

116TH CONGRESS
2D SESSION

S. 3328

To award grants to States to establish or improve, and carry out, Seal of Biliteracy programs to recognize high-level student proficiency in speaking, reading, and writing in both English and a second language.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2020

Mr. SCHATZ introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To award grants to States to establish or improve, and carry out, Seal of Biliteracy programs to recognize high-level student proficiency in speaking, reading, and writing in both English and a second language.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Biliteracy Education
5 Seal and Teaching Act” or the “BEST Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The people of the United States celebrate
2 cultural and linguistic diversity and seek to prepare
3 students with skills to succeed in the 21st century.

4 (2) It is fitting to commend the dedication of
5 students who have achieved proficiency in multiple
6 languages and to encourage their peers to follow in
7 their footsteps.

8 (3) The congressionally requested Commission
9 on Language Learning, in its 2017 report “Amer-
10 ica’s Languages: Investing in Language Education
11 for the 21st Century”, notes the pressing national
12 need for more people of the United States who are
13 proficient in two or more languages for national se-
14 curity, economic growth, and the fulfillment of the
15 potential of all people of the United States.

16 (4) The Commission on Language Learning
17 also notes the extensive cognitive, educational, and
18 employment benefits deriving from biliteracy.

19 (5) Biliteracy in general correlates with higher
20 graduation rates, higher grade point averages, high-
21 er rates of matriculation into higher education, and
22 higher earnings for all students, regardless of back-
23 ground.

24 (6) The study of America’s languages in ele-
25 mentary and secondary schools should be encouraged

1 because it contributes to a student’s cognitive devel-
2 opment and to the national economy and security.

3 (7) Recognition of student achievement in lan-
4 guage proficiency will enable institutions of higher
5 education and employers to readily recognize and ac-
6 knowledge the valuable expertise of bilingual stu-
7 dents in academia and the workplace.

8 (8) States such as Utah, Arizona, Washington,
9 and New Mexico have developed innovative testing
10 methods for languages, including Native American
11 languages, where no formal proficiency test currently
12 exists.

13 (9) The use of proficiency in a government-rec-
14 ognized official Native American language as the
15 base language for a Seal of Biliteracy, with pro-
16 ficiency in any additional partner language dem-
17 onstrated through tested proficiency, has been suc-
18 cessfully demonstrated in Hawaii.

19 (10) Students in every State and every school
20 should be able to benefit from a Seal of Biliteracy
21 program.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) ESEA DEFINITIONS.—The terms “English
25 learner”, “secondary school”, and “State” have the

1 meanings given those terms in section 8101 of the
 2 Elementary and Secondary Education Act of 1965
 3 (20 U.S.C. 7801).

4 (2) NATIVE AMERICAN LANGUAGES.—The term
 5 “Native American languages” has the meaning given
 6 the term in section 103 of the Native American Lan-
 7 guages Act (25 U.S.C. 2902).

8 (3) SEAL OF BILITERACY PROGRAM.—The term
 9 “Seal of Biliteracy program” means any program
 10 described in section 4(a) that is established or im-
 11 proved, and carried out, with funds received under
 12 this Act.

13 (4) SECOND LANGUAGE.—The term “second
 14 language” means any language other than English
 15 (or a Native American language, pursuant to section
 16 4(a)(2)), including Braille, American Sign Lan-
 17 guage, or a Classical language.

18 (5) SECRETARY.—The term “Secretary” means
 19 the Secretary of Education.

20 **SEC. 4. GRANTS FOR STATE SEAL OF BILITERACY PRO-**
 21 **GRAMS.**

22 (a) ESTABLISHMENT OF PROGRAM.—

23 (1) IN GENERAL.—From amounts made avail-
 24 able under subsection (f), the Secretary shall award
 25 grants, on a competitive basis, to States to enable

1 the States to establish or improve, and carry out,
2 Seal of Biliteracy programs to recognize student
3 proficiency in speaking, reading, and writing in both
4 English and a second language.

5 (2) INCLUSION OF NATIVE AMERICAN LAN-
6 GUAGES.—Notwithstanding paragraph (1), each Seal
7 of Biliteracy program shall contain provisions allow-
8 ing the use of Native American languages, including
9 allowing speakers of any Native American language
10 recognized as official by any American government,
11 including any Tribal government, to use equivalent
12 proficiency in speaking, reading, and writing in the
13 Native American language in lieu of proficiency in
14 speaking, reading, and writing in English.

15 (3) DURATION.—A grant awarded under this
16 section shall be for a period of 2 years, and may be
17 renewed at the discretion of the Secretary.

18 (4) RENEWAL.—At the end of a grant term, a
19 State that receives a grant under this section may
20 reapply for a grant under this section.

21 (5) LIMITATIONS.—A State shall not receive
22 more than 1 grant under this section at any time.

23 (6) RETURN OF UNSPENT GRANT FUNDS.—
24 Each State that receives a grant under this section
25 shall return any unspent grant funds not later than

1 6 months after the date on which the term for the
2 grant ends.

3 (b) GRANT APPLICATION.—A State that desires a
4 grant under this section shall submit an application to the
5 Secretary at such time, in such manner, and containing
6 such information and assurances as the Secretary may re-
7 quire, including—

8 (1) a description of the criteria a student must
9 meet to demonstrate the proficiency in speaking,
10 reading, and writing in both languages necessary for
11 the State Seal of Biliteracy program;

12 (2) a detailed description of the State’s plan—

13 (A) to ensure that English learners and
14 former English learners are included in the
15 State Seal of Biliteracy program;

16 (B) to ensure that—

17 (i) all languages, including Native
18 American languages, can be tested for the
19 State Seal of Biliteracy program; and

20 (ii) Native American language speak-
21 ers and learners are included in the State
22 Seal of Biliteracy program, including stu-
23 dents at tribally controlled schools and at
24 schools funded by the Bureau of Indian
25 Education; and

1 (C) to reach students, including eligible
 2 students described in subsection (c)(2) and
 3 English learners, their parents, and schools
 4 with information regarding the State Seal of
 5 Biliteracy program;

6 (3) an assurance that a student who meets the
 7 requirements under paragraph (1) and subsection
 8 (c) receives—

9 (A) a permanent seal or other marker on
 10 the student's secondary school diploma or its
 11 equivalent; and

12 (B) documentation of proficiency on the
 13 student's official academic transcript; and

14 (4) an assurance that a student is not charged
 15 a fee for providing information under subsection
 16 (c)(1).

17 (c) STUDENT PARTICIPATION IN A SEAL OF
 18 BILITERACY PROGRAM.—

19 (1) IN GENERAL.—To participate in a Seal of
 20 Biliteracy program, a student shall provide informa-
 21 tion to the State that serves the student at such
 22 time, in such manner, and including such informa-
 23 tion and assurances as the State may require, in-
 24 cluding an assurance that the student has met the

1 criteria established by the State under subsection
2 (b)(1).

3 (2) STUDENT ELIGIBILITY FOR PARTICIPA-
4 TION.—A student who gained proficiency in a second
5 language outside of school may apply under para-
6 graph (1) to participate in a Seal of Biliteracy pro-
7 gram.

8 (d) USE OF FUNDS.—Grant funds made available
9 under this section shall be used for—

10 (1) the administrative costs of establishing or
11 improving, and carrying out, a Seal of Biliteracy
12 program that meets the requirements of subsection
13 (b); and

14 (2) public outreach and education about the
15 Seal of Biliteracy program.

16 (e) REPORT.—Not later than 18 months after receiv-
17 ing a grant under this section, a State shall issue a report
18 to the Secretary describing the implementation of the Seal
19 of Biliteracy program for which the State received the
20 grant.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this section
23 \$10,000,000 for each of fiscal years 2021 through 2025.

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