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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 standards for Tennessee school districts in providing services to non-English language background (NELB) students who are also limited English proficient (LEP). These students are referred to as English Learners.

This item presents several changes to the ESL Program Policy to reflect the newly adopted English language proficiency assessment (ELPA), the WIDA ACCESS and to incorporate new requirements for English Learner students established in the Every Student Succeeds Act (ESSA).

ESSA made two major language changes for English Learners.

- LEP students are now referred to as English Learners.
- The department is now required to maintain data on students in transition for 4 years rather than the 2 years previously required.

Tennessee also has a newly adopted ELPA, the WIDA ACCESS. Through the WIDA ACCESS assessment, Tennessee now adds a literacy requirement to exit criteria, as literacy is often referred to as the strongest indicator of academic success.

Key revisions made since first reading include:

- **Page 3:** Clarifying that an ESL certified or an ESL endorsed teacher must provide direct services to English Learners at the elementary level.
- **Page 3:** Clarifying that ESL course work must be provided by an ESL certified or an ESL endorsed teacher at the high school level.

**The Fiscal Analysis Impact:**

Tenn. Code Ann. § 49-1-212 requires that the Department of Education 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 adoption of this item on final reading. The SBE staff concurs with this recommendation.