



# English as a Second Language (ESL) Rule: Chapter 0520-01-19

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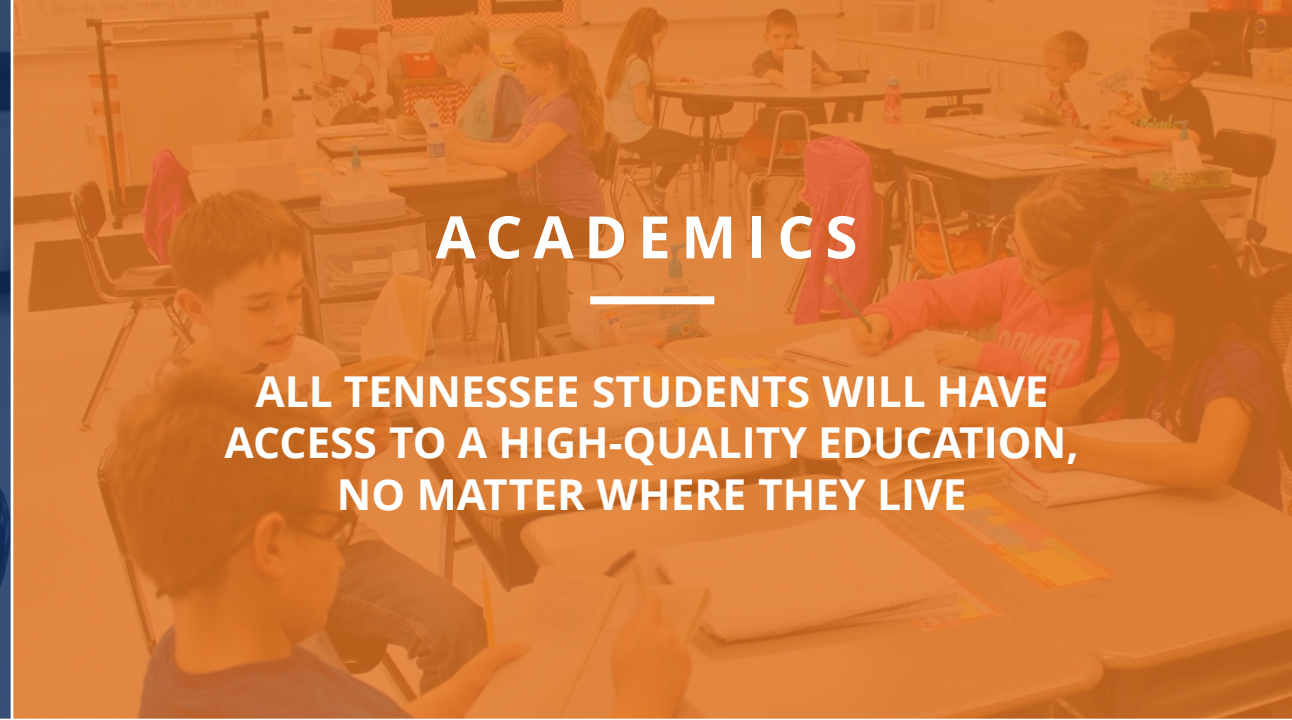
Sept. 1, 2022





# BEST FOR ALL

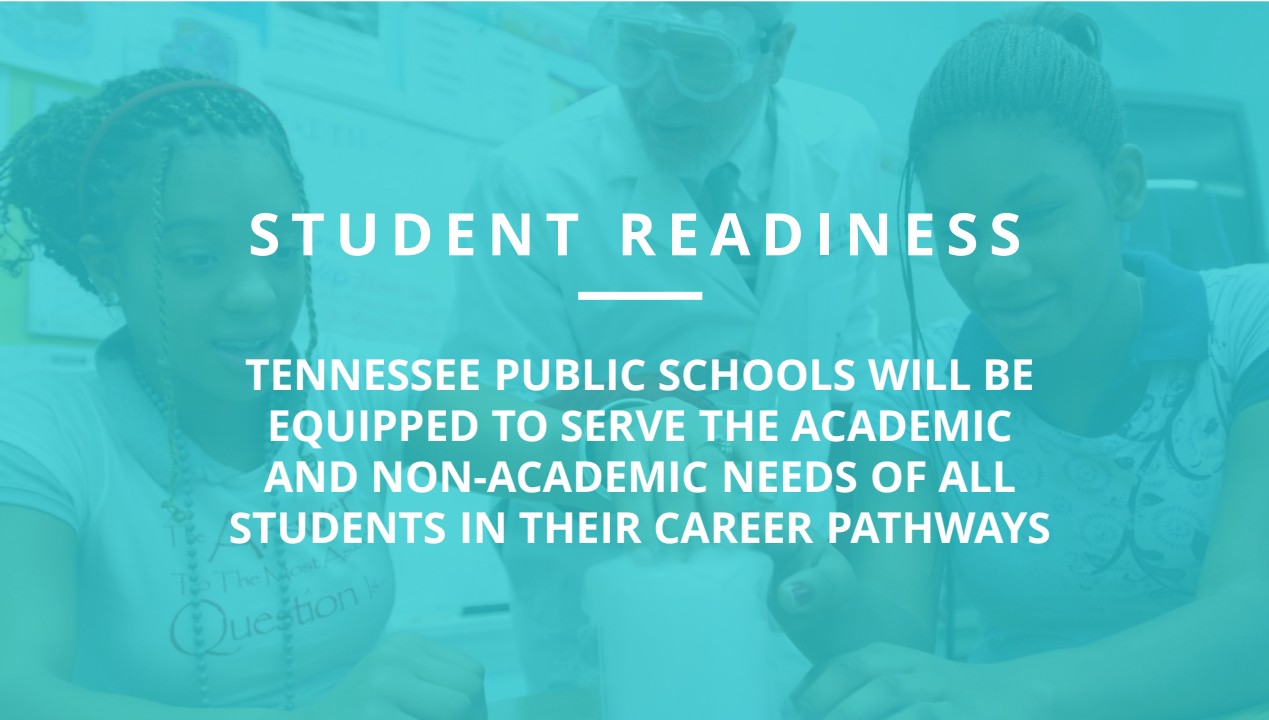
We will set all students on a path to success.



## ACADEMICS

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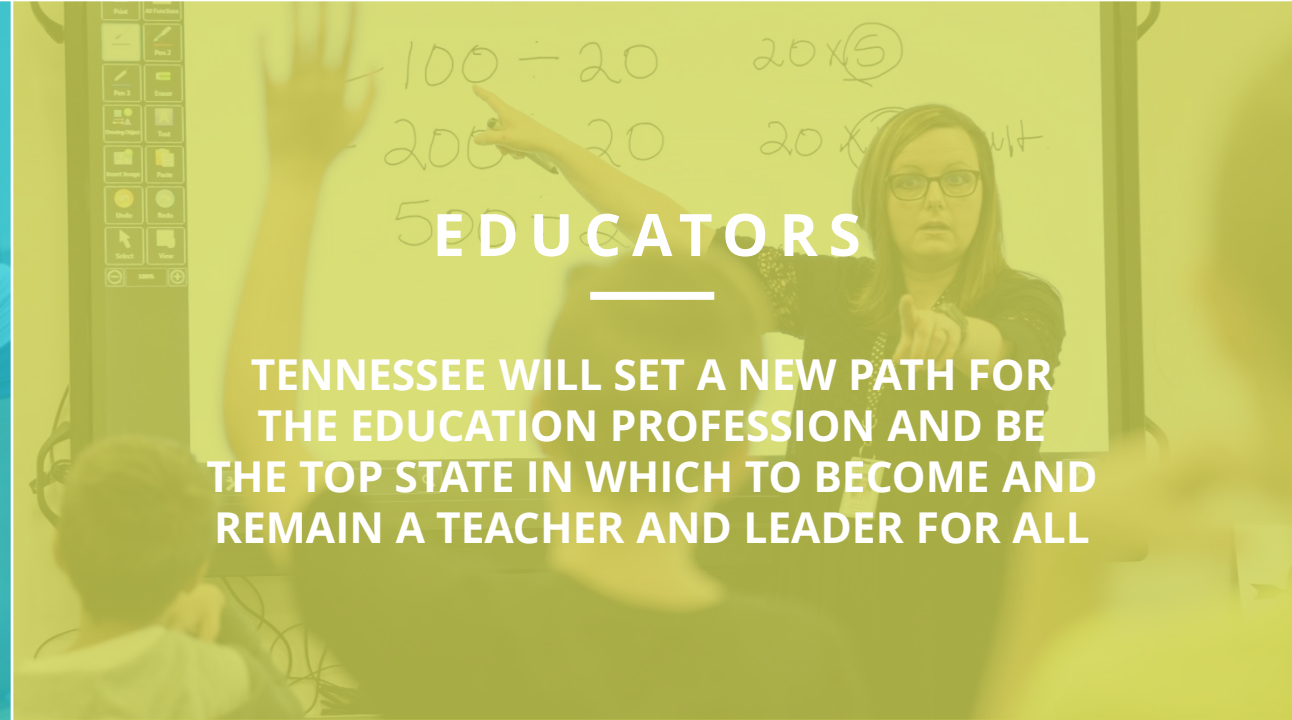
ALL TENNESSEE STUDENTS WILL HAVE ACCESS TO A HIGH-QUALITY EDUCATION, NO MATTER WHERE THEY LIVE



## STUDENT READINESS

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TENNESSEE PUBLIC SCHOOLS WILL BE EQUIPPED TO SERVE THE ACADEMIC AND NON-ACADEMIC NEEDS OF ALL STUDENTS IN THEIR CAREER PATHWAYS



## EDUCATORS

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TENNESSEE WILL SET A NEW PATH FOR THE EDUCATION PROFESSION AND BE THE TOP STATE IN WHICH TO BECOME AND REMAIN A TEACHER AND LEADER FOR ALL





# Agenda

- Background
- Anti-Discrimination Policies and Practices
- Proposed Changes for FY24
- Entrance Criteria for ESL Programs
- Service Delivery Models and Methods
- Parental Rights
- Staffing Ratios
- Exit Criteria
- Closing



# Norms and Expectations

- Take calls and necessary phone communications outside of the session room.
- Remain engaged.
- Visit a team member at the registration table if you have questions about the conference.
- All session slide decks are available in ePlan > TDOE Resources > Federal Programs and Oversight (FPO) > Federal Programs Professional Development > 2022 ESSA/ESSER Conference.



# Background

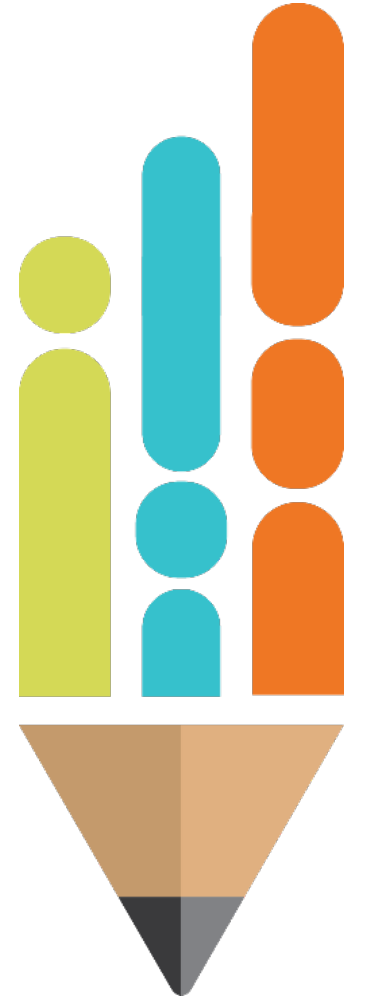


# Hand Up for “Yes,” Hand Down for “No”

1. Have you reviewed the ESL Rule 0520-01-19 before today?
2. Have you searched the new ESL Rule for answers related to ESL programming before today?

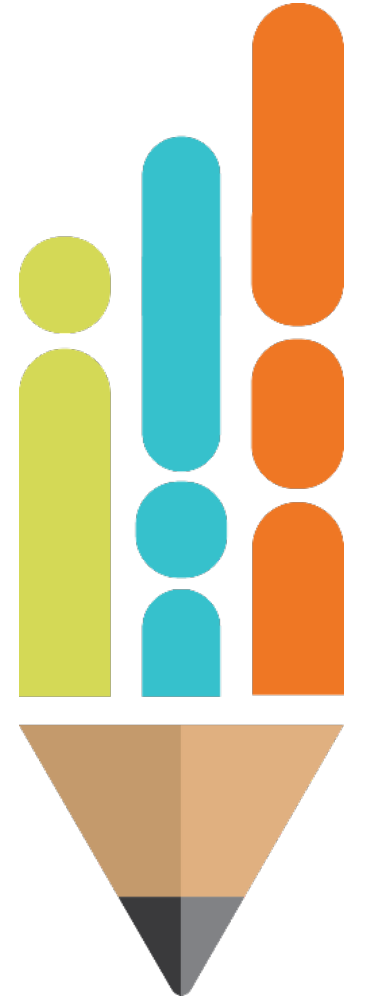
# Background

- ESL Policy 3.207 was converted into the English as a Second Language Rule Chapter 0520-01-19.
- This rule became effective on July 6, 2021.



# Background

- Rules carry the force of law.
- The requirements within the ESL Rule will be monitored annually by the department for compliance through the Results-based Monitoring (RBM) process.
  - Local education agencies (LEAs) not meeting the requirements under the ESL Rule will now receive monitoring findings (which must be corrected) rather than just recommendations for improvement.





# Anti-Discrimination Policies and Practices



# Anti-Discrimination Policies and Practices

- LEAs shall have **anti-discriminatory policies** that preclude the 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 student's or their parents' or guardians' actual or perceived citizenship or immigration status.



# Proposed Changes for FY24



# Changes for FY24



- These changes passed their first read (Aug. 11) and will begin implementation in FY24 (2023-24).
- In addition to short-term goals, strategies, accommodations, scaffolding, and growth trajectories, Individual Learning Plans (ILPs) for ELs must include:
  - **Assessment data** from ELPA, achievement assessments, benchmark data, universal reading data (K-8), TCAP data (4-8), and career-readiness data (9-12).
  - **K – 3 language-focused supports** to provide access to instruction aligned to grade level academic standards and classroom instruction.
  - **4 – 12 academic and career-readiness supports** that provide access to grade level academic standards and classroom instruction.
  - **Transitional supports** for T1 and T2.

# Changes for FY24



- Service hours:
  - Elementary students shall receive a minimum of one (1) hour of Direct ESL Services per school day.
  - EL students in middle and high school shall receive a minimum of one (1) hour of Direct ESL Service per school day or the equivalent of one (1) full class period of at least 45 minutes in duration.



# Entrance Criteria for ESL Programs



# Initial Identification

- Each LEA shall administer a **Home Language Survey (HLS)** **within thirty (30) days of initial enrollment** to identify Non-English Language Background (NELB) students. (SBE Rule 0520-01-19-.03)
- If the parent(s) and/or guardian(s) list a language other than English for any question on the HLS, the student shall be classified as a NELB student until screened for ESL services.
- NELB students shall be **screened** with the appropriate WIDA Screener within **thirty (30) days of initial enrollment**.





# Screening NELB Students

Students in  
**Kindergarten**  
or  
**Grade 1, first semester**

are screened with the  
**WIDA Screener for  
Kindergarten.**

Students in  
**Grade 1, second semester**  
or  
**Grades 2 – 12**

are screened with the  
**WIDA Screener.**

# Kindergarten Screener Cut Scores



NELB students screened in their first semester of Kindergarten will be screened with the WIDA Screener for Kindergarten (WSK).

NELB students screened in their first semester of Kindergarten will only be assessed using the speaking and listening domains.

If a student receives an oral composite score below 4.5 or a score below 4 in either domain, the student will be identified as an EL student and receive Direct ESL Services.

NELB students screened in their second semester of Kindergarten will be screened with the WIDA Screener for Kindergarten (WSK).

NELB students screened in their second semester of Kindergarten will be screened using the speaking, listening, reading, and writing domains.

If a student receives an oral composite score below 5 or a score below 4 in any domain, the student will be identified as an EL student and receive Direct ESL Services.

# Grades 1 – 12 Screener Cut Scores



NELB students who are screened in their first semester of first grade will be screened with the WIDA Screener for Kindergarten (WSK).  
NELB students screened in their first semester of first grade will be screened using the speaking, listening, reading, and writing domains.

If a student receives an oral composite score below 5 or a literacy composite score below 4.5, the student will be identified as an EL student and receive Direct ESL Services.

NELB students who are screened in their second semester of first grade, or at any point in grades two through twelve, will be screened using the WIDA screener.

Students who score below a 4.5 composite on the WIDA screener will be identified as an EL student and receive Direct ESL Services.



# Identification

- Students scoring **below the cut score** on the assigned screener shall be identified as an EL and **receive a minimum of one hour of Direct ESL service each school day** from a teacher who holds an **ESL endorsement**.
- All EL students (L and W) shall have an **Individual Learning Plan (ILP)**.
- Each LEA shall have an **oversight plan** for the service of ILPs.
- Teachers shall monitor both academic and English language proficiency growth for L, W, and transition 1 and 2 students.



# Waived/Indirect Services

- **Parents/guardians of EL students shall be informed of the right to refuse** placement of their children in ESL programs.
- If the parents/guardians waive Direct ESL services for the student, the **general education classroom teacher shall be responsible for providing Indirect (waived) ESL services.**
- LEAs shall ensure that **all teachers who provide Direct or Indirect ESL services are annually trained on delivering ESL instruction** through both ESL and academic standards.



# Tailoring of Daily Services



- **LEAs may tailor the services** provided to EL students in grades 1 – 12, including providing less than one (1) hour of Direct ESL Service per day based on the ILP for students who score:
  - **3.5 or higher on reading;**
  - **3.5 or higher on writing;** and
  - **3.5 or higher on either the speaking or listening** domains.

# Service Delivery Models and Methods



# Service Delivery Models Overview

- The service delivery model must be from the state board ESL Rule-Chapter 0520-01-19 **approved list of research-based models** or **approved by the department**.
- **More than one service delivery model can be utilized** by an LEA.
- The service model should **address the academic deficits** that are the result of the student's limited English proficiency and how those deficits may be remedied.
- Any service model selected should be aligned to the **Tennessee English language development standards (2020 WIDA Standards)** and Tennessee's academic standards.







# Service Delivery Models, Part One

- **Sheltered English Instruction:**

- Integrates language and content instruction by making grade-level content accessible.
- Teachers use clear, direct, and simple English while incorporating a range of scaffolding strategies to connect the new learning to prior learning. They provide collaboration opportunities while adapting the new academic material to students' English proficiency levels.

- **Structured English Immersion (SEI):**

- Uses English as the main content of SEI instruction and supports the academic content to acquire acquisition of English.
- Lessons are delivered through structured and sequential lessons based on the mainstreamed curricula.



# Service Delivery Models, Part Two

- **Specially Designed Academic Instruction in English (SDAIE):**
  - Teaches academic content using an array of strategies designed to help ELs.
  - These strategies include activating student knowledge, using think-pair-share, simplifying knowledge, brainstorming, modeling, and other effective classroom strategies.
- **Pull-Out Instruction:**
  - Takes students out of the content classroom to receive English language instruction.
  - Utilizing pull-out often allows for small group instruction.
  - This method may include students of varying proficiency levels.
  - This delivery method could be used with other service delivery models, such as SDAIE.



# Service Delivery Models, Part Three

- **Content-Based Instruction (CBI):**

- Provides EL instruction in content and language.
- CBI teaches the core curricula using authentic texts and language tailored to the language proficiency levels of the ELs in the classroom.

- **Heritage Language:**

- Uses the student's home language in the classroom for support of both the home and target languages.
- This method of instruction emphasizes for ELs the cultural connections and pride of the home language, history, and literature.

# Parental Rights



# Parental Notification and Rights



- LEAs shall communicate information related to identification, screening, and service delivery to the parent(s) or guardian(s) of EL students **in the language and method that the parent(s) or guardian(s) can understand.**
  
- Parents or guardians of EL students shall be informed of:
  - a. Their right to waive placement of their student in ESL programs;
  - b. Their right to remove their student from Direct ESL Service at any time; and
  - c. The scaffolding and accommodations to be provided in the general education setting via Indirect ESL Services if the parent(s) or guardian(s) waive Direct ESL Services.



# Title VI Civil Rights, Part One

- LEAs must take affirmative steps to ensure that EL students can participate meaningfully and equally in educational programs and services.

Identify EL students in a timely, valid, and reliable manner.

Offer all EL students an educational sound language assistance program.

Ensure EL students have equitable access to school programs, activities, and services.

Avoid unnecessary segregation of EL students from other students.

Monitor the progress of ELs learning English and doing grade-level work.

Remedy any academic deficits EL students incur while in a language assistance program.

Move ELs out of language assistance programs when they are proficient based on established exit criteria.

Monitor ELs to ensure they were not prematurely exited.

Evaluate the effectiveness of EL programs.

# Title VI Civil Rights, Part Two

- [Civil Rights Fact Sheets](#)



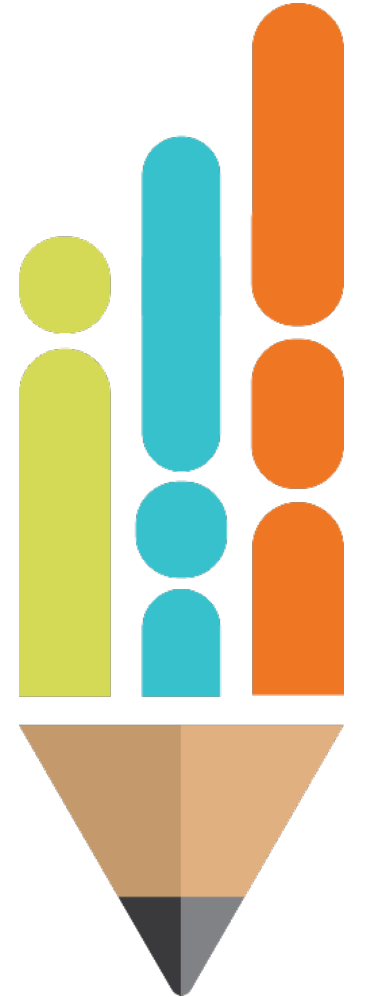
# Staffing Ratios





# Staffing Ratios

- LEAs shall provide adequate ESL staff to implement the chosen service delivery model effectively.
- LEAs shall implement ESL programs based on the following staffing ratio standards:
  - ESL class sizes shall not exceed state-mandated grade-level class size requirements; and
  - The staffing ratio shall be based on an average across the LEA of no more than **thirty-five (35) identified EL students per full-time equivalent ESL teacher.**



# Exit Criteria



# Exit Process



- EL students who score **4.4 composite or higher and 4.2 or higher for literacy** on the WIDA ACCESS shall be exited from Direct or Indirect ESL services.
- EL students who achieve a **P1 composite or higher and P1 literacy or higher** on the WIDA ALT ACCESS assessment shall be exited from Direct ESL Services.
- Students who exit Direct or Indirect ESL services shall be considered **transitional EL students for four (4) school years**.
- Transitional students **must be monitored for the first two (2) years** of the four (4) year transition period.

# Exit Process

- Transitional EL students shall be served in the general education classroom.
  - T1 and T2 EL students shall be monitored at a minimum **for two years**.
- If a transitional student demonstrates difficulty in the general education classroom, academic interventions should be provided by a general classroom teacher or a teacher with an ESL endorsement.



# Exit Process

- If a student has been exited from ESL services by another state, that exit shall stand as valid.
- Each LEA shall have a **written reclassification procedure** requiring strong justification to be used to re-enter exited EL students into the ESL program.
  - This process should be a team decision and involve multiple educators, parents, and students, where appropriate.



# Closing



# Review – True or False:

**Thumbs up** for true, **thumbs down** for false

1

ESL Rule-Chapter 0520-01-19 replaces ESL Policy 3.207.

2

The LEA shall administer a Home Language Survey within 30 days of initial enrollment.

3

Students scoring below a 4.5 on the assigned screener shall be identified as an EL and receive a minimum of one hour of direct ESL service each school day from a teacher who holds an ESL endorsement.

4






LEAs must take affirmative steps to ensure that ELs can participate meaningfully and equally in educational programs and services.

5

ELs who score 3.5 composite or higher and 4.0 or higher for literacy on the WIDA ACCESS or P1 on the WIDA ALT ACCESS shall be exited from direct or indirect ESL services.

# Review – True or False:

Thumbs up for true, thumbs down for false

-  ESL Rule-Chapter 0520-01-19 replaces ESL Policy 3.207.
-  The LEA shall administer a Home Language Survey within 30 days of initial enrollment before school begins.
-  Students scoring below a 4.5 on the assigned screener shall be identified as an EL and receive a minimum of one hour of direct ESL service each school day from a teacher who holds an ESL endorsement.
-  LEAs must take affirmative steps to ensure that ELs can participate meaningfully and equally in educational programs and services.
-  ELs who score 3.5 composite or higher and 4.0 or higher for literacy on the WIDA ACCESS or P1 on the WIDA ALT ACCESS shall be exited from direct or indirect ESL services.



# Contact Information

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**Questions?**

# Thank You!



# 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>**

# Please Share your Feedback:

- Here is a link (and QR code) to the session's unique survey:  
[English as a Second Language Rule: Chapter 0520-01-19 Feedback](#)

