
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair

2015 - 2016 Regular

Bill No: SB 750
Author: Mendoza
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Urgency: No
Consultant: Kathleen Chavira
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Fiscal: Yes

Subject: English language education: English learners: State Seal of Biliteracy

SUMMARY

This bill modifies the definitions of a “long-term English learner” and “an English learner at risk of becoming a long-term English learner,” 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), as specified.

BACKGROUND

Existing law defines a “Long-term English learner” as an English learner who meets all of the following:

1. Is enrolled in any of grades 6 to 12, inclusive.
2. Has been enrolled in schools in the United States for more than six years.
3. Remains at the same English language proficiency level for two or more consecutive years.
4. Scores far below basic or below basic on the adopted English language arts standards-based achievement test.

Existing law defines an “English learner at risk of becoming a long-term English learner” as an English learner who meets all of the following:

1. Is enrolled in any of grades 5-11 inclusive.
2. Has been enrolled in schools in the United States for 4 years.
3. Scores at the intermediate level or below on the state adopted English language proficiency test.
4. Scores at the far below basic or below basic on the adopted English language arts standards-based achievement test. (Education Code § 313.1)

Existing law 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 districts and schools. (EC § 313.2)

Existing law establishes the State Seal of Biliteracy 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 (COE), 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. (EC § 51460)

Current law requires high school graduates to meet all of the following criteria to be eligible for the SSB:

1. Complete all English language arts requirements for graduation with an overall grade point average of 2.0 or above in those classes.
2. Pass the California Standards Test in English language arts administered in grade 11 at the proficient level or above.
3. Demonstrate proficiency in one or more languages in addition to English, through one of the following methods:
 - A. 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.
 - B. Successfully complete a four-year high school course of study in a foreign (world) language, and attain an overall grade point average of 3.0 or above in that course of study.
 - C. 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 State Superintendent of Public Instruction (SSPI) 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 SSPI for the purpose of determining proficiency in a language other than English.
 - D. Passing the Scholastic Assessment Test II foreign language examination with a score of 600 or higher. (EC § 51461)

If the primary language of a pupil in any of grades 9-12 inclusive is other than English, the student is also required to attain the early advanced proficiency level on the California English Language Development Test (CELDT) as well as meet criteria listed above in 1, 2, and 3.

ANALYSIS

This bill:

1. Expands the definition of a “long term English learner.” More specifically it:
 - A. Includes students who have been enrolled in school for six years or more (rather than more than six years).
 - B. Includes students who have regressed to a lower English language proficiency level, if these students also score far below basic or below basic on the state adopted English language arts standards-based achievement test.
2. Expands the definition of “an English learner at risk of becoming a long-term English learner.” More specifically it:
 - A. Expands the grade level of students who could be so classified from grades 5-11 to grades 3-12.
 - B. Expands the number of years of US school enrollment from 4 to 5 years.
3. Expands the California Department of Education (CDE) notice requirements to include the posting of the statewide number of “long term English learners” and “English learners at risk of becoming long-term.”
4. Authorizes the use of alternate criteria for the purpose of the State Seal of Biliteracy. More specifically it:
 - A. Requires the Superintendent of Public Instruction (SPI) to designate alternative equivalent criteria for eligibility for the State Seal of Biliteracy in the event that scores from the California Standards Test in English language arts or its successor are not available.
 - B. Requires the use of the alternative criteria only while the assessment scores are unavailable.

STAFF COMMENTS

1. ***Need for the bill.*** According to the author this bill attempts to address several issues identified by the California Department of Education around the implementation of the State Seal of Biliteracy and Long term English Learner

statutes. Respectively, the provisions of the bill are intended to update testing requirements to reflect newly adopted state standards and assessments and align the statute with data reporting timelines.

2. **Long-term English Learners.** A 2010 report by Californians Together, *Reparable Harm: Fulfilling the Unkept Promise of Educational Opportunity for California's Long-Term English Learners*, presented survey data collected from 40 school districts. Major findings of the survey included the following:
 - A. The majority (59%) of secondary school English learners are "Long Term English Learners" (defined as being in US schools for more than six years without sufficient English proficiency to be reclassified).
 - B. California school districts that do not have a shared definition of "Long-term English learners."
 - C. Several contributing factors include; no receipt of language development programs, being given elementary school curricula and materials that were not designed to meet English Learner (EL) needs, weak language development program models, inconsistent programs, social and linguistic isolation and other things.
 - D. Few districts have designated programs or formal approaches designed for "Long Term English Learners."

In 2012 the Legislature enacted statute to begin the process of identifying "long-term English learners to ensure that they do not become "invisible" and do not fall through the cracks regarding instruction.

3. **State Seal of Biliteracy.** The State Seal of Biliteracy (SSB), established by AB 815 (Brownley, Chapter 618, Statutes of 2011) became effective January 1, 2012. According to the author, in June of 2014, 217 local educational agencies provided 24,655 awards, more than double the number of seals awarded in the first year of implementation (2012).

In 2011, California joined the Smarter Balanced Assessment Consortium (SBAC) as a governing state for the purpose of developing assessments that are aligned to the common core standards, which were adopted by the State Board on August 2010. As a condition of becoming a governing member state, California committed to administering the SBAC assessments to pupils beginning in the 2014-15 school year. Current law requires districts, charter schools and county offices of education to administer field tests and pilot tests of the SBAC assessments only in the 2013-14 school year. (Education Code § 60640)

As noted in the background of this analysis, one of the requirements to receive the SSB is that a student pass the California Standards Test in English language arts (ELA) administered in grade 11 at the proficient level or above.

This bill is attempting to ensure that any new state adopted standards aligned English language arts test can be used for the purposes of the State Seal of Biliteracy.

As drafted, the bill could be interpreted to allow for the use of any criteria deemed to be equivalent for this purpose. In addition to potentially diluting the value of the State Seal of Biliteracy by use of an inconsistent and potentially, non-objective assessment of English proficiency, pursuant to Education Code 60640, the CDE reports that it has already identified both the new assessment and the equivalent level of proficiency.

Staff recommends the bill be amended on Page 4 to delete lines 15-20 and to insert, "Scoring a level 3 or higher on the California Assessment of Student Performance and Progress in English language arts administered in grade 11 pursuant to Section 60640, or an equivalent score on any successor test."

4. **Technical amendments.** In order to accommodate data reporting timelines, the California Department of Education (CDE) has requested technical amendments to ensure a more accurate report of the number of long-term English learners students. **Staff recommends** the bill be amended to reflect the technical clarifications requested by the CDE by inserting "Students for which the required testing results are not available will not have that criteria applied and the student will not be excluded based upon that criteria."
5. **English learners.** The CDE provides the following information on English learners in California's public schools:
 - A. In the 2013-14 school year there were approximately 1.4 million English learners in California public schools, constituting 22.7 percent of the total enrollment.
 - B. 73 percent of English learners are enrolled in the elementary grades (K-6) with the remaining 27 percent enrolled in grades 7-12.
 - C. Although English learner data is collected for 60 language groups, 95 percent speak one of the top ten languages in the state, which include Spanish (84.24 percent), Vietnamese, Pilipino (Filipino or Tagalog), Cantonese, Mandarin, Arabic, Hmong, Korean, Punjabi, and Russian.
 - D. During 2013-14 the CDE administered the California English Language Development Test (CELDT) to 1.4million students, 1.15 million of whom were tested under the annual assessment window.
 - E. In 2012-13 and 2013-14, approximately 12 percent of English learners were reclassified as English proficient. Prior to that approximately 11 percent of English learners were annually reclassified, with the notable exception that in 2011-12, 16.3 percent were reclassified.

6. ***Related and prior Legislation.*** AB 2303 (Bloom, 2014), among other things, authorized the use of alternate assessments for the purpose of the State Seal of Biliteracy. AB 2303 passed this Committee by a vote of 5-1 but was subsequently held under submission in the Senate Appropriations Committee.

SUPPORT

California Association for Bilingual Education (CABE)
California Language Teachers Association
Californians Together
Public Advocates
Superintendent of Public Instruction, Tom Torlakson

OPPOSITION

None received.

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