
English as a Second Language (ESL) Program Policy 3.207

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 students who are also limited English proficient. These students are referred to as English Learners (ELs).

This item presents several changes to the ESL Program Policy to reflect minor clarifications and to align the policy with the new requirements for English Learner students established in the Every Student Succeeds Act (ESSA).

Below is a brief summary of the changes (page numbers reflect the tracked changes document):

- **Page 1:** Updates the date of the Civil Rights Act and clarifies that districts must also follow ESL guidelines issued by the department.
- **Page 3:** Clarifies the roles of Response to Intervention and Instruction (RTI²) and ESL instruction and clarifies the use of accommodations and modifications to ESL service.
- **Page 4:** Lowers the staffing ratio for ESL classes and clarifies exit criteria.
- **Page 6:** Adds use of WIDA screener to definition of beginning/intermediate English Learners and makes other small clarifying changes.

The Fiscal Analysis Impact:

Tenn. Code Ann. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule or regulation proposed to the State Board of Education. Currently the BEP provides funding for ELL at a ratio of 1:25. To the extent a district exceeds the proposed 1:35 ratio staffing will have to be increased. Districts may also propose an alternate staffing ratio if the district is showing adequate academic growth for the EL population and can prove that ELs are receiving the recommended hours of service.

The Recommendation:

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