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English as a Second Language (ESL) Program Policy 3.207

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**The Background:**

The English as a Second Language (ESL) Program Policy is designed to set minimum requirements for ESL programs in Tennessee and provide a framework for implementing effective educational programs for English learners (ELs).

This proposal seeks to update the WIDA ACCESS exit criteria from a composite score of 4.2 and a literacy score of 4.0 to a composite score of 4.4 and a literacy score of 4.2. The exit score is considered the threshold at which an English learner no longer requires ESL services.

Additionally, this proposal also seeks to establish exit criteria on the WIDA Alternate ACCESS at a composite score of P1 and a literacy score of P1. This exit criteria will ensure the English learners with significant cognitive disabilities will have the opportunity to exit from ESL services.

In addition to changes to the exit criteria across WIDA ACCESS 2.0 and WIDA Alternate ACCESS, this proposal seeks to adjust the score requirements on the WIDA ACCESS and W-APT to allow greater flexibility in tailoring ESL services.

There have been changes since first reading.

**The Fiscal Analysis Impact:**

T.C.A. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule, or regulation proposed to the State Board of Education. There would be no impact on BEP funding. It is estimated that Tennessee's federal Title III per-student allocation would decrease from \$139 to \$132 because funds would be spread across more ELs.

**Policy Justification:**

T.C.A. § 4-5-230 requires that justification for adopting an item as a policy instead of a rule be submitted to the chair of the Government Operations Committee. This item is proposed to be adopted as a policy because it defines or explains the meaning of a statute or rule and/or concerns only the internal management of state government that does not affect private rights or privileges. However, the State Board and the Department staff have identified this policy as one that needs to be at least partially moved into rule. State Board and Department staff are working on bringing rule revisions to the Board as soon as possible.

**The Recommendation:**

The Department of Education recommends approval of this item on final reading. The SBE staff concurs with this recommendation.