

English as a Second Language Staffing Ratio Guidance

[Tennessee State Board Rule 0520-01-19-.05](#) establishes the required English as a Second Language (ESL) staffing ratios for local education agencies (LEAs). Under the rule, LEAs must:

- 1. Provide adequate staff to implement service delivery models effectively, as documented by the progress in English language proficiency and academic content of their English Learner (EL) students:ⁱ**
 - LEAs must have enough teachers providing ESL services to meet the needs of ELs.

- 2. Adequately staff their ESL programs to meet state and federal requirements:ⁱⁱ**
 - LEAs must provide sufficient staff to ensure meaningful communication with parents or guardians of EL students.
 - This includes providing translation and interpretation services by a qualified person or contracted service.
 - LEAs must provide sufficient staff to identify EL students.
 - Identification of ELs must be done by a teacher with an ESL endorsement, who has completed State adopted English language proficiency screener training, with the appropriate screening tool within 30 days of enrollment.
 - LEAs must provide sufficient staff to monitor transitional students.
 - LEAs must ensure that ESL teachers meet state requirements and have the necessary skills to effectively teach in the ESL program.
 - LEAs are responsible for hiring qualified and certified teachers and supporting unqualified staff as they work towards becoming qualified within a reasonable period of time (i.e., two years).
 - LEAs who cannot hire an adequate number of staff to fully implement ESL programs must ensure that staff working with ELs obtain trainingⁱⁱⁱ.
 - LEAs must offer language assistance services based on student needs as well as staffing levels and/or teacher availability.^{iv}
 - LEAs must annually train all teachers who provide direct and indirect ESL services.^v
 - LEAs must train special education teachers to support EL students with disabilities.
 - LEAs must provide adequate resources for ELs including support staff, as needed.
 - LEAs must ensure administrators are trained to evaluate teachers who provide ESL services

- 3. Meet the two criteria of effective and compliant ESL programs by ensuring:^{vi}**
 - ESL class sizes do not exceed state-mandated grade-level class size requirements in [State Board Rule 0520-01-03.03](#).
 - The LEA-wide ESL program staffing ratio shall be based on an average of no more than **35 identified EL students per full-time equivalent ESL teacher** unless an alternate staffing ratio is approved by the Tennessee Department of Education (department).

- In order to determine whether the LEA has an adequate ratio to meet the requirements, the LEA should divide the number of English Learners, Waived (W), Transition Year 1 (T1), and Transition Year 2 (T2) students by the number of full-time equivalency teachers providing ESL services.
- While the department relies on the October 1 Count for the number of EL, W, T1, and T2 students, LEAs must meet ratio compliance throughout the year.
 - Any time the ratio is exceeded, the LEA must create a plan to hire an additional ESL teacher to provide services.
 - Paraprofessionals and tutors do not take the place of qualified ESL teachers but may be used to offer supplemental services^{vii}.

4. Alternative Staffing Ratio:^{viii}

- An LEA seeking approval for an alternative staffing ratio must show adequate academic growth and proficiency with the EL student population and must prove that EL students are receiving the required hours of service.
- LEAs seeking approval for a waiver for an alternate LEA-wide staffing ratio shall provide the following information upon application and, if approved, annually to the department:
 - 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 an Additional Targeted Support and Intervention (ATSI) school based on the EL student accountability subgroup;
 - The most recent analysis for the EL student subgroup for achievement assessments in reading/language arts, mathematics, and science;
 - The proposed staffing ratio that will be used in place of the recommended 35:1 ratio; and
 - The justification for the alternate staffing ratio.
- [Waiver Requests](#) should be sent to Commissioner.Education@tn.gov. The alternate staffing ratio may be approved for one year. Consecutive-year waivers will not be approved.
- LEAs who cannot provide qualified staff and sufficient resources must take effective steps to obtain them within a reasonable period of time.^{ix}

ⁱ SBE Rule 0520-19-01-.05(1)(a)

ⁱⁱ SBE Rule 0520-19-01-.05(1)(b)

ⁱⁱⁱ U.S. Dep't. of Educ., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (Jan. 7, 2015), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

^{iv} U.S. Dep't. of Educ., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (Jan. 7, 2015), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

^v U.S. Dep't. of Educ., English Learner Toolkit, Chapter 3 (April 2015), <https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap3.pdf>.

^{vi} SBE Rule 0520-19-01-.05(2)

^{vii} U.S. Dep't. of Educ., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (Jan. 7, 2015), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

^{viii} SBE Rule 0520-19-01-.05(3)

^{ix} U.S. Dep't. of Educ., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (Jan. 7, 2015), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.