



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

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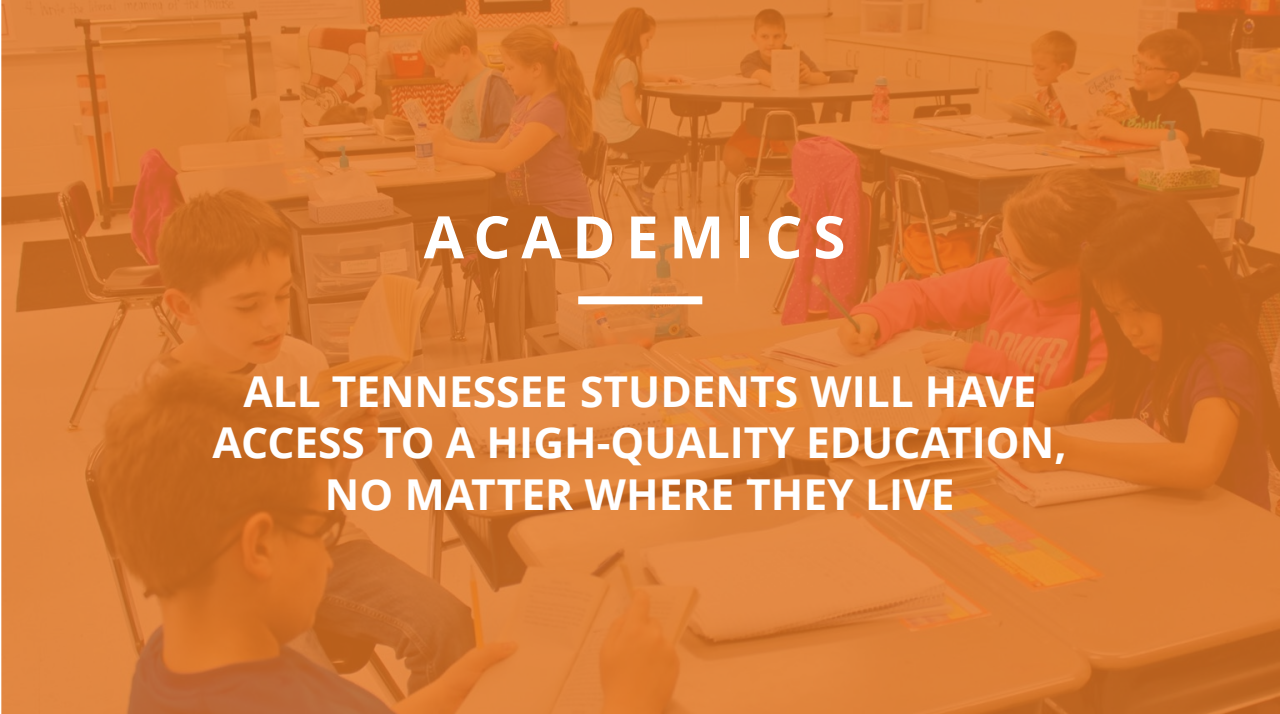
April 27, 2023





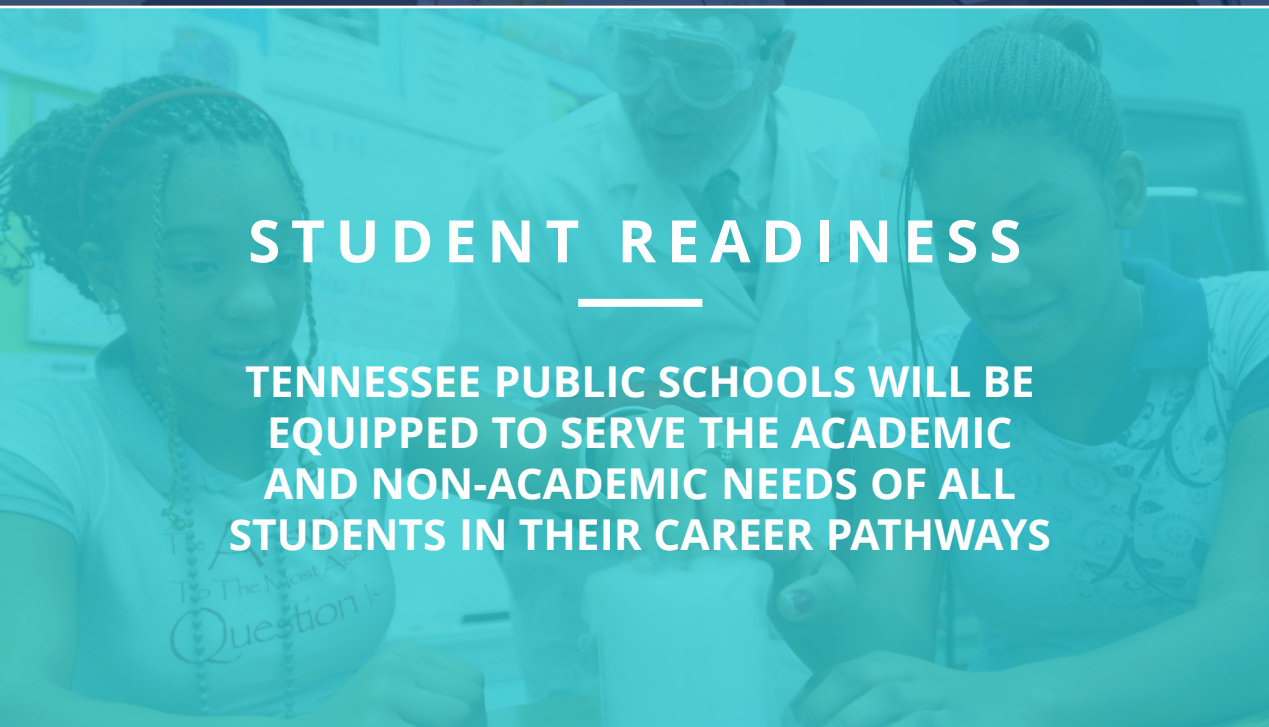
BEST FOR
ALL

We will set all students on a path to success.



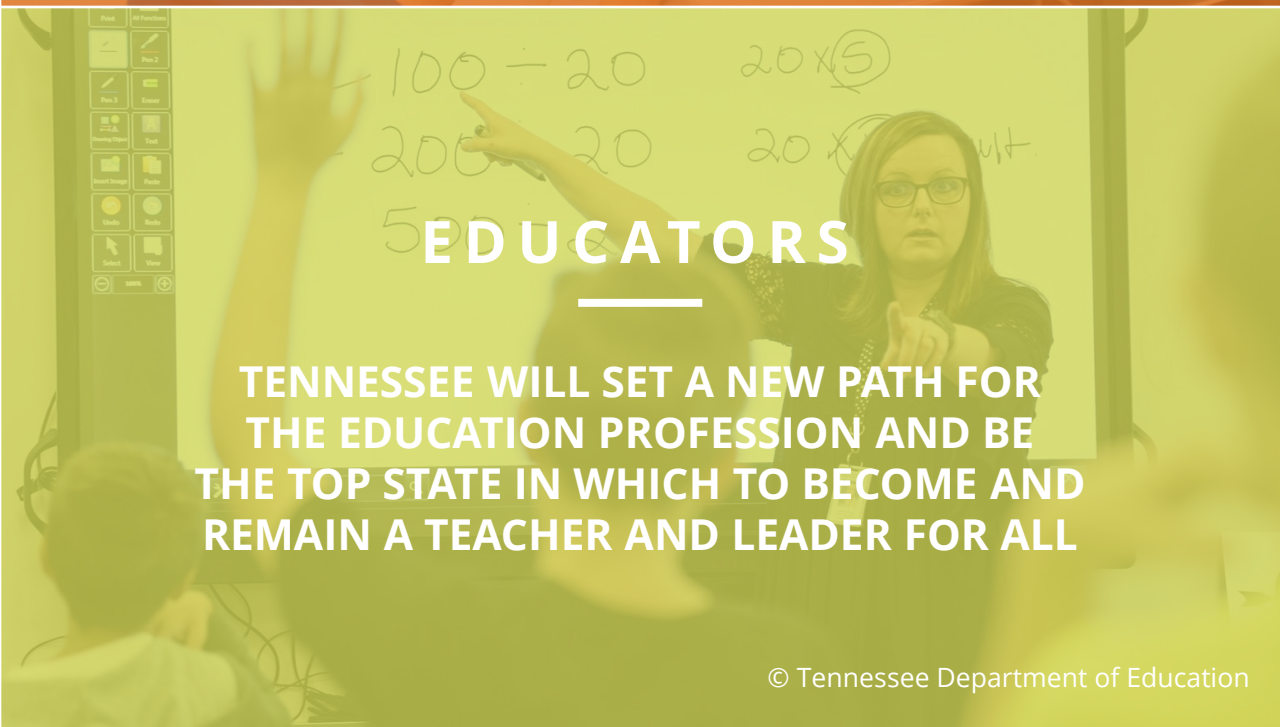
ACADEMICS

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



STUDENT READINESS

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



EDUCATORS

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



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 English Learner (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.



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**.



Home Language Survey

Home Language Survey

Student's Name	<input type="text"/>
Student's Date of Birth	<input type="text"/>
Student's Country of Birth	<input type="text"/>
Student's Grade	<input type="text"/>
DCS School Name	<input type="text"/>

1. What is the first language you learned to speak?
2. What language do you speak most often outside of school?
3. What language do people usually speak in your home?

If the answer to any of these questions is a language other than English, the child will be classified as Non-English Language Background (NELB) and must be screened for English language proficiency. The YDC Principal (or designee) should immediately contact the DCS Education Division. The youth and guardian will be informed of their right to have an interpreter present at all meetings they participate in with DCS staff. The youth and guardian will be given the opportunity to have documents translated or interpreted in a language they can understand. Please have the youth and parent sign below acknowledging their understanding of these rights.

My signature below is an acknowledgement that I have been informed of my rights to request translation or interpretation of meetings, forms and other documents into a language I can understand as needed.

Youth's Signature

Print Youth's Name

Date Youth Signed

Guardian's Signature

Print Guardian's Name

Date Guardian Signed

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.



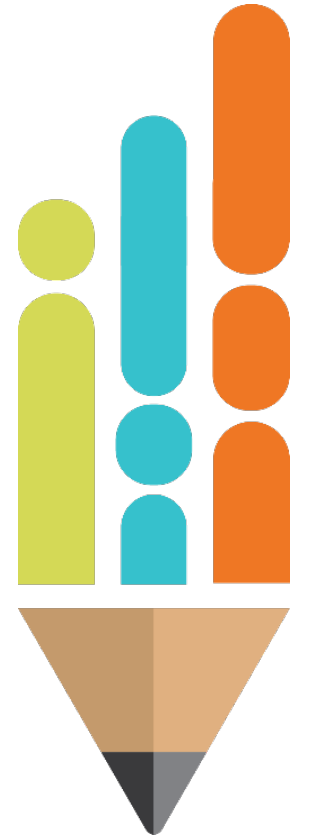
Grades 1 – 12 Screener Cut Scores

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 EL and **receive a minimum of one hour of Direct ESL service each school day** from a teacher who holds an **English as a Second Language (ESL) endorsement**.
- All English Learners (EL) students (L and W) shall have an **Individual Learning Plan (ILP)**.
- Each Local Education Agency (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** the 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 the acquisition of English.
- Lessons are delivered through structured and sequential lessons based on the mainstream 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.



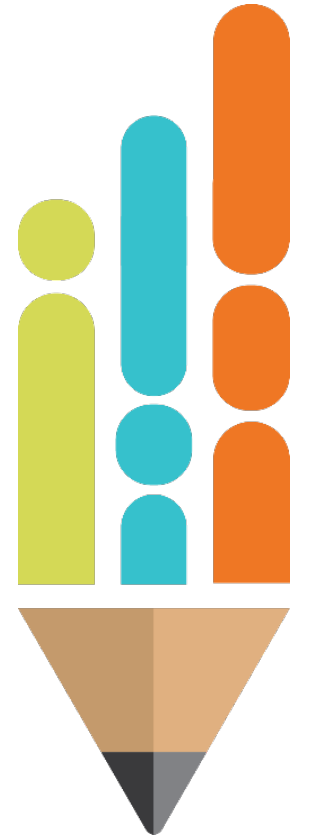
Service Delivery Models, Part Three

▪ **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.

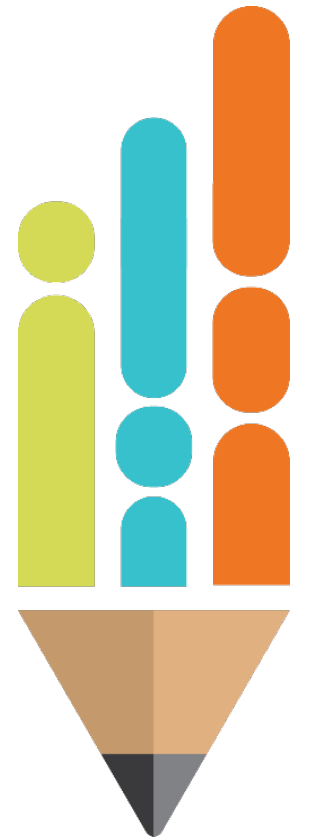


Service Delivery Models, Part Four

- **Virtual ESL class:**

- Supplements other ESL models via providing another delivery method.
- The teacher must understand virtual instructional tools to incorporate differentiated language instruction and social-emotional learning in a structured environment.

- Other models that are effective and researched-based may be approved by the department.



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

- 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, cont.

- [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.**





Staffing Ratios

- To submit an ESL staffing ratio waiver request, complete the [LEA Waiver Request Form](#) explaining the LEA's request in detail.
- Waivers may only be granted by the commissioner.
- Send requests to Commissioner.Schwinn@tn.gov

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.



Changes for FY24

Changes for FY24

- These changes passed their final read (Oct. 28, 2022) 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 the English Language Proficiency Assessment (ELPA), achievement assessments, benchmark data, universal reading data (K-8), Tennessee Comprehensive Assessment Program (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.

Closing



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.
 - 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.





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Questions





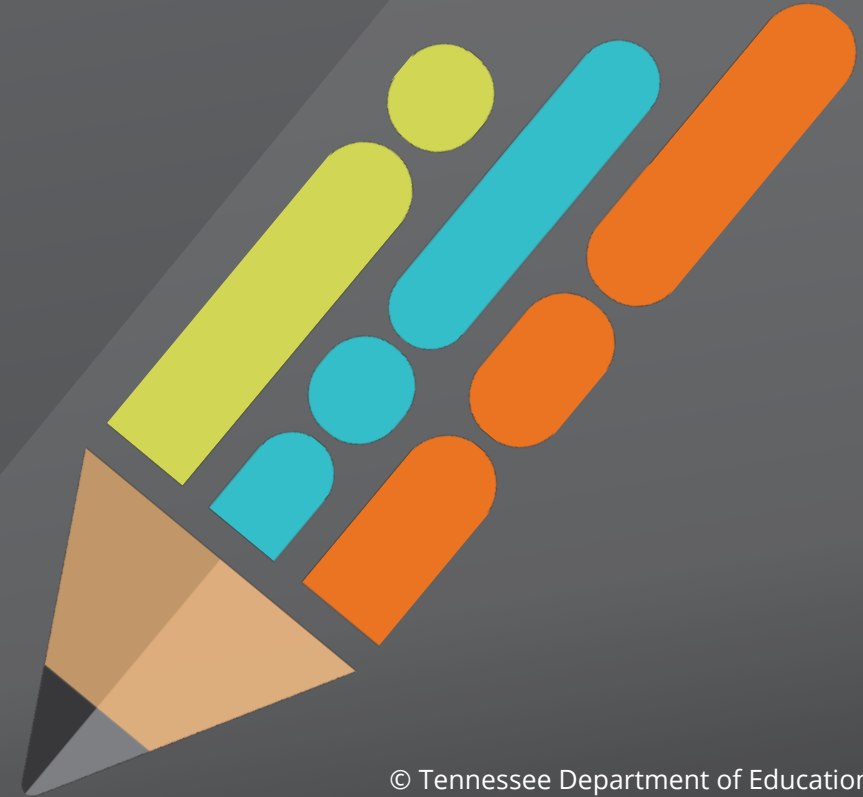
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*A child's family is their first teacher, and we want to **empower our Tennessee families with resources to support their child's learning and reading comprehension at an early age.***

- Commissioner Penny Schwinn

Please Share your Feedback:

<https://tinyurl.com/naesummit>





Thank You!

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