

**English as a Second Language (ESL) Programs Rule
Identification, Screening, and Service Delivery 0520-01-19-.03**

The Background:

States, LEAs, and schools are required to provide specialized programs for students who are English Learners (ELs) to comply with Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA). Additionally, the Every Student Succeeds Act (ESSA) requires that states develop standardized entrance and exit criteria for EL students.

The English as a Second Language (ESL) Program Rule 0520-01-19-.03 outlines the identification, service delivery, and exit criteria for EL students, including the screeners used to identify students as qualifying for EL service.

WIDA – the state’s ESL vendor – has updated its Kindergarten screening instrument to reflect updated standards and to better align to the scale score for upper grades. The new WIDA Kindergarten screening instrument is called the WIDA Screener for Kindergarten (WSK). WIDA will no longer support the current Kindergarten screener, called the WIDA ACCESS placement test (WAPT), after the 2021-22 school year. Although WIDA will technically support the WAPT during the 2021-22 school year, the Department made the decision switch to the new WSK screener for the 2021-22 school year. The decision to switch to the new screener was communicated to districts over the course of the past school year (2020-21), and teachers have been trained on the WSK screener leading into the 2021-22 school year. LEAs will be provided the new WSK screener for the 2021-22 school year and will not have the ability to use the WAPT screener because none were purchased and provided to LEAs. This item revises the required Kindergarten screener from the Kindergarten WIDA ACCESS placement test (WAPT) to the WIDA Screener for Kindergarten (WSK) in order to bring the ESL rule into alignment with the new screener that will be used by districts in the 2021-22 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.

The Recommendation:

The Department of Education recommends acceptance of this item on first reading. The SBE staff concurs with this recommendation.