

# ESL Rule and Policy Updates

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# Agenda

- Background
- Definitions
- Anti-Discrimination Policies and Practices
- Identification Procedures
- ILP Requirements
- ILP Oversight Requirements
- Direct Services Requirements
- Service Delivery Models
- Parental Notification and Rights
- Staffing Ratios
- Exit Criteria
- Contact Information



# Background



# Background

- ESL Policy 3.207 was converted into State Board Rule 0520-01-19.
  - It became official on July 6, 2021.
  - It was revised in Oct. 2022 to align with TISA.
  - It was revised again in May 2024 as TN shifted to ELPA21.
- 
- The requirements within the Rule will be monitored annually by the department for compliance through the Results-based Monitoring (RBM) process.
    - LEAs not meeting the requirements under the Rule will receive monitoring findings (which must be corrected) rather than just recommendations for improvement.





# Rule & Policy

- TN SBE 0520-01-19
- ESL Policy 3.207
- Policy includes entry and exit criteria (cut scores) and criteria for tailoring of services.
- Providing information specific to the assessment vendor in policy allows the department and State Board to update in a timely manner.



# Definitions



# Definitions- New

- **Co-Teaching Instruction**—the collaborative planning, organization, delivery, and assessment of instruction by a general education teacher and a teacher who holds an ESL endorsement that integrates content and language standards using an approved Direct ESL Service model
- **Pull-Out Instruction**—a teacher who holds an ESL endorsement delivers intensive language support to EL students in small groups or one-on-one settings outside of the general education classroom using an approved Direct ESL Service model

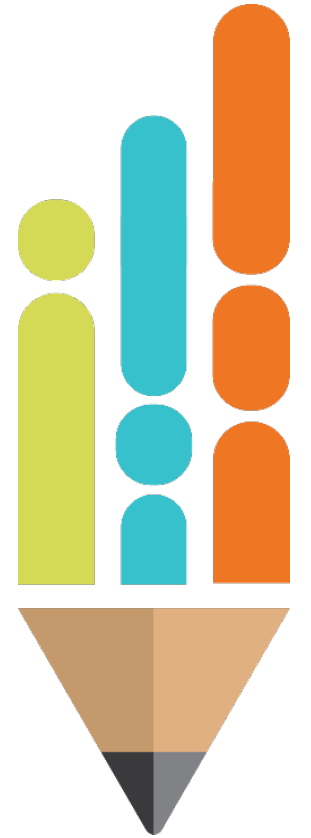


# Anti-Discrimination



# Anti-Discrimination Policies and Practices

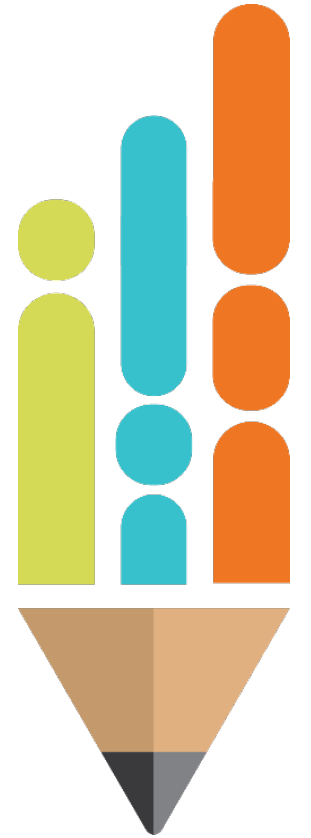
- LEAs shall have **anti-discriminatory policies** that preclude denial of equal education opportunities to individuals based on race, color, or national origin.
- LEA practices **shall not result in the inappropriate placement** of EL students in **or the exclusion from special programs or activities** based on English language proficiency or national origin.
- LEAs **shall not deny enrollment** to a student based on the students' or their parents' or guardians' actual or perceived citizenship or immigration status.



# Identification Procedures

# Home Language Survey (HLS)

- **Two step process:**
- **STEP 1)** Each LEA and public charter school shall administer a Home Language Survey (HLS) to identify NELB students.
  - Questions required:
    - The first language the student learned to speak,
    - The language the student speaks most often at home; and
    - The language that is most often spoken to the student at home.
  - If a language other than English is listed for any of the HLS questions, the student shall be classified as a Non-English Language Background (NELB) student.
  - Parents or guardians shall be interviewed to clarify any discrepancies in the HLS.



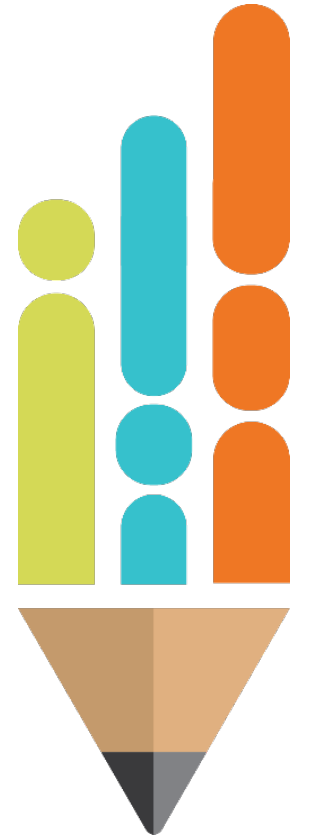
# HLS continued

- **An HLS should be completed only once in a student's educational career.**
- If the student has previously attended another LEA, the receiving school or LEA shall attempt to obtain the original HLS from the sending LEA.
- If the receiving LEA cannot obtain the original HLS after reasonable attempts to do so, it may re-administer the HLS, but shall mark it as a secondary HLS.
- If the original HLS is found, it shall replace the secondary HLS in the student's file.



# Home Language Survey

- **STEP 2)** LEAs shall screen all NELB students with a Department of Education-approved English language proficiency screener unless an NELB student has documentation from a previous state or LEA that he or she met the definition of Fluent English Proficient on the Department-adopted screener.
  - Must be completed within thirty (30) days of initial enrollment.





# Screening NELB Students

**NELB Students in  
Kindergarten first semester**

ELPA21 Dynamic Screener

**NELB Students in  
Kindergarten second  
semester through grade 12**

ELPA21 Dynamic Screener

- If a student has an IEP, the IEP team may exempt the student from domain(s) that are inaccessible due to the student's disability.

# NELB Students who May Need Alt

- NELB students with a disability and NELB students who cannot access the traditional screener due to a suspected disability shall be screened using the alternate screener

**NELB Students who May Need an  
Alternate Assessment**

Alt ELPA Screener

- If a student has an Individualized Education Program (IEP), the IEP team may exempt the student from domain(s) that are inaccessible due to the student's disability.

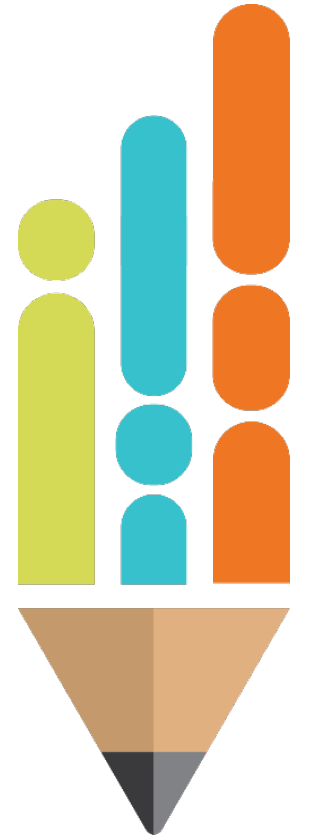
# Screening Criteria

Grade	Screener Used	Domains Administered	Qualifying Score for Entry
Kindergarten first semester	ELPA21 Dynamic Screener	All 4 domains unless an IEP exempts certain domains	Below three (3) in any non-exempt domain
Kindergarten second semester through Grade 12	ELPA21 Dynamic Screener	All 4 domains unless an IEP exempts certain domains	Below four (4) in any non-exempt domain
NELB students who are identified as requiring an alternate screener according to TN SBE 0520-01-19- Kindergarten through Grade 12	Alt ELPA Screener	Receptive modality (combined score for reading and listening domains) Productive modality (combined score for speaking and writing domains)	Below three (3) in any non-exempt modality

# Individual Learning Plans

# ILP Requirements

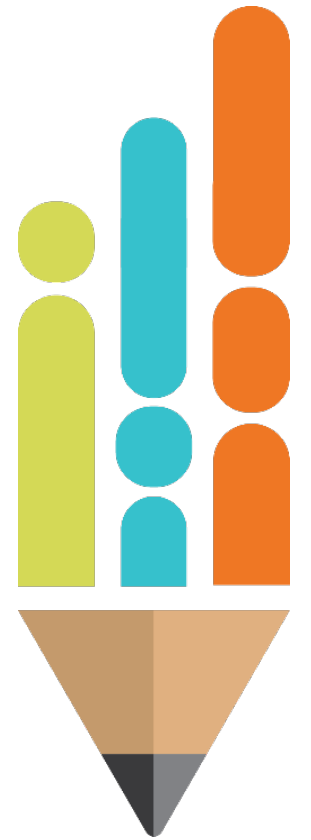
- Assessment Data-English Language Proficiency Assessment
- Relevant demographic data including years of ESL service, Long Term English Learner status, additional services (RTI, IEP, etc.)
- Data from other assessments may be included (TCAP, benchmarks, URS)
- Strategies, accommodations, and scaffolding that provide access to instruction (as decided by the ILP team)
- Short-term goals in each of the four domains
- Growth trajectories based on individual student data





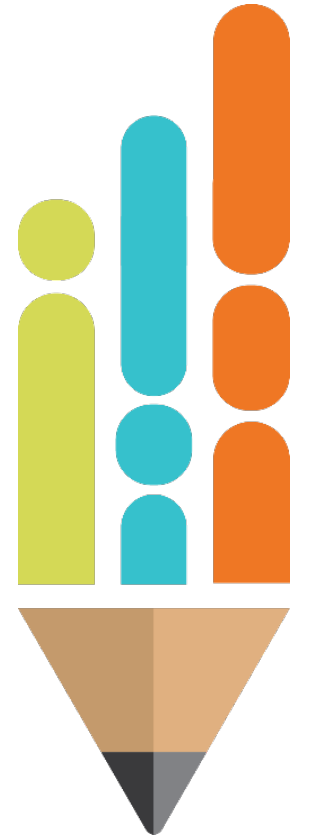
# ILP Requirements Grade Specific

- **K-Grade 3:** Direct ESL Services and language focused supports that provide access to classroom instruction aligned to grade-level academic standards
- **Grades 4-12:** Direct ESL Services and language, academic, and career-readiness supports that provide access to classroom instruction aligned to grade-level academic standards



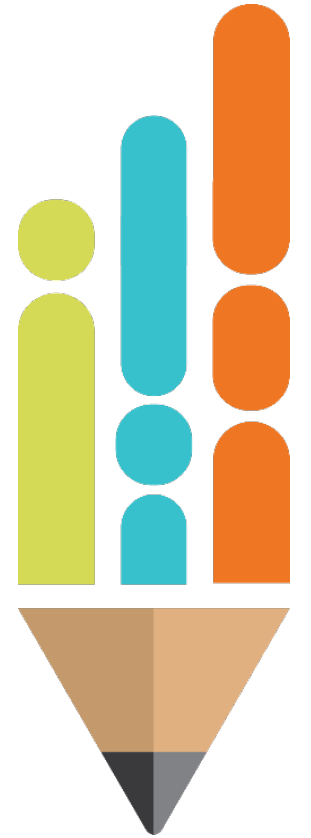
# ILP Requirements for Transitional Students

- Outline services in accordance with Transitional EL status and needs
- Relevant demographic data including years of ESL service, Long Term English Learner status, additional services (RTI, IEP, etc.)
- Data from other assessments may be included (TCAP, benchmarks, URS)
- Short-term academic goals
- Career readiness for grades 4-12
- Scaffolds for access to instruction for grades K-12



# Updates and Reviews to the ILP

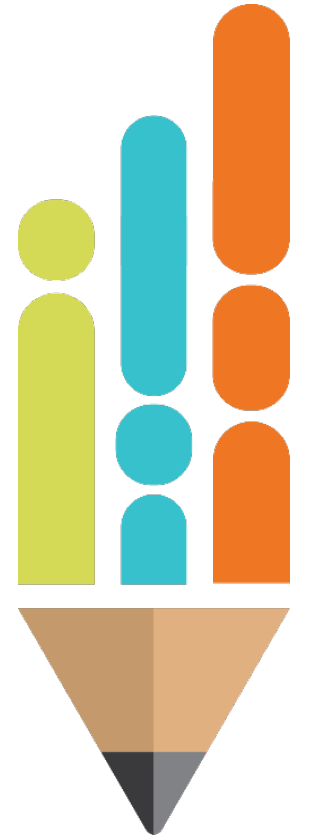
- The ILP Team reviews and revises, as necessary, each ILP at least annually



# ILP Oversight Requirements

# Oversight Plans Must Include Procedures Regarding:

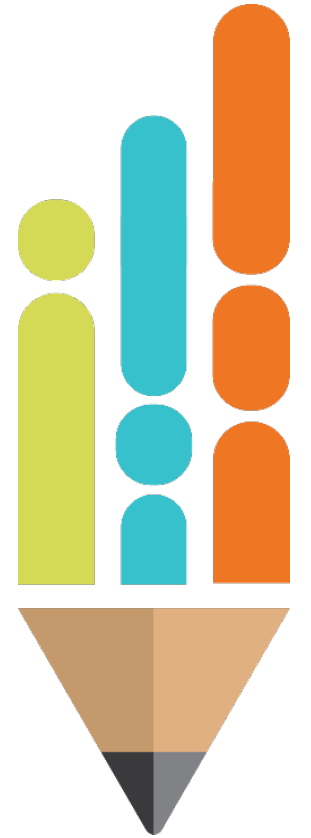
- Development of ILPs
- Monitoring of ILPs quarterly
- Provision of intensified support for ELs not meeting growth expectations
- Annual review and revision by ILP team
- Parental communication and involvement in ILP process
- Seamless coordination of services and supports for ELs with disabilities and/or characteristics of Dyslexia
- Training for teachers providing direct or indirect ESL services (ILP requirements, development, and implementation)
- Sufficient staffing and resources required to support the development and implementation of all ILPs across the LEA or public charter school





# ILP Oversight

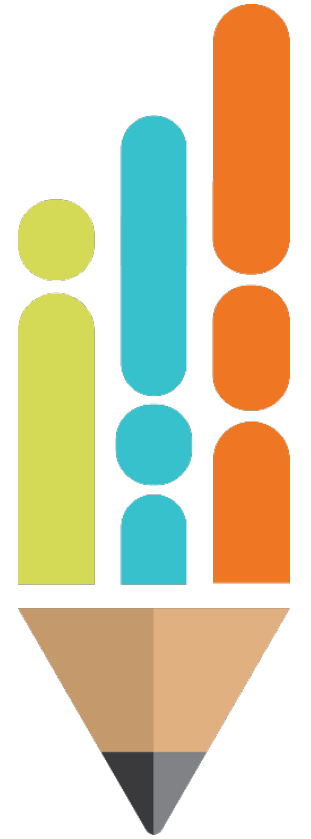
- LEAs shall monitor authorized public charter schools to ensure compliance with this Chapter.
- Teachers shall monitor the academic and English language proficiency growth of EL students through benchmarking, progress-monitoring, formative assessments, and/or summative assessments **at least quarterly**.



# Provision of Direct ESL Services

# Elementary School

- Minimum of one (1) hour of Direct ESL Service per school day from teacher who holds an ESL endorsement until student achieves a qualifying score for exit or a qualifying score for tailored services.



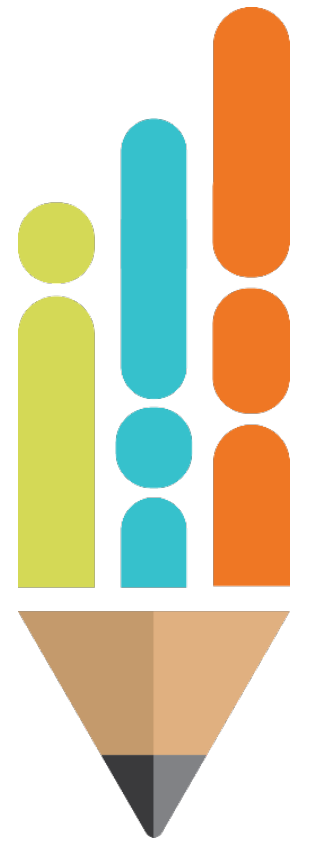
# Middle School and High School

- Minimum of one (1) hour of Direct ESL Service per school day
- OR**
- The equivalent of one full-class period of at least 45 minutes in duration per school day
  - Until student achieves qualifying score for exit or qualifying score for tailored services



# Parent Notification

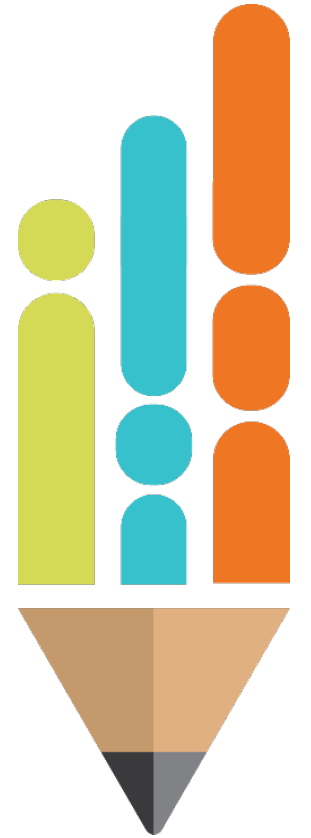
- Parents or guardians of ELs shall be annually informed of the right to waive placement of their child in ESL programs.
- Each LEA shall provide the parent/guardian the option to waive Direct ESL services before services are provided, or at any time during the school year.
- If a parent waives Direct ESL Services, the general education classroom teacher shall be responsible for providing Indirect ESL Services in the form of linguistically appropriate accommodations and scaffolding within the general education setting as described in the student's ILP.





# Required Training for All Teachers Who Provide Direct or Indirect ESL Services

- Tennessee English language development (ELD) standards
- Appropriate ESL instructional methods to use with grade-level academic content standards in English language arts, mathematics, science, and social studies
- English language acquisition training for general education teachers to understand the process of acquiring a second or subsequent language
- Strategies for collaboration between teachers serving EL students so that ILPs are developed and implemented by all educators
- Requirements regarding ILP development and implementation



# Tailoring of Services

- EL students in grades 1-12 who score at least a level four (4) in three (3) domains which shall include reading, writing, and either listening or speaking.
- **Note:** *Tailoring of services is based on the English language proficiency **assessment** scores, not English language proficiency screener scores.*

# Delivery Models & Service Models

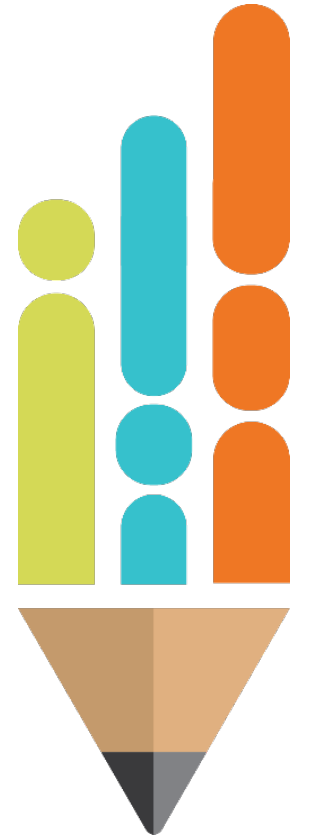
# ESL Services

- Provided through:
  - Scheduled ELD-aligned course instruction
  - Pull-out instruction: a teacher who holds an ESL endorsement delivers intensive language support to EL students in small groups or one-on-one settings outside of the general education classroom using an approved Direct ESL Service Model.
  - Co-teaching instruction: the collaborative planning, organization, delivery, and assessment of instruction by a general education teacher and a teacher who holds an ESL endorsement that integrates content and language standards using an approved Direct ESL Service model.



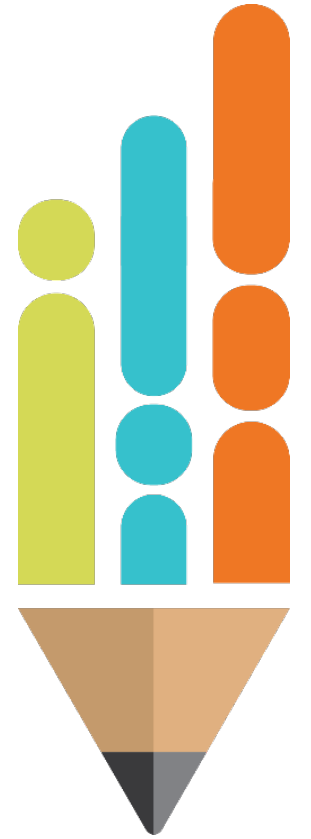
# ESL Services

- Provided in:
  - ESL classrooms
  - General education classrooms
  - Newcomer centers
  - Programs for RAELs
  - Virtual classrooms



# Approved Service Models

- Sheltered English Instruction
- Structured English Immersion
- Specially Designed Academic Instruction in English (SDAIE)
- Content-Based Instruction (CBI)
- Heritage Language Instruction
- Another model approved by the Department



# Another Model Approved by the Department

- Evidence-based and effective
- Provide effective Language Instruction Education Programs that meet the needs of ELs and demonstrate success in increasing ELP and student academic achievement
- Be aligned with the Tennessee ELD standards

**NOTE:** Requests for another model must be approved **before** an LEA uses that other model.

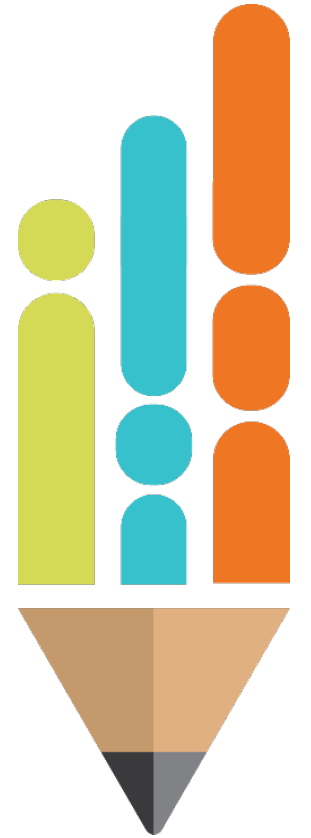


# ESL and Other Programs



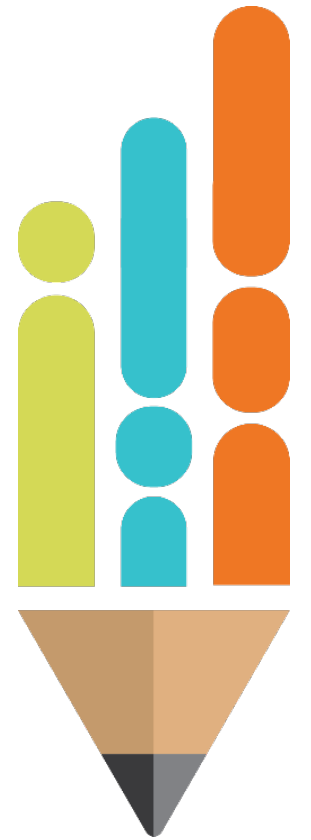
# ELs Suspected of Having a Disability

- All ELs suspected of having a disability are located, identified, and evaluated for special education and related services in a timely manner in accordance with state and federal laws.
- LEAs shall consider language proficiency of ELs when conducting special education and/or Section 504 evaluations.
- ELs shall not be identified as students with disabilities solely because of their limited English language proficiency.



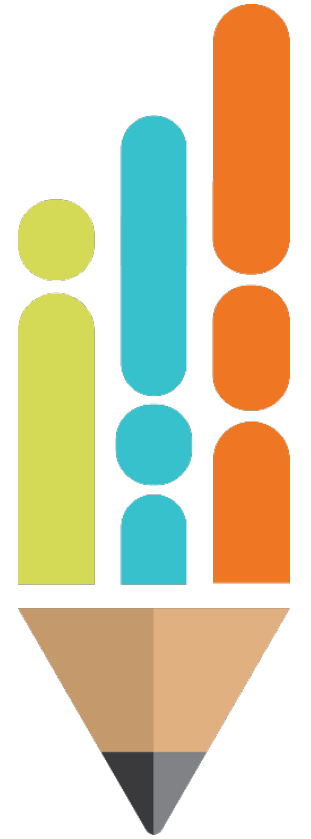
# Required Services

- LEAs shall provide EL students with disabilities with **both** the language assistance and disability-related services to which they are entitled under state and federal law.
- Neither Response to Instruction and Intervention (RTI<sup>2</sup>) nor special education services shall be used in place of Direct ESL Services.



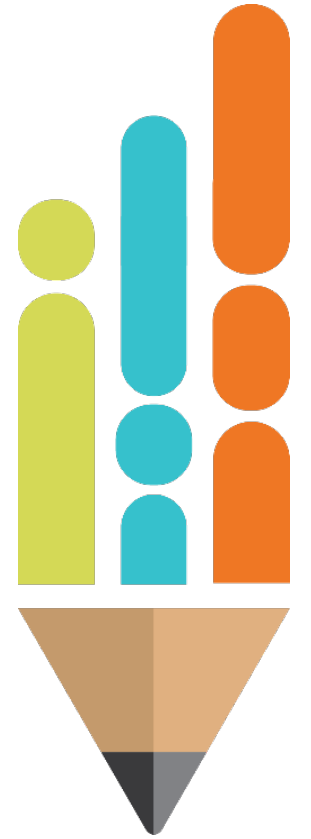
# ELs Suspected of Having Characteristics of Dyslexia

- LEAs shall consider the English language proficiency of ELs in determining the appropriate assessments and other evaluation materials to be used.
- ELs shall not be identified as having Characteristics of Dyslexia solely because of their limited English language proficiency.
- In addition to an ILP for English language proficiency, an LEA shall provide to an EL identified as having Characteristics of Dyslexia an ILP-D in accordance with state laws and regulations.



# ESL Course

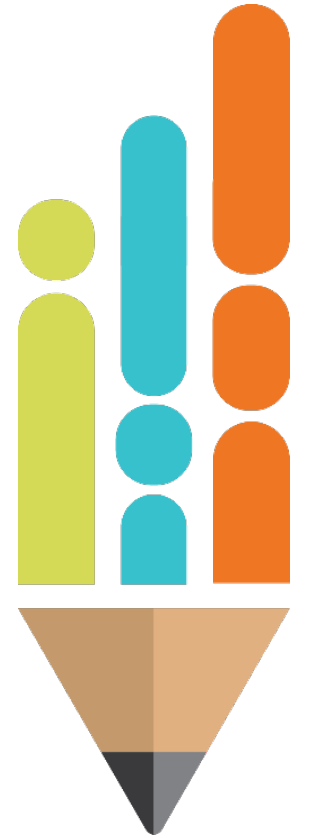
- Two high school ESL courses shall be counted toward the four English credits required for graduation.
  - At least one of the ESL courses counted toward graduation credits shall be counted toward credit in an English course with an end-of-course assessment.
  - Additional high school ESL courses shall be counted as elective humanities credits.



# Parent Notification and Rights

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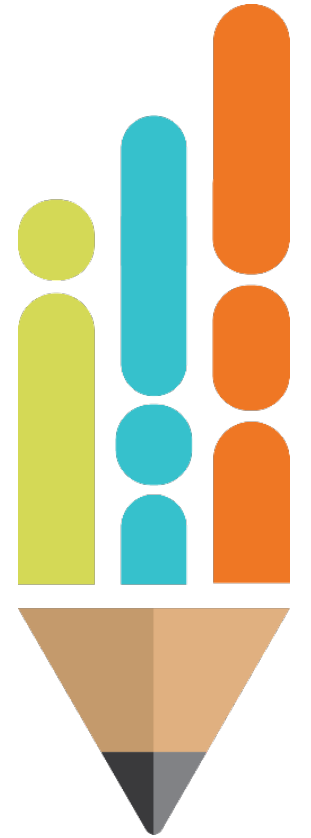
- LEAs shall communicate information related to identification, screening, and service delivery to parents or guardians of ELs in the language and method that parents or guardians can understand.
- Parents of guardians must be informed of the following:
  - ESL program type to be used
  - Length of time expected for completion of ESL services
  - How the student was assessed
  - Options related to program types
- Notification to parents or guardians must include:
  - Right to waive placement in ESL programs
  - Right to waive Direct ESL Service at any time
  - Scaffolding and accommodations to be provided



# Staffing Ratios

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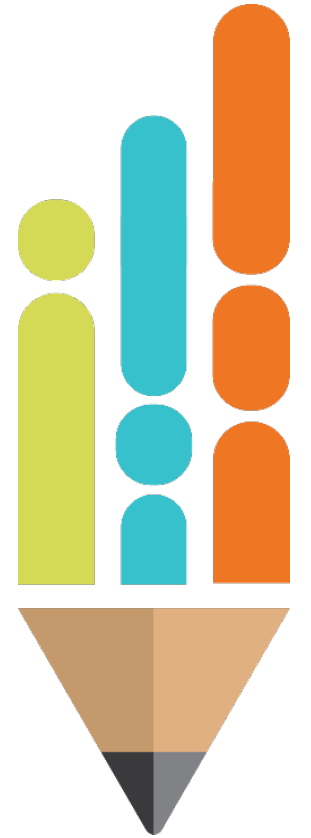
- LEAs shall
  - Provide adequate ESL staff to implement the chosen service model effectively
  - Adequately staff their ESL programs to meet state and federal requirements
    - Including having sufficient staff to ensure meaningful communication to parents or guardians, to identify ELs, and to monitor transitional ELs.
- ESL class sizes shall not exceed state-mandated grade-level class size requirements.
- The LEA-wide ESL program staffing ratio shall be based on an average of no more than thirty-five (35) identified EL students per FTE ESL teacher unless an alternate staffing ratio is approved by the department.





# Alternate Staffing Ratios

- May only be approved when the LEA can show adequate academic growth and proficiency with the EL student population and can prove that EL students are receiving the required hours of service.
- Requests for alternate staffing ratios shall include:
  - The number of EL students served
  - The proficiency levels of EL students
  - The academic growth of EL students
  - Evidence that no school in the LEA is Additional Targeted Support and Improvement (ATSI) based on EL subgroup
  - The most recent analysis for the EL subgroup for TCAP
  - The proposed staffing ratio
  - The justification for the alternate staffing ratio



# Exit Process

# Exit Criteria

## ELPA21 Summative Assessment

A score of four (4) or above in all non-exempt domains

**Alt ELPA Summative**  
(ELs who are identified on their IEP as requiring alternate assessments)

A score of three (3) or above in all non-exempt modalities

- **Receptive modality:** combined score for reading and listening domains
- **Productive modality:** combined score for speaking and writing domains

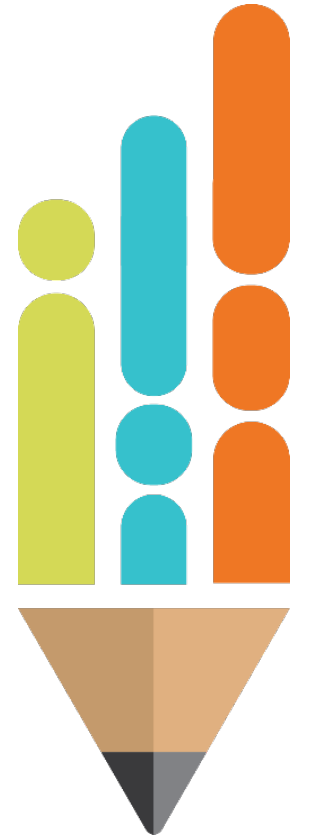
# Transitional ELs

- Students who exit Direct or Indirect ESL Services shall be considered Transitional EL for four (4) school years.
- T1 and T2
  - Must have transitional ILPs
  - Served in general education classroom
  - Monitored for two years
- T3 and T4 are included for EL subgroup accountability purposes.



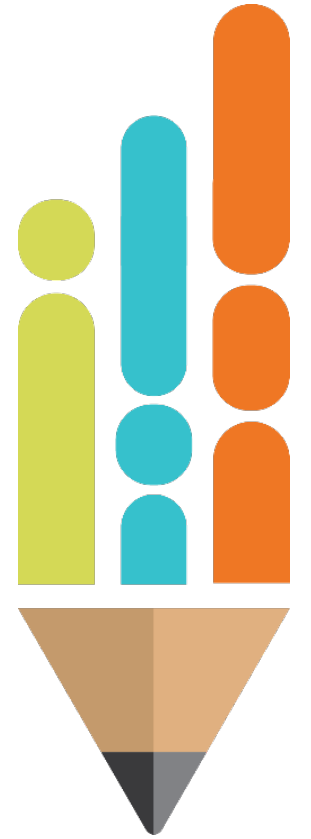
# Reclassification Procedure

- If a Transitional EL demonstrates difficulty in the general education classroom or fails to meet ILP benchmarks, academic interventions should be provided by a general classroom teacher or a teacher with an ESL endorsement.
- Each LEA shall have a written reclassification procedure to be used for exited ELs who require reentry if academic or non-academic interventions are unsuccessful.
  - Must include parent consent.



# Exited by Another State

- If a student was exited from ESL services by another state, the exit shall stand as valid.





# Thank You!

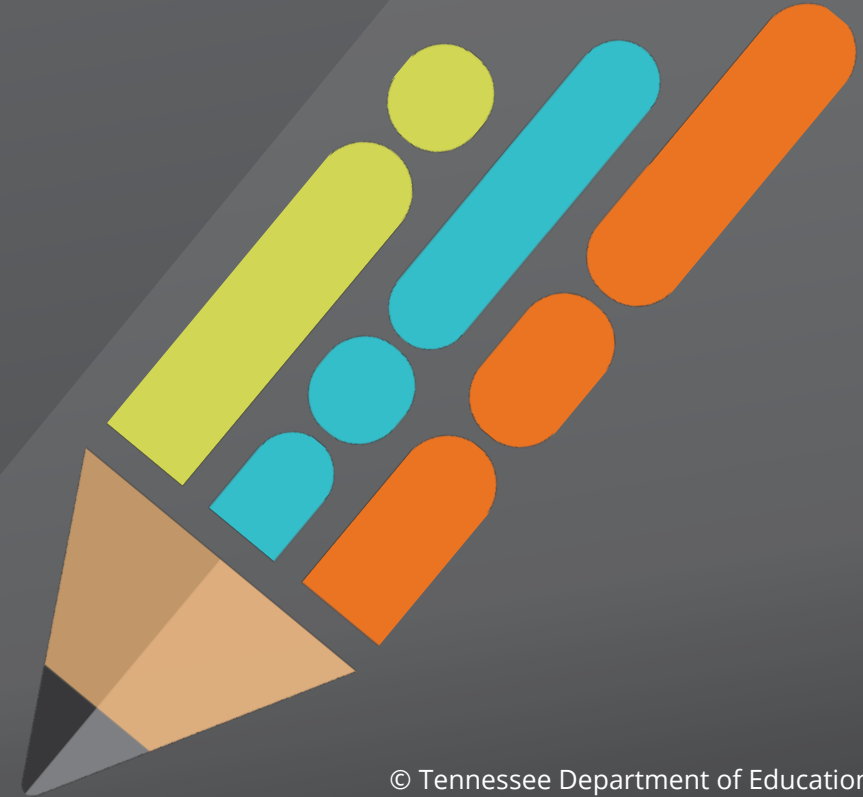
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# Please Share your Feedback:

You may access the survey by navigating here:

[https://stateoftennessee.formstack.com/forms/2024\\_federal\\_programs\\_institute\\_presentation\\_survey](https://stateoftennessee.formstack.com/forms/2024_federal_programs_institute_presentation_survey)





# Fraud, Waste or Abuse

Citizens and agencies are encouraged to report fraud, waste, or abuse in State and Local government.

NOTICE: This agency is a recipient of taxpayer funding. If you observe an agency director or employee engaging in any activity which you consider to be illegal, improper or wasteful, please call the state Comptroller's toll-free Hotline:

**1-800-232-5454**

Notifications can also be submitted electronically at:

**<http://www.comptroller.tn.gov/hotline>**