

TENNESSEE STATE BOARD OF EDUCATION

ESL PROGRAM POLICY

3.207

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 often referred to as English Language Learners (ELLs).

States, districts, and schools are required to provide specialized programs for LEP students to comply with Title VI of the Civil Rights Act of 1965 and T.C.A 4-21-90. This ESL policy has two purposes. First, it establishes the minimum required compliance components for ESL programs in Tennessee. Second, it provides a framework for implementing effective educational programs for ELLs. The policy includes these components: anti-discriminatory policies and practices, identification of English Language Learners, parental notification and rights, service delivery models, and staffing ratios. The appendix includes the definitions of many of the terms used in this policy.

Anti-Discrimination Policies and Practices

To comply with Title VI of the Civil Rights Act of 1965, T.C.A 4-21-90, and the Equal Educational Opportunities Act of 1974, all school districts must have anti-discriminatory policies which preclude denial of equal education opportunities to individuals based on race, color, or national origin. To comply with anti-discriminatory policies, district practices must not result in the inappropriate placement of ELLs in or exclusion from special opportunity programs or activities based on English language proficiency or national origin. The Supreme Court decision, *Plyler v. Doe*, 1982, prohibits school districts from denying undocumented immigrant children a free public education and rejects the denial or exclusion of educational services for immigrant children due to financial burden.

Identification of English Language Learners

To comply with the ESL program policy, school districts must identify ELLs by following these two steps.

STEP 1: School districts administer the Home Language Survey to all students in the district. The Home Language Survey consists of three questions that will be asked of every parent enrolling his/her child in the school district. These questions are:

1. What is the first language this child learned to speak?
2. What language does this child speak most often outside of school?
3. What language do people usually speak in this child's home?

If the answer to *any* of the above questions is a language other than English, the child will be classified as Non-English Language Background (NELB) and

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assessed for English proficiency using an approved screening assessment for ESL.

STEP 2: Unless an NELB student has documentation from a previous district of meeting the definition of Fluent English Proficient (FEP), school districts assess all NELB students with the state approved English language proficiency test to determine whether they are limited English proficient (LEP). All NELB students who are determined to be LEP must be identified as ELL, and ESL services must be provided through an allowable service delivery model.

In content area classes, teachers must modify instruction and assessment to make content area curriculum accessible to ESL students. Students may not be retained due to language ability (1964 Title VI of the Civil Rights Act; *Lau v. Nichols*, 1974).

Parental Notification and Rights

School districts shall communicate information related to testing, placement and ESL services to all parents on Non-English Language Background (NELB) students in the language that the parent can understand, to the extent practicable. Parents of ELLs must be informed of the right to refuse placement of their children in ESL programs. Parents must be advised of studies related to an emergent English language learner.

Service Delivery Models

An alternative language program for ELLs, known as English as a Second Language, is defined in Tennessee Rules and Regulations as "English instruction especially designed for speakers of "other languages" [Rule 0520-1-3-.056. a. 1 and 2 ii.]. An ESL program may be provided through various service delivery models including:

- ESL pull-out programs,
- ESL cluster centers to which students are transported from their zone schools,
- Resource centers/ESL laboratories,
- Newcomer centers
- Push-in or inclusion models,
- Sheltered content classes,
- Content based ESL classes,
- Structured immersion classes, or
- Scheduled ESL class periods.

The Department of Education must approve other models based on the available evidence of their effectiveness. All models must address how academic deficits that are the result of students' limited English proficiency will be remediated. No Child Left Behind demands that all ESL service be founded on research-based educational practices.

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At the elementary level, an endorsed ESL teacher must provide direct services one to two hours per day for prefunctional, beginning and intermediate English Language Learners. Students at the advanced level may have programs more tailored to their needs including, but not limited to, visits in classroom without or with limited numbers of ELLs for subjects for which they are most proficient. They should receive up to one hour of direct service each day until these transitions begin to take place.

Transitional ELL students are considered proficient and may be mainstreamed in the regular classroom with careful monitoring for two years. Should a transition student begin to have difficulty in classes, s/he should receive intervention immediately. If this intervention is not successful, the student may be redesignated ESL.

At the high school level, districts shall use one course code for all ESL course work. Two ESL credits may be counted toward the four English credits required for graduation. Additional ESL courses shall be counted as elective credits. It is recommended that ELL students achieve the intermediate level on the English language proficiency test before taking a regular English course. To receive a regular diploma, ELLs must pass all Gateway exams. However, as determined on an individual basis, an ELL may take up to five years and a summer to receive a regular diploma and still be counted in a school's or district's graduation rate for accountability purposes under the No Child Left Behind Act of 2001. Due to course requirements for graduation, there can be more flexibility related to classes. However, a pre-functional and beginning student should never have less than one hour of daily ESL service per day.

Staffing Ratios

Appropriate staffing of ESL programs is based on two criteria. First, districts will provide adequate ESL faculty to implement the chosen service delivery model effectively, as documented by the progress in English language proficiency and academic content of their ESL students. Second, districts will adequately staff their ESL programs to meet federal compliance requirements, including but not limited to, communication to parents, identification of English language learners, and monitoring of transitional ELLs.

To meet the two criteria of effective and compliant ESL programs, districts shall implement ESL programs based on the following staffing ratio standards:

- ESL class sizes shall not exceed state mandated grade level class size requirements; and,
- The district-wide ESL program staffing ratio shall be based on an average of no more than 45 identified ELL students per full-time ESL endorsed teacher unless an alternate staffing ratio is approved by the Department of Education.

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Districts seeking approval for an alternate district-wide staffing ratio shall provide the following information annually to the Department of Education:

- The number of ELLs;
- The proficiency levels of ELLs;
- The most recent adequate yearly progress determinations for the ELL subgroup in Reading/Language Arts and mathematics;
- The proposed staffing ratio that will be used in place of the recommended 45 to 1 ratio; and,
- The justification for the alternate staffing ratio.

Attachments:

Definition of Terms

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Definitions for English as a Second Language Programs:

Beginning/intermediate English Language Learner (ELL) students - non-English language background students who have been administered the English language proficiency assessment and score prefunctional, beginning or intermediate on the English language proficiency assessment and are thereby entitled to ESL services.

English Language Learners (ELL) [officially Limited English Proficient (LEP)]- non-English language background students whose level of oral, reading, and written proficiency in English does not allow them to fully benefit from the curriculum and creates difficulty in regular classroom curriculum without specially designed modifications. ELL students have not yet met the definition of fluent English proficient (FEP).

English as a Second Language (ESL) - English as a Second Language courses which meet Tennessee Rules and Regulations [Rule 0520-1-3-.056.(a). 1 and 2 (iii)] as ‘English instruction especially designed for speakers of other languages’. In Tennessee, a teacher providing ESL instruction must have an ESL endorsement.

Fluent English Proficient (FEP) - non-English language background students who meet one of the following criteria:

1. Upon initial enrollment in a Tennessee public school, scored proficient or advanced on the state approved English language proficiency test;
2. Initially qualified as ELL based on the state approved English language proficiency assessment, received ESL services, and have now scored a composite score of 4, with a score of 4 or 5 on the reading subtest, or a composite score of 5 on the English Language Development Assessment (ELDA).

Home Language Survey - the questions asked of all students within the school district to determine whether or not students are non-English language background. The questions are:

1. What is the first language this child learned to speak?
2. What language does this child speak most often outside of school?
3. What language do people usually speak in this child's home?

Limited English Proficient (LEP) – this is the federal term used for ELL. Please see definition for English Language Learner.

Non-English Language Background (NELB) - a student whose answer to any of the questions on the home language survey is a language other than English.

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Transitional LEP Students (T1, T2) - Non-English language background students, who were classified as ELL, have taken the English Language Development Assessment and scored a composite of 5 or a composite of 4 with the reading subtest composite score being a 4 or 5.