

English as Second Language (ESL) Program Policy 3.207

The Background:

Due to COVID-19 related school closures during the spring of the 2020 school year, some English Learner (EL) students were unable to complete all portions of the assessment used to exit English as a Second Language (ESL) programs. In response, at its special called meeting on April 9, 2020, the State Board of Education passed on final reading an update to ESL Policy 3.207 to provide additional pathways for students to exit ESL programs.

On May 18, 2020, the U.S. Department of Education released updated guidance on ESL exit criteria in light of COVID-19 school closures, and clarified that there is only one acceptable pathway for EL students to exit ESL programs. The U.S. Department of Education guidance states that ELs may only exit based on their scores in an assessment that measures proficiency in all four domains of language: reading, writing, speaking, and listening. Accordingly, ESL Policy 3.207 must be updated to remove two of the three pathways for exit approved on April 9. The Department is working to identify any districts that may have exited students based on those two pathways and determine appropriate next steps.

To accommodate LEAs that were unable to complete assessments for all ELs in the spring semester of 2020, the U.S. Department of Education has provided an extension of the deadline by when all EL students must be assessed for exit. LEAs now have the option to administer the required exit assessment in the fall semester of 2020, consistent with the state's English Language Proficiency exit procedures

WIDA, the state's assessment vendor, has offered to provide testing through the fall semester at no additional cost to the state for students who are missing domain scores and have incomplete assessments.

This policy also allows LEAs and public charter schools to provide a minimum of five (5) hours of direct services per week, rather than one (1) hour per day, if the LEA or public charter school is operating under an approved Continuous Learning Plan pursuant to State Board Rule 0520-01-17 during the 2020-21 school year.

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. This item has no financial impact on an LEA.

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.

The Recommendation:

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