English language proficiency on the English Language Proficiency Assessments for California, as provided.

The bill would instead require a pupil who is an English learner to achieve an Oral Language composite score of level 4 on the English Language Proficiency Assessments for California rather than attain a level demonstrating English language proficiency on those assessments to be awarded the State Seal of Biliteracy.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 51461 of the Education Code is amended to read:

51461. (a) 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 the following criteria for being proficient in English and one or more languages other than English:

(1) Proficiency in English shall be demonstrated through one of the following requirements:

(A) Completion of all English language arts requirements for graduation with an overall grade point average of 3.0 or above in those classes. Completion of one or more English language arts courses at a public higher education institution or an independent institution of higher education, as described in subdivisions (a) and (b) of Section 66010, with a grade equivalent to a grade point average of 3.0 or above may also be used to satisfy one or more course requirements of this subparagraph.

(B) Passing the California Assessment of Student Performance and Progress for English language arts, or any successor test, administered in grade 11, at or above the "standard met" achievement level, or at the achievement level determined by the Superintendent for any successor test.

(C) (i) Passing an English Advanced Placement examination with a score of 3 or higher or an English International Baccalaureate examination with a score of 4 or higher.

(ii) For purposes of clause (i), "English Advanced Placement" means Advanced Placement English Language and Composition, Advanced Placement English Literature and Composition, or Advanced Placement Seminar.

(D) Achieving a score of 480 or higher on the Evidence-Based Reading and Writing section of the SAT.

(2) Proficiency in one or more languages other than English shall be demonstrated through one of the following requirements:

(A) Passing a world language Advanced Placement examination with a score of 3 or higher, passing a world language International Baccalaureate examination with a score of 4 or higher, or passing a world language ACTFL Writing Proficiency Test (WPT) and an Oral Proficiency Interview (OPI) with scores of Intermediate Mid or higher.

(B) Successful completion of a four-year course of study of content in a world language at a high school or higher level attaining an overall grade point average of 3.0 or above in that course of study, and oral proficiency in the language comparable to that required pursuant to subparagraph (A). Pupils may also satisfy the requirements of this subparagraph by either or both of the following:

(i) Successful completion of high school level courses completed in another country in a language other than English with the equivalent of an overall grade point average of 3.0 or above, as verified through a transcript.

(ii) Completion of one or more world language courses at a public higher education institution or an independent institution of higher education, as described in subdivisions (a) and (b) of Section 66010, with a grade equivalent to a grade point average of 3.0 or above and oral proficiency in the language comparable to that required pursuant to subparagraph (A), as verified through a transcript.

(C) (i) If no Advanced Placement examination or off-the-shelf language test exists and the school district can certify to the Superintendent 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 Advanced Placement examination or off-the-shelf language test exists, the school district language examination shall be approved by the Superintendent for the purpose of determining proficiency in a language other than English.

(ii) Notwithstanding clause (i), a pupil who seeks to qualify for the State Seal of Biliteracy through a language that is not characterized by listening, speaking, or reading, or for which there is no written system, shall pass an assessment on the modalities that characterize communication in that language at the proficient level or higher.

(b) If a pupil in any of grades 9 to 12, inclusive, is an English learner, the pupil shall meet both of the following criteria in order to qualify for the State Seal of Biliteracy:

(1) Attain an Oral Language composite score of level 4 on the English Language Proficiency Assessments for California, or any successor English oral language proficiency assessment, in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive.

(2) Demonstrate proficiency in English through one of the accomplishments listed in paragraph (1) of subdivision (a) and demonstrate proficiency in one or more languages other than English through one of the accomplishments listed in paragraph (2) of subdivision (a).

(c) For languages in which an Advanced Placement test is not available, the Superintendent may provide a listing of equivalent summative tests that school districts may use in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (2) of subdivision (a). A school district may provide the Superintendent with a list of equivalent summative tests that the school district uses in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (2) of subdivision (a).

The Superintendent may use lists received from school districts in developing the Superintendent's list of equivalent summative tests.

(d) For purposes of this article, "world language" has the same meaning as defined in Section 91.

(e) Notwithstanding subdivision (a), for those pupils on track to graduate in 2022 and who were unable to take the assessment identified in subparagraph (B) of paragraph (1) of subdivision (a), the Superintendent may use the assessments identified in Section 121 of Chapter 44 of the Statutes of 2021 to determine whether a pupil obtained the achievement level on a grade 11 English language arts assessment for the purposes of subparagraph (B) of paragraph (1) of subdivision (a).