

118TH CONGRESS
2D SESSION

S. 3595

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, and early language programs.

IN THE SENATE OF THE UNITED STATES

JANUARY 17, 2024

Mr. SCHATZ (for himself, Mr. PADILLA, Ms. CORTEZ MASTO, Mrs. SHAHEEN, Ms. WARREN, Mr. WYDEN, and Mr. HEINRICH) 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, and early language programs.

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

10 (3) The congressionally requested Commission
11 on Language Learning, in its 2017 report “Amer-
12 ica’s Languages: Investing in Language Education
13 for the 21st Century”, notes the pressing national
14 need for more people of the United States who are
15 proficient in 2 or more languages for national secu-
16 rity, economic growth, and the fulfillment of the po-
17 tential of all people of the United States.

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

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

1 (6) The study of America’s languages in ele-
2 mentary and secondary schools should be encouraged
3 because it contributes to a student’s cognitive devel-
4 opment and to the national economy and security.

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

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

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

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

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) ESEA DEFINITIONS.—The terms “elemen-
2 tary school”, “English learner”, “local educational
3 agency”, “middle grades”, “secondary school”, and
4 “State” have the meanings given those terms in sec-
5 tion 8101 of the Elementary and Secondary Edu-
6 cation Act of 1965 (20 U.S.C. 7801).

7 (2) CLASSICAL LANGUAGE.—The term “clas-
8 sical language”—

9 (A) means—

10 (i) a language that is no longer spo-

11 ken; or

12 (ii) a language—

13 (I) the spoken varieties of which
14 diverge further away from the clas-
15 sical language over time; and

16 (II) that possesses an inde-
17 pendent literary tradition and a large
18 body of ancient written literature; and

19 (B) includes Greek, Latin, Chinese, Arabic,
20 and Sanskrit.

21 (3) NATIVE AMERICAN LANGUAGE.—The term
22 “Native American language” has the meaning given
23 the term in section 103 of the Native American Lan-
24 guages Act (25 U.S.C. 2902).

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

6 (5) SECOND LANGUAGE.—The term “second
7 language”—

8 (A) means any language other than—

9 (i) English; or

10 (ii) in a case where the provisions of
11 paragraph (2) of section 4(a) apply, the
12 Native American language of proficiency
13 described in such paragraph; and

14 (B) includes Braille, American Sign Lan-
15 guage, or a classical language.

16 (6) SECRETARY.—The term “Secretary” means
17 the Secretary of Education.

18 **SEC. 4. GRANTS FOR STATE SEAL OF BILITERACY PRO-**
19 **GRAMS.**

20 (a) ESTABLISHMENT OF PROGRAM.—

21 (1) IN GENERAL.—From amounts made avail-
22 able under subsection (f), the Secretary shall award
23 grants, on a competitive basis, to States to enable
24 the States to establish or improve, and carry out,
25 Seal of Biliteracy programs and early language pro-

1 grams that lead to a Seal of Biliteracy to recognize
2 student proficiency in both English and a second
3 language, which—

4 (A) shall be demonstrated through pro-
5 ficiency in speaking and writing in both lan-
6 guages; and

7 (B) may also be demonstrated through
8 reading and listening in both languages.

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

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

22 (4) RENEWAL.—At the end of a grant term, a
23 State that receives a grant under this section may
24 reapply for a grant under this section.

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

3 (6) RETURN OF UNSPENT GRANT FUNDS.—
4 Each State that receives a grant under this section
5 shall return any unspent grant funds not later than
6 6 months after the date on which the term for the
7 grant ends.

8 (b) GRANT PROGRAM.—A State that desires a grant
9 under this section shall submit an application to the Sec-
10 retary at such time, in such manner, and containing such
11 information and assurances as the Secretary may require,
12 including—

13 (1) a description of the criteria a student must
14 meet to demonstrate proficiency for the State Seal
15 of Biliteracy in both languages, which—

16 (A) shall include proficiency criteria for the
17 2 productive skills of speaking and writing; and

18 (B) may include proficiency criteria for the
19 skills of reading and listening;

20 (2) a detailed description of the State's plan—

21 (A) to ensure that English learners and
22 former English learners are included in the
23 State Seal of Biliteracy program;

24 (B) to ensure equitable access to the State
25 Seal of Biliteracy program for students with

1 identified disabilities, including vision and hear-
2 ing impairments and cognitive or learning dis-
3 abilities, that preclude demonstration of lan-
4 guage proficiency in one of the skills identified
5 in paragraph (1);

6 (C) to ensure that—

7 (i) all languages, including Native
8 American languages and American Sign
9 Language, can be tested for the State Seal
10 of Biliteracy program; and

11 (ii) Native American language speak-
12 ers and learners are included in the State
13 Seal of Biliteracy program, including stu-
14 dents at tribally controlled schools and at
15 schools funded by the Bureau of Indian
16 Education; and

17 (D) to reach elementary school and middle
18 grades students (including eligible students de-
19 scribed in subsection (c)(2), heritage language
20 learners, and English learners), their parents,
21 and schools with information regarding the
22 State Seal of Biliteracy program;

23 (3) an assurance that a student who meets the
24 requirements under paragraph (1) and subsection
25 (c) receives—

1 (A) a permanent seal or other marker on
 2 the student's secondary school diploma or its
 3 equivalent; or

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

6 (4) an assurance that a student is not charged
 7 a fee for providing information under subsection
 8 (c)(1).

9 (c) STUDENT PARTICIPATION IN A SEAL OF
 10 BILITERACY PROGRAM.—

11 (1) IN GENERAL.—To participate in a Seal of
 12 Biliteracy program, a student shall provide informa-
 13 tion to the State that serves the student at such
 14 time, in such manner, and including such informa-
 15 tion and assurances as the State may require, in-
 16 cluding an assurance that the student has met the
 17 criteria established by the State under subsection
 18 (b)(1).

19 (2) STUDENT ELIGIBILITY FOR PARTICIPA-
 20 TION.—A student who gained proficiency in a second
 21 language outside of school may apply to the State of
 22 the student's residence under paragraph (1) to par-
 23 ticipate in a Seal of Biliteracy program.

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

1 (1) the administrative costs of establishing or
2 improving, and carrying out, a Seal of Biliteracy
3 program that meets the requirements of subsection
4 (b);

5 (2) public outreach and education about the
6 Seal of Biliteracy program; and

7 (3) subgrants to local educational agencies for
8 language educator professional development, public
9 outreach, and subsidizing baseline and final Seal of
10 Biliteracy testing for low-income students.

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

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$10,000,000 for each of fiscal years 2024 through 2028.

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