

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 693 Florida Seal of Biliteracy
SPONSOR(S): K-12 Subcommittee, Fresen and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 890

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|-----------------------------|-----------------|---------|--|
| 1) K-12 Subcommittee | 9 Y, 0 N, As CS | Brink | Fudge |
| 2) Appropriations Committee | | | |
| 3) Education Committee | | | |

SUMMARY ANALYSIS

A seal of biliteracy is an award given by a state department of education or a local school district to recognize a student who has attained proficiency in English and one or more other world languages by the time of high school graduation. The seal is typically affixed to the student's high school diploma and included in his or her transcript and serves to certify the student's attainment of biliteracy to employers and postsecondary institutions.

In 2015, the American Council on the Teaching of Foreign Languages, the National Association for Bilingual Education, the National Council of State Supervisors for Languages, and the Teachers of English to Speakers of Other Languages International Association collaboratively published the guidelines for implementing the Seal of Biliteracy. The guidelines provide a source of information to help states implement seal of biliteracy programs in a consistent manner across the country. Fourteen states and Washington D.C. have implemented a seal of biliteracy program.

Consistent with recommendations in the guidelines, the bill establishes the Florida Seal of Biliteracy Program, which awards qualifying students who earn a standard high school diploma a Silver or a Gold Seal of Biliteracy, depending on their demonstrated level of competency in a foreign language. The bill defines the terms "biliteracy" and "foreign language," which also includes American Sign Language, classical languages, and indigenous languages.

The bill provides requirements for the State Board of Education, the Commissioner of Education, and school districts to implement the program and establishes baseline requirements for a student to demonstrate competency in a foreign language. The state board must adopt rules that identify assessments and qualifying scores, as well as alternative methods, which students must meet to receive a Silver or a Gold Seal of Biliteracy.

The bill appears to have an indeterminate, but likely minimal, fiscal impact. See FISCAL COMMENTS, *infra*.

The bill takes effect on July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

A seal of biliteracy is an award given by a state department of education or a local school district to recognize a student who has attained proficiency in English and one or more other world languages by the time of high school graduation. The seal is typically affixed to the student's high school diploma and included in his or her transcript,¹ and it serves to certify the student's attainment of biliteracy to employers and postsecondary institutions.²

In 2015, the American Council on the Teaching of Foreign Languages, the National Association for Bilingual Education, the National Council of State Supervisors for Languages, and the Teachers of English to Speakers of Other Languages International Association collaboratively published the *Guidelines for Implementing the Seal of Biliteracy*.³ The Guidelines provide a source of information to help states implement seal of biliteracy programs in a consistent manner across the country.⁴ Fourteen states and Washington D.C. have adopted a seal of biliteracy.⁵

The guidelines include recommended student eligibility requirements states can adopt in implementing a seal of biliteracy program, including the level of language proficiency required in both English and the other world language as well as the evidence necessary to establish language proficiency in each.⁶

The guidelines recommend that participating states require students to demonstrate proficiency in English by achieving state-selected scores on:

- Statewide, standardized English language arts assessments;
- State assessments on English language development of English learners; and
- Other assessments identified by the state as appropriate for demonstrating English proficiency equivalent to meeting high school graduation requirements.⁷

The guidelines recommend that participating states require students to demonstrate proficiency in the other language by achieving a score on an assessment as determined by the state. Such assessments might include:

- Advanced Placement assessments;
- International Baccalaureate assessments;
- Oral proficiency interviews, reading proficiency tests, or writing proficiency tests;
- The Standards-based Measurement of Proficiency;
- The ACTFL Assessment of Performance toward Proficiency in Languages;
- Tribal language assessments;
- The Sign Language Proficiency Interview for American Sign Language;
- The ACTFL Latin Interpretive Reading Exam; or
- Other assessments correlated to the required minimum level of language proficiency established by the state.⁸

¹ American Council on the Teaching of Foreign Languages, *Seal of Biliteracy Guidelines Released*, <http://www.actfl.org/news/press-releases/seal-biliteracy-guidelines-released> (last visited January 13, 2016).

² The American Council on the Teaching of Foreign Languages, *et al*, *Guidelines for Implementing the Seal of Biliteracy* (March 2015), available at http://www.actfl.org/sites/default/files/pdfs/SealofBiliteracyGuidelines_0.pdf.

³ *Id.*

⁴ American Council on the Teaching of Foreign Languages, *Seal of Biliteracy Guidelines Released*, <http://www.actfl.org/news/press-releases/seal-biliteracy-guidelines-released> (last visited January 13, 2016) [hereinafter referred to as *Guidelines*].

⁵ Seal of Biliteracy, *State Laws Regarding the Seal of Biliteracy*, <http://sealofbiliteracy.org/> (last visited January 13, 2016).

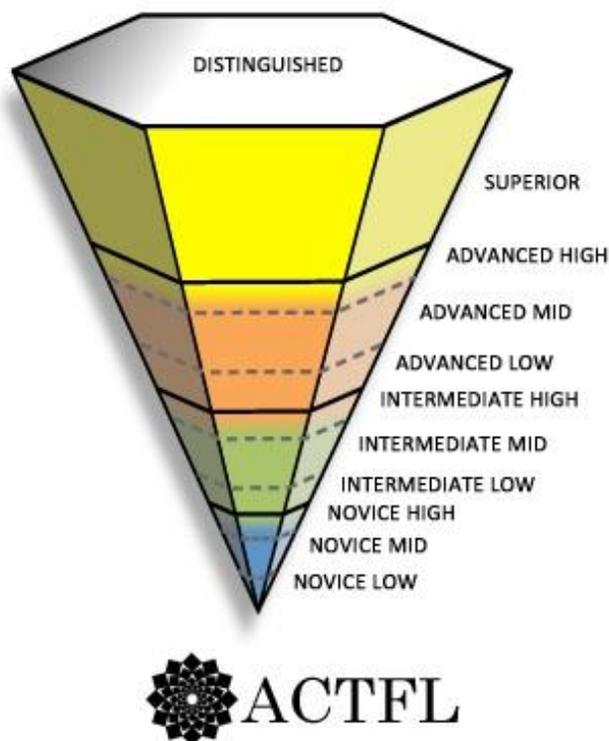
⁶ *Seal of Biliteracy Guidelines* at 3-5.

⁷ *Guidelines* at 4.

The guidelines also provide recommended procedures for awarding the seal to eligible students as follows:

- Adding the seal to the high school diploma or transcript and displaying the seal on a certificate or medal awarded to the student;
- Encouraging local districts and schools to make awarding the seal visible at graduation and any senior award ceremonies;
- Setting up a process for collecting, recording, and maintaining the data on students receiving the seal and the evidence upon which it is based, including the languages other than English in which students earned the Seal and the number of students earning the Seal who are former English learners.
- Providing a process that determines how a learner under certain circumstances could complete the requirements to demonstrate proficiency up to one year following high school graduation.⁹

The guidelines recommend states use the ACTFL's Proficiency Guidelines¹⁰ to establish qualifying scores on any identified tests: "The *minimum* target level should be Intermediate Mid based on the ACTFL Proficiency Guidelines."¹¹ The proficiency guidelines provide detailed descriptions of a student's ability to use a foreign language at different skill levels, which are generally represented in the following graphic:



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In addition, the Seal of Biliteracy guidelines encourage states to consider a two-tier seal to provide a higher option in the "Advanced" range.¹³ Utah has adopted such a two-tier system, awarding a

⁸ Guidelines at 4.

⁹ Guidelines at 5.

¹⁰ American Council on the Teaching of Foreign Languages, *ACTFL Proficiency Guidelines* (2012), available at http://www.actfl.org/sites/default/files/pdfs/public/ACTFLProficiencyGuidelines2012_FINAL.pdf.

¹¹ Guidelines at 3 (emphasis in original).

¹² American Council on the Teaching of Foreign Languages, *ACTFL Proficiency Guidelines* (2012), available at http://www.actfl.org/sites/default/files/pdfs/public/ACTFLProficiencyGuidelines2012_FINAL.pdf.

¹³ Guidelines at 3.

“Platinum” seal to students who score at the “Advanced Mid” level and higher and a “Gold” seal to students who score at the “Intermediate Mid” or “Intermediate High” levels.¹⁴

Effect of Proposed Changes

The bill establishes the Florida Seal of Biliteracy to recognize a high school graduate who has attained a high level of competency in listening, speaking, reading, and writing in one or more foreign languages in addition to English. Consistent with the recommendations in the seal of biliteracy guidelines, the bill differentiates two levels of competency, allowing students to earn a Seal of Biliteracy at either the “Gold” or the “Silver” level.

The bill provides the following definitions:

- “Biliteracy” means attainment of a high level of competency in listening, speaking, reading, and writing in one or more foreign languages in addition to English, which is signified on a high school graduate’s diploma and transcript as either a Gold or a Silver Seal of Biliteracy.
- “Foreign language” means a language other than English and includes American Sign Language, classical languages, and indigenous languages.
- “Gold” means the highest level of competency signified by the Seal of Biliteracy.
- “Silver” means the second-highest level of competency signified by the Seal of Biliteracy.

The Gold or the Silver Seal of Biliteracy must be awarded to a high school student who earns a standard high school diploma¹⁵ and demonstrates competency in a foreign language by:

- Earning four course credits in the same foreign language with a cumulative 3.0 grade point average or higher on a 4.0 scale;
- Achieving a qualifying score on a foreign language assessment, as determined by state board rule; or
- Earning the seal through alternative means as determined by state board rule.

The bill requires the state board to adopt rules to implement the program. The rules must include:

- A process to confirm a student's successful completion of the competency requirements;
- The assessments and corresponding scores required to earn the Gold or the Silver Seal of Biliteracy, which may not be set lower than the assessments’ passing scores, on at least one of the following:
 - An International Baccalaureate examination in the foreign language;
 - An Advanced Placement examination in the foreign language;
 - An SAT Subject Test examination in the foreign language; or
 - An Advanced International Certificate of Education examination in the foreign language.
- Alternative means by which a student may demonstrate equivalent competency in a foreign language, including the means by which a student whose native language is not English may demonstrate competency in his or her native language to earn the Gold or the Silver Seal of Biliteracy; and
- The award of foreign language course credits to a student who was not enrolled in a foreign language course or who did not complete the course but has demonstrated competency in a manner identified by the State Board of Education in rule.

Qualifying scores on assessments identified by the state board may not be set below the passing score.

¹⁴ See Education Week, *Utah Unveils New Wrinkle for Seal of Biliteracy Honor*, http://blogs.edweek.org/edweek/learning-the-language/2016/01/utah_to_establish_new_wrinkle_.html (last visited Jan. 14, 2016). See also Utah State Board of Education, minutes of meeting at 34-35 (Dec. 3-4, 2015).

¹⁵ A student must earn four credits in English language arts, pass the 10th grade standardized, statewide English Language Arts assessment, and earn a cumulative 2.0 GPA on a 4.0 scale to graduate from high school with a standard high school diploma. These requirements are consistent with the recommended English competency requirements provided in the guidelines.

In addition, the bill requires the Commissioner of Education to assist school districts in implementing the program by preparing and providing insignias for the Silver and the Gold Seal of Biliteracy and providing any other information necessary for successful implementation.

Each school district must:

- Maintain appropriate records to identify a student who has met the requirements to receive the Gold or the Silver Seal of Biliteracy;
- Provide the Commissioner of Education with the number of students who have met the requirements to receive the Gold or the Silver Seal of Biliteracy; and
- Affix the appropriate insignia to the student's diploma and indicate on the student's transcript that the student has earned the Gold or the Silver Seal of Biliteracy.

The bill prohibits the Department of Education and school districts from charging a fee for the seal.

B. SECTION DIRECTORY:

Section 1. Creates s. 1003.432, F.S.; defining terms; establishing the Florida Seal of Biliteracy Program to recognize a high school graduate who has attained a high level of competency in one or more world languages; providing the purpose of the program; specifying criteria to earn a Gold or a Silver State Seal of Biliteracy; requiring the Commissioner of Education and school districts to perform specified duties to administer the program; prohibiting a school district or the Department of Education from charging a fee for the State Seal of Biliteracy; requiring the State Board of Education to adopt certain rules.

Section 2. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS, *infra*.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There may be costs to the Department of Education related to producing and distributing insignias to be affixed to qualifying students' diplomas. Because the number of students who will qualify for a Seal of Biliteracy cannot be determined, the fiscal impact of the bill is indeterminate, but likely minimal.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules to implement the Florida Seal of Biliteracy program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 20, 2016, the K-12 Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute:

- Establishes the Florida Seal of Biliteracy Program, which awards a seal to students who have demonstrated competency both in English and a foreign language by the time they graduate from high school.
- Differentiates between two levels of competency (Gold – highest, Silver – second highest) based on guidelines published by the ACTFL and other groups.
- Establishes the framework for how a student must demonstrate competency in English and the foreign language (e.g., passing English Language Arts graduation requirements as demonstrated by earning a standard high school diploma; earning course credits in the foreign language or achieving certain scores on foreign language assessments).
- Requires the State Board of Education to adopt rules to implement the program, including the award of course credit for students who demonstrate competency, but are not enrolled in the associated course.
- Prohibits the Department of Education and school districts from charging a fee for the seal.

The bill analysis is drafted to the committee substitute reported favorably by the K-12 Subcommittee.