English as a Second Language Manual

Tennessee Department of Education | September 2023
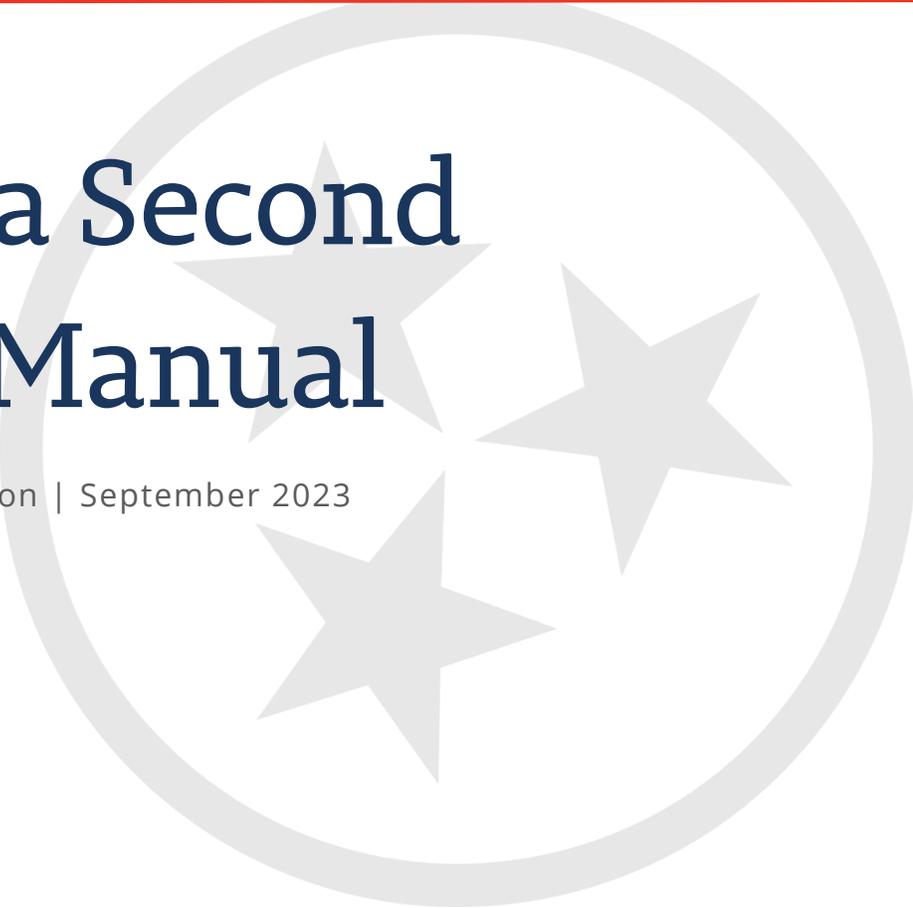
Table of Contents

Introduction

The purpose of this manual is to provide support for local education agencies (LEAs) as they manage English as a Second Language (ESL) programs and projects. LEAs may also find this manual useful to train teacher leaders and clarify best practices and policies. Tennessee's population of English Learners (ELs) exceeded 74,000 during the 2021-22 school year.[1] With the reauthorization of the Every Student Succeeds Act (ESSA) in December 2015 and the subsequent approval of Tennessee's ESSA state plan, Tennessee is poised to leverage the increased state-level decision-making authority to fulfill the vision laid out in Tennessee's strategic plan, Best for All. The strategic plan sets a vision and intention that, "together as a state, we will set all students on a path to success." It is imperative that this vision is true for *all* students, including ELs. The strategic plan sets a vision and intention that, "together as a state, we will set all students on a path to success." It is imperative that this vision is true for *all* students, including ELs.

Questions and feedback regarding this document should be sent to Brinn.Obermiller@tn.gov or Hannah.Gribble@tn.gov. Assessment issues that relate to WIDA Screener, WIDA Screener for Kindergarten, ACCESS, MODEL, or any Tennessee Comprehensive Assessment Program (TCAP) assessments should be addressed to Nancy.E.Williams@tn.gov.

Background

Federal law defines an EL as an individual:

a. who is aged 3 through 21;
b. who is enrolled or preparing to enroll in an elementary school or secondary school;
c.
   i. who was not born in the United States or whose native language is a language other than English;
   ii. who is a Native American or Alaska Native, or a native resident of the outlying areas; and
   iii. who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
d. who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
e. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
   i. the ability to meet the challenging State academic standards,
   ii. the ability to successfully achieve in classrooms where the language of instruction is English, or
   iii. the opportunity to participate fully in society.[2]

Students classified as ELs are entitled to services specifically designed to improve their English proficiency, which is needed for ELs to access Tennessee Academic Standards. In Tennessee, an EL is defined as a "Non-English Language Background (NELB) student who qualifies for ESL services via a Department of Education-approved English Language Proficiency screener."[3] LEAs are mandated by state and federal law to identify all ELs, determine their English proficiency level, and provide effective ESL programs.

---

[1] Tennessee Dep't. of Educ., 2021-22 State Report Card (2022), https://tdepublicschools.ondemand.sas.com/.
[2] 20 U.S.C. § 7801(20).
[3] Tenn. R. & Regs. 0520-01-19.

Effective ESL programs must be provided to all students identified as ELs to increase their English language proficiency. Under ESSA, all ELs are expected to meet the same academic standards as their non-EL peers. Therefore, should a parent waive the EL child's right to ESL services, the LEA must provide services in the general education classroom.

Tennessee State Board of Education Rule 0520-01-19 contains minimum standards for Tennessee LEAs in providing services to ELs. The rule requires that all teachers who provide Direct or Indirect ESL Services are annually trained on delivering ESL instruction, including the Tennessee English language development (ELD) standards (i.e., WIDA English language development standards).[4] The rule also states that all ELs must have an Individual Learning Plan (ILP), a written document that describes the academic and language needs and goals of EL students receiving Direct ESL Services or Indirect ESL Services.[5] LEAs should carefully review the requirements outlined in the State Board Rule 0520-01-19 regarding the intentional partnership between ESL and general education teachers. More information regarding State Board Rule 0520-01-19 can be found throughout this document, and this manual will be updated as changes to the rule are approved by the State Board of Education.

WIDA 2020 ELD Standards

Updated WIDA ELD standards were released in December 2020.[6] These standards provide guidance and support for the integration of language acquisition and content area standards. The framework provides detailed information on the integration of these standards, as well as links to WIDA resources that may be referenced in unit and lesson planning.

The framework consists of four components, ranging from broad to narrow in scope[7]:

- WIDA ELD Standards Statements: conceptual framing of language and content integration.
- Key Language Uses: prominent language uses across disciplines.
- Language Expectations: goals for content-driven language learning.
- Proficiency Level Descriptors: A continuum of language development across six levels.

WIDA ELD Standards Statements[8]

Standard 1 – Social and Instructional Language: English learners communicate for social and instructional purposes within the school setting.

---

[4] Tenn. R. & Regs. 0520-01-19-.03(7).
[5] Tenn. R. & Regs. 0520-01-19-.03(3).
[6] WIDA, WIDA English language development standards framework, 2020 edition: Kindergarten–grade 12. Board of Regents of the University of Wisconsin System (2020). https://wida.wisc.edu/sites/default/files/resource/WIDA-ELD-Standards-Framework-2020.pdf.
[7] Ibid.
[8] Ibid.

Standard 2 – Language for Language Arts: English language learners communicate information, ideas, and concepts necessary for academic success in the content area of language arts.

Standard 3 – Language for Mathematics: English language learners communicate information, ideas, and concepts necessary for academic success in the content area of mathematics.

Standard 4 – Language for Science: English language learners communicate information, ideas, and concepts necessary for academic success in the content area of science.

Standard 5 – Language for Social Studies: English language learners communicate information, ideas, and concepts necessary for academic success in the content area of social studies.

Updated: Key Language Uses – Narrate, Inform, Explain, Argue

- Key Language Uses (KLUs) are select genre families that appear across content areas: Narrate, Inform, Explain, and Argue.
- KLUs summarize prominent language across disciplines, helping educators organize and coordinate instruction.

New: Language Expectations

- Language Expectations are goals for content-driven language instruction, adding specificity to the ELD standards statements and Key Language Uses. They are the statements most similar to what educators generally find in academic content standards.

New: Proficiency Level Descriptors

- Proficiency Level Descriptors (PLDs) show how multilingual learners use language at the end of each of the six English language proficiency levels. PLDs are:
    - Anchored in K-12 Performance Definitions;
    - Aligned to the six grade-level clusters used in ACCESS (i.e., K, 1, 2–3, 4–5, 6–8, 9–12);
    - Detailed articulation of student language performance across six levels of English language proficiency. Each end-of-level descriptor includes and builds on previous levels (e.g., PL4 = PL1 + PL2 + PL3 + PL4).

No Change: The WIDA ELD Standards statements remain the same.

- The Can Do Philosophy emphasizes the assets and potential of multilingual learners.
- Guiding Principles of Language Development
- Age-Appropriate Academic Language in Sociocultural Contexts
- English Language Development Standards and Performance Definition Strands of Model Performance Indicators
- Six levels of English Language Proficiency
- Six grade-level clusters (i.e., K, 1, 2–3, 4–5, 6–8, 9–12)

No Change: The Can Do Philosophy and 5 English Language Development Standards remain the foundation of WIDA. They will remain the same.

No Change: The 6 levels of English language proficiency are staying the same.

1. Entering
2. Emerging
3. Developing

4. Expanding
5. Bridging
6. Reaching

New: The 2020 WIDA ELD standards have been based on the following guiding principles:[9]

- Multilingual learners' languages and cultures are valuable resources to be leveraged for schooling and classroom life; leveraging these assets and challenging biases help develop multilingual learners' independence and encourage their agency in learning.
- Multilingual learners' development of multiple languages enhances their knowledge and cultural bases, their intellectual capacities, and their flexibility in language use.
- Multilingual learners' language development and learning occur over time through meaningful engagement in activities that are valued in their homes, schools, and communities.
- Multilingual learners' language, social-emotional, and cognitive development are interrelated processes that contribute to their success in school and beyond.
- Multilingual learners use and develop language when learning opportunities consider their individual experiences, characteristics, abilities, and levels of language proficiency.
- Multilingual learners use and develop language through activities that intentionally integrate multiple modalities, including oral, written, visual, and kinesthetic modes of communication.
- Multilingual learners use and develop language to interpret and access information, ideas, and concepts from a variety of sources, including real-life objects, models, representations, and multimodal texts.
- Multilingual learners draw on their metacognitive, metalinguistic, and metacultural awareness to develop effectiveness in language use.
- Multilingual learners use their full linguistic repertoire, including translanguaging practices (i.e., how multilingual learners access and use their full linguistic repertoires in communication and learning, including by using more than one language), to enrich their language development and learning.
- Multilingual learners use and develop language to interpret and present different perspectives, build awareness of relationships, and affirm their identities.

---

[9] Ibid.

Chapter 1: Welcoming New Students

Welcoming New Students and Parents

A new student's first impression of a school sets the tone for the rest of that child's experience at the school and in the LEA. They, and their parents, may be scared and uncertain of what lies ahead. All school staff and faculty who will be meeting new students and their families should be prepared to put them at ease with welcoming smiles and appropriate communication skills.

In addition to introducing the student and their family to school personnel, it may be helpful to provide them with the following information:

- pertinent bus/transportation information;
- meals available at the school, their cost, and how to register for free and reduced-price lunch;
- school calendar and bell schedules, including daily start and end times; and
- school attendance policies, including tardiness.

School Tour

Take the student and their family on a tour of the school and introduce them to the people who will be important in the student's academic journey. This should include the classroom teacher, ESL teacher, and guidance counselor.

Peer Buddy

Assign a "peer buddy" to help the student adjust during their first few days at the new school. The buddy can come from the ESL program or student organizations and should be prepared to guide the newcomer to classrooms, the lunchroom, locker facilities, the restrooms, and other locations in the school. The buddy may also help make introductions to other students.

Additional Suggestions for High School Students

To meet graduation requirements, additional steps should be considered when incoming high school ELs arrive at a school, such as:

- providing information in a language and manner understandable by the parents,
- providing the student and their family with a chart explaining the requirements for graduation and the policies regarding required and elective subjects,
- explaining the schedule of standardized tests and how they impact the student's progress,
- explaining semester grading periods and progress reports,
- explaining how grades and course credits—including transfer credits—are awarded, and
- reviewing all foreign transcripts.

Steps in the Registration Process

A consistent registration process for ELs facilitates their entry and orientation into the new school environment. It is vital to this orientation process to have school personnel who are trained and dedicated to meeting the needs of students from different cultures with different levels of English proficiency. School personnel should take the following steps to ensure a smooth transition:

1. Greet the parents and students warmly;
2. Complete a student profile form with the student's data, language background, and educational history. This must include the Home Language Survey (HLS) if one has not been previously completed for the student (See Chapter 2: Identifying ELs for information on the HLS);
3. Make copies of student records (e.g., transcripts, birth certificates, legal documents); and
4. Screen the student for ESL services if the HLS determines they are NELB and there is no indication in their records that they have been exited from services prior to enrollment.

If the LEA has access to documents from the referring state/school regarding the student's previous ESL status and/or proficiency level (e.g., WIDA Screener, HLS), these shall be used to expedite the enrollment process. State Board Rule 0520-01-19.03 provides more information about the HLS and screening process.

*Note: A LEA may not bar a student from enrolling in its schools because he or she lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate. Additionally, a LEA should review its list of documents used to establish residency and ensure that any required documents would not unlawfully bar or discourage a student who is undocumented or whose parents are undocumented from enrolling in or attending school.[10] Schools **cannot** turn away students who do not have school records from their home country. The student must be enrolled in the grade closest to their age, and the school should try to obtain the school records after the student is enrolled.*

An LEA must communicate information to limited English proficient parents in a language they can understand about any program, service, or activity that is called to the attention of parents who are proficient in English.[11] For example, when communicating with ESL parents about enrollment, the LEA must formally translate or interpret documents and have a method of responding to limited English proficient parents' questions.

Cumulative Folder Checklist

A cumulative folder should be created for each EL and kept at the school. The cumulative folder should include the following:

- HLS - Preferably the original
- Intake data for ELs:
  - Country of birth
  - Date arriving in a U.S. school
  - Any available documents (e.g., birth certificate, I-94, other immigration documents)
  - WIDA ACCESS, W-APT, WIDA Model, or WIDA Screener scores, scores from a non-WIDA state
- English Language Proficiency (ELP) assessment scores for all years served in ESL, if applicable
- Notes from IEP or 504 meetings, if applicable
- Individual Learning Plans (ILPs)

---

[10] U.S. Dep't. of Just. & U.S. Dep't. of Educ., Plyler Dear Colleague Letter (May 8, 2014), https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201101.html.
[11] U.S. Dep't. of Just. & U.S. Dep't. of Educ., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (Jan. 7, 2015), https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf.

Rights of Children to Enroll in School

To comply with Title VI of the Civil Rights Act of 1964 (Title VI), LEAs may not request information with the purpose or result of denying access to public schools based on race, color, or national origin. Additionally, students must not be barred from enrolling in public schools at the elementary and secondary levels based on the actual or perceived immigration or citizenship status of the student, or that of their parents/guardians.[12]

LEAs ***cannot*** require a student's:

- birth certificate,
- social security number (or other documents related to immigration status),
- full medical records, or
- proof of residency to be established with their parents' state-issued documents.[13]

LEAs ***can***:

- ask for a student's birth date,
- assign a unique student identification number to students who do not provide a social security number,[14]
- have the employee who reviewed the birth certificate or immigration document write a statement explaining what was included, date, time, and location,
- require a student's immunization records for the state and LEA requirements, and
- establish a student's residency within an LEA through multiple means.[15]

Social Security Numbers

Schools may ask for social security numbers to use for school identification documents, but no student is required to provide a social security number. Federal law prohibits state or local government agencies from denying an "individual any right, benefit, or privilege provided by law because such individual refused to disclose his social security account number."[16] Therefore, an LEA ***cannot*** deny enrollment to a student if they (or their parents) choose not to or cannot provide a social security number. Further, as noted above, and in accordance with state law, an LEA shall assign a student a personal identification number upon entry into a Tennessee public school.[17]

If an LEA chooses to request a student's social security number, it must be made clear in all enrollment and registration documents—including forms, websites, and communications with parents—that the provision of the student's social security number is voluntary and that choosing not to provide a social security number will not bar a child's enrollment.[18]

---

[12] U.S. Dep't. of Just. & U.S. Dep't. of Educ., Plyler Dear Colleague Letter (May 8, 2014), https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201101.html.
[13] Ibid.
[14] Tenn. Code Ann. § 49-6-5101.
[15] U.S. Dep't. of Just. & U.S. Dep't. of Educ., Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents 1 (May 8, 2014), https://www2.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf.
[16] Sec. 7 [5 U.S.C. § 552anote] (a)(1).
[17] Tenn. Code Ann. § 49-6-5101.
[18] U.S. Dep't. of Just. & U.S. Dep't. of Educ., Plyler Dear Colleague Letter (May 8, 2014), https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201101.html.

More information regarding acceptable enrollment policies can be found in the [Fact Sheet: Information on the Rights of All Children to Enroll in School,](#) jointly released by the U.S. Department of Education and the U.S. Department of Justice.

Immunization Records

An LEA may only require a student's immunization records for state and LEA immunization requirements; state immunization requirements can be found on the [Tennessee Department of Health website](#).[19] For students who have not received all required immunizations, it is best practice for the school to assist families as needed in scheduling an appointment with the school nurse, a public health clinic, or an appropriate healthcare provider.

Proof of Residency

A variety of documents may be utilized to establish proof of residency within an LEA's geographical boundaries. As with establishing the age of a child, the LEA should publicize that these options are acceptable for all children in the LEA and are used solely to establish proof of residency.

Examples of accepted documentation of a student's residency within an LEA include, but are not limited to, the following:

- rent receipt,
- lease for dwelling,
- utility bill,
- doctor's bill, or
- notarized affidavit from a neighbor.[20]

Establishing Student Age

A variety of documents are permitted to establish the age of an enrolled child. LEAs should publicize that these options are acceptable for all children in the LEA and are solely used to establish the child's age:

Examples of accepted documentation of a student's age include, but are not limited to, the following:

- birth certificate,
- passport,
- medical examination,
- other immigration documents, and/or
- notarized affidavit.[21]

Parental Rights

Under federal law, parents have the right to be informed of:[22]

---

[19] Tenn. Code Ann. § 49-6-5001.
[20] U.S. Dep't. of Just. & U.S. Dep't. of Educ., Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents 1 (May 8, 2014). https://www2.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf.
[21] Ibid.
[22] U.S. Dep't. of Just. & U.S. Dep't. of Educ., Information for Limited English Proficient (LEP) Parents and Guardians and for Schools and School Districts that Communicate with Them, (Jan. 7, 2015), https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf.

- the reasons for the identification of their child as an EL and the need for placement in an ESL program,
- their child's level of English language proficiency, how levels are assessed, and the status of their child's academic achievement,
- the method of instruction used in the ESL program in which their child is, or will be, participating,
- If multiple ESL programs are available in the LEA, information must be provided on how the programs differ in content and instructional goals.
- how the ESL program in which their child is, or will be participating, will meet the educational strengths and needs of the child,
- how the ESL program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation,
- the specific exit requirements for the ESL program, the expected rate of transition of ELs from ESL programs into general education classrooms, and the expected rate of graduation from secondary school,
- in the case of a child with a disability, how the ESL program meets the objectives of the individualized education program (IEP) of the child; and,
- the options that parents must decline to enroll their child in the ESL program or to choose another program or service delivery model if more than one program or model is offered by the LEA.

Student Data

Once a student has been identified as an EL, the best practice is to maintain the following information for any student identified as an EL for their student profiles:

- Assessment information (e.g., standardized tests taken, scores, dates)
- Academic information (e.g., courses taken, grades, attendance, promotion/retention)
- Entry date into U.S. schools
- Entry date into the LEA
- Years of schooling in the student's home language
- Educational history
- Testing for vision and hearing
- Physical or psychological conditions, including trauma, that may affect learning
- Classroom observations by teachers
- Enrollment history and criteria used for placement in special services (e.g., ESL, speech therapy, special education, etc.)

Note: Should the student qualify for ESL services, they will be coded as "L" in the LEA student information system (SIS) for English language background. If the student does not qualify, based on the required screener results, they will be coded as "N" in the SIS for English language background. LEAs must make sure that students are appropriately coded in the SIS system and that data uploaded to the state's Education Information System (EIS) is accurate.[23]

---

[23] Tennessee Dept.. of Educ., Federal Programs and Oversight Data Manual (2023).
https://eplan.tn.gov/DocumentLibrary/ViewDocument.aspx?DocumentKey=1392963&inline=true.

Chapter 2: Identifying ELs

Home Language Survey

The Home Language Survey (HLS) is the first step LEAs must take to identify ELs. State Board Rule 0520-01-19 requires a student to be administered an HLS ***one time*** in their educational career upon initial enrollment.

The HLS should be given to the family as a separate document that is thoroughly explained so the parent(s) understand its purpose. If the LEA includes the HLS in an electronic enrollment package, the first HLS must be retained in the cumulative folder or a digital file. All completed surveys must be filed in the student's cumulative folder or maintained in a digital filing system and transferred with the folder if the student transfers.

If the student has previously attended another LEA, the receiving school or LEA shall attempt to obtain the original HLS from the sending LEA.[24] If a language other than English was indicated, there should be documentation of the student's prior English language proficiency assessment(s) in their cumulative folder. The student's instructional program should follow accordingly. If the receiving LEA cannot obtain the original HLS after reasonable attempts to do so, it may re-administer the HLS, but shall mark it as a secondary HLS. If the original is found, it shall replace the duplicate in the student's file.[25]

The HLS shall include, but is not necessarily limited to, questions that require the parent(s) or guardian(s) to address the following three (3) topics:

1. The first language the student learned to speak;
2. The language the student speaks most often at home; and
3. The language that is most often spoken to the student at home.[26]

LEAs may create their own questions to determine this information and may ask for additional information, as needed. This is also the appropriate time for the LEA to discuss educational history with parents (e.g., milestones in early childhood, former education, interruptions to education, learning difficulties, traumatic events). As noted above, LEAs should not inquire about immigration status since doing so could create a barrier to enrollment.

If an HLS is determined after the initial administration to contain errors, the LEA/school should re-interview the parents or guardians. Any changes should be documented. It is best practice for parents to sign the documentation in agreement. All versions and documents related to changes should be retained in the student's file.

Note: To ensure that responses given on the HLS are accurate, LEAs must administer the HLS in a language and manner that the parent can understand.[27]

---

[24] Tenn. R. & Regs. 0520-01-19-.03(2)
[25] Tenn. R. & Regs. 0520-01-19-.03(2).
[26] Tenn. R. & Regs. 0520-01-19-.03(2)(b)(1-3).
[27] U.S. Dept.. of Just. & U.S. Dep't. of Educ., Information for Limited English Proficient (LEP) Parents and Guardians and for Schools and School Districts that Communicate with Them, (Jan. 7, 2015), https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf.

Identification/Placement Screening Assessments

Once a student has been identified as Non-English Learner Background (NELB) by the HLS, they must be screened by a certified ESL teacher, who has completed WIDA training, with the appropriate WIDA screening tool.

- NELB students who are screened in their first semester of kindergarten, second semester of kindergarten, or first semester of first grade shall be screened with the WIDA Screener for Kindergarten.
- *Note:* *The W-APT was replaced on July 1, 2021, with the WIDA Screener for kindergarten.* NELB Students who are screened in their second semester of first grade, or at any point in grades two (2) through twelve (12), shall be screened using the WIDA screener.[28]

LEAs shall screen all NELB Students with an English language proficiency screener within thirty (30) days of initial enrollment to determine whether the student qualifies for ESL Services unless a NELB Student has documentation from a previous state or LEA that he or she met the definition of fluent English proficient (FEP). The English language proficiency screener shall be administered in addition to the HLS within the thirty (30) day time period.[29] Parents must be notified within 30 days. This timeframe is the maximum allowable, not the best practice. Ideally, students should have completed the two-step identification process, the parents should have been notified, and services should begin within 14 days.

---

[28] Tenn. R. & Regs. 0520-01-19-.03(3)(a-d).
[29] Tenn. R. & Regs. 0520-01-19-.03(2).

Administering the Home Language Survey

Enrolling Kindergarten and First-Time Students

Initial Home Language Survey
A Home Language Survey (HLS) is delivered to parents or guardians within 30 days of a student's initial enrollment in public school to identify Non-English Language Background students who may be eligible for Direct or Indirect ESL Services. An HLS should only be completed once in a student's educational career.

HLS Indicates a Language Other Than English
Ensure that the original HLS is archived as part of student's record. Within 30 days of a student's initial enrollment, administer the Kindergarten or WIDA Screener to determine English proficiency.

HLS Indicates English Only
Ensure that the original HLS is archived as part of the student's record. No further action is required.

First Semester Kindergarten	WIDA Screener for Kindergarten (WSK): Speaking and Listening Domains Only	Oral Composite Score below 4.5 or a 4 in either domain, the student is identified as EL.
Second Semester Kindergarten	WSK: All Domains.	Oral Composite Score below 5 or a score below 4 in any domain, the student is identified as EL.
First Semester First Grade	WSK: All Domains.	Oral Composite Score below 5 or Literacy Composite Score below 4.5, the student is identified as EL.
Second Semester First Grade or at any point grades 2-12	WIDA Screener	Composite Score below 4.5, the student is identified as EL.

Student Scores Fluent English Proficient on Screener
The student met the proficiency requirements (cut score) on the screener upon initial enrollment and is classified as NELB (Non-English Language Background). Ensure that a copy of the screener results is archived as part of the student's record. No further action is required.

REMEMBER:
Within 30 days of Student's Initial Enrollment:
- Complete the HLS
- Screen NELB
- Notify Parent/Guardian of EL Qualification

Best practice, but not required by rule:
Within 60 days of Student's Initial Enrollment, create and implement the ILP

Student Identified as an English Learner
Develop and implement an Individual Learning Plan (ILP) for the student that includes assessment data, the appropriate supports that provide access to classroom instruction aligned to grade-level academic standards, short-term goals to advance the student to the next proficiency level in each of the four domains, and a growth trajectory for their English language proficiency based on individual student data. Ensure the communication and involvement of parents/guardians and general education teachers/other relevant school personnel in the ILP process.

14

Enrolling In-State and Out-of- State Transfer Students

Check the student's cumulative folder for the original HLS. An HLS should only be completed once in a student's educational career. If the original HLS cannot be located, contact the student's previous school to obtain it.

*If you cannot obtain the original HLS after reasonable attempts, you may re-administer the HLS, but shall mark it as a potential secondary HLS. In the event the original HLS is found, it will replace the secondary HLS in the student's file.

Original HLS Indicates a Language Other Than English

The previous school was required to have already administered the English language proficiency placement assessment (It could be WIDA or a different ELPA depending on the state). Check the student's record for assessment results and contact the previous school to obtain the results if they have not been provided.

Original HLS Indicates English Only
Ensure that the original HLS is archived as part of student's record. No further action is required.

Student Scored Proficient on Placement Test or Annual Assessment
If the student scored proficient on the Kindergarten Screener or WIDA Screener, the student is considered proficient upon enrollment. Classify the student as NELB (Non-English Language Background). Ensure that the original HLS is archived as part of student's record. No further action is required.

If the student scored below proficient on the placement test but has since achieved a proficient score on the WIDA Access Annual Assessment, the student is not considered an English learner. Classify as Former EL. If the proficient score was achieved within the previous four years, the student should be placed in the district's monitoring system for former English learners accordingly: Transitional Student Year 1- Year 4.

*Remember, first semester kindergarten students are only administered the listening and speaking domains of the Kindergarten Screener. The composite score is replaced by the oral language score.

*If the student's record indicates exit from ESL in a different state, regardless of the assessment being WIDA or otherwise, accept their exited status.

Student Scored Below Proficient on Placement Test
If the student scored below proficient on the Kindergarten Screener or WIDA Screener and has not achieved a proficient score on the WIDA assessment in years since, the student is considered an English learner.

If a student has been identified as an English learner from a different state, not using the WIDA assessment, we will rescreen with our TN English proficiency assessment screener to determine eligibility.

Student Identified as an English Learner
Develop and implement an Individual Learning Plan (ILP) for the student that includes assessment data, the appropriate supports that provide access to classroom instruction aligned to grade-level academic standards, short-term goals to advance the student to the next proficiency level in each of the four domains, and a growth trajectory for their English language proficiency based on individual student data. Ensure the communication and involvement of parents/guardians and general education teachers/other relevant school personnel in the ILP process.

REMEMBER:
Within 30 days of Student's Initial Enrollment:
- Complete the HLS
- Screen NELB
- Notify Parent/Guardian of EL Qualification

Best practice, but not required by rule: Within 60 days of Student's Initial Enrollment, create and implement the ILP

WIDA Screener – Placement Test

Tennessee utilizes the WIDA Screener for kindergarten to assess eligibility for ESL services for kindergarten and first-semester first-grade students and the WIDA Screener for grades 1–12, beginning with second-semester first-grade students. These screeners are used by educators to measure the English language proficiency of students who have recently arrived in the U.S. or a particular LEA and to determine whether a child is eligible for ESL services. Screeners are ideally given only one time in a student's academic career. Additional information on the WIDA screeners is in Chapter 3: EL Screener Assessments.

Additional Student Information

Assessing a student's literacy skills in English as well as collecting additional student information provides valuable insight into the student's language and literacy development. This knowledge can inform instructional and programming decisions. The following questions are neither mandatory nor exhaustive. They are meant as a helpful guide to determine an EL's educational history and content knowledge.

Educational History

- How many years were you in school in your native country? In the United States?
- What is the name of the most recent school you attended?
- What grade were you in at the last school you attended?
- Can you read for me in your language? Or please read this for me.
- Can you write for me in your language? Or please write 2 sentences that tell me about your favorite person, pet, or object (toy).

Content Knowledge

- What subjects did you study in your previous schools? In what language did you study?
- Which books did you use in your previous schools? In what language were the books written?
- Did you study in a bilingual program?
  - If yes, which subjects did you study in English, and which did you study in another language?

Transfer Students

The definition of English language proficiency varies across states. Therefore, a student identified as a non-EL in another state may, in fact, meet Tennessee's criteria for English language proficiency (ELP). State Board Rule 0520-01-19-.03(3) requires LEAs to screen *all potential NELB students* with the appropriate screener within thirty (30) days of initial enrollment to determine whether the student qualifies for ESL Services. This also applies to transfer students unless the student has documentation from a previous state or LEA that he or she met the definition of Fluent English Proficient (FEP) and has exited from ESL services.[30]

If the student comes from a state that also utilizes WIDA for screening and assessment purposes and the student has recent WIDA data in his/her records, then the school should apply Tennessee's screening and assessment criteria to the student's prior WIDA assessment results. If the student comes from a non-WIDA state, and there is no evidence that the student exited ESL, the school must ensure that it meets the

---

[30] Tenn. R. & Regs. 0520-19-01-.03(3)

appropriate deadlines for the identification and screening of the student.[31] If the documents come after enrollment, they must be honored. Transfer documents should be labeled as such in the student's cumulative record.

Note: Every attempt should be made to obtain the original HLS, or a copy, from the student's previous school. A student should only be re-surveyed if the original HLS cannot be obtained.[32]

Foreign Exchange Students

If the HLS indicates a home language other than English for a foreign exchange student, that student should be classified as NELB and should be screened for ESL service eligibility.[33]

Parental Notification

The first step in communicating effectively with EL families is to determine what their language needs are. This process should identify all Limited English Proficient (LEP) parents, including parents or guardians of children who are proficient in English and parents and guardians whose primary language is not common in the district. Many LEAs use the responses on the HLS to initiate this process. To the extent practicable, all notifications sent to parents must be translated into a language that the parents can understand.[34] If written translations are not practicable, LEAs must offer LEP parents free oral interpretation of the written information. It is recommended that LEAs have procedures describing how LEP parents will be notified of school activities that are called to the attention of native English-speaking parents (e.g., student progress reports, school schedules, extracurricular activities, special meetings, ceremonies, events, etc.).[35]

Parents must also be informed of the right to refuse the placement of their children in ESL programs, and each LEA shall provide the parent(s) or guardian(s) the option to waive Direct ESL Services before services are provided, or at any time during the course of the school year. If the parent(s) or guardian(s) waives Direct ESL Services for the student, the general education classroom teacher shall be responsible for providing Indirect ESL Services in the form of linguistically appropriate accommodations and scaffolding within the general education setting as described in the student's ILP.[36]

LEAs must provide parents with sufficient information about the program(s) of ESL services offered so that the parents may make an informed decision. Notification of ESL services must be sent to parents on an annual basis.[37] LEAs must provide notices within thirty (30) days from the beginning of the school year to all parents of EL students regarding the EL student's identification and placement in a language instruction educational program.[38] For those students who have not been identified as ELs prior to the beginning of the school year but are identified as ELs during such school year, the LEA shall notify the children's parents during the first 2 weeks of the child being placed in a language instruction educational program.[39]

Annual notifications must include:

---

[31] Ibid.
[32] Tenn. R. & Regs. 0520-01-19-.03(2).
[33] U.S. Dep't. of Educ., Serving foreign students (Dec. 1, 2010), https://oese.ed.gov/files/2020/07/InfoBulletinServingforeignstudentsDec2010FedGuidance.pdf.
[34] Tenn. R. & Regs. 0520-01-19-.04(1).
[35] U.S. Dep't. of Just. & U.S. Dep't. of Educ., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (Jan. 7, 2015), https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf.
[36] Tenn. R. & Regs. 0520-01-19-.03(7)(d).
[37] 20 U.S.C. 6312(e)(3)(A-B).
[38] 20 U.S.C. §§ 6312(g)(1), 7012(a).
[39] 20 U.S.C. 6312(e)(3)(B).

- the reasons for the identification of their child as an EL and in need of placement in a language instruction educational program;
- the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
- the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
- how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;
- how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;
- the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for ELs, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in high schools;
- in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. § 1414(d)).[40]

Additionally, information pertaining to parental rights that includes written guidance should detail:

- the right of parents to immediately remove their child from ESL services upon their request,
- the options available to parents to decline to enroll their child in the ESL program or to choose another program or method of instruction, if available,
- the differences between various service delivery models of instruction, if more than one program or model is offered, so parents may make an informed decision when selecting their child's program,[41] and
- the scaffolding and accommodations to be provided in the general education setting via Indirect ESL Services if the parent(s) or guardian(s) waive Direct ESL Services.[42]

LEA Responsibilities when Parents Waive Direct ESL Services

Some parents of students identified as ELs may choose to waive direct ESL services for their child. It is recommended that parents who waive direct services and select indirect services should do so in writing on an annual basis, and the LEA should maintain evidence of the written documentation.[43]

Note: *"Direct ESL Services" means ESL services designed for speakers of other languages and provided pursuant to an ILP by a teacher with an ESL endorsement to EL students. "Indirect ESL Services" means ESL services that provide linguistically and academically appropriate accommodations and scaffolding pursuant to an ILP provided by a general education teacher in the general education classroom to EL students whose parent(s) or guardians waive Direct ESL Services. Indirect ESL Services include providing scaffolding to ensure EL students can access daily grade level instructional materials in English.*[44]

---

[40] 20 U.S.C. 6312(e)(3)(A)(i-vii).
[41] 20 U.S.C. 6312(e)(3)(A)(viii).
[42] Tenn. R. & Regs. 0520-01-19-.04(2)(c).
[43] Tenn. R. & Regs. 0520-01-19-.03(7)(c).
[44] Tenn. R. & Regs. 0520-01-19-.01(1)(d-e).

Title VI, the Equal Educational Opportunities Act (EEOA), and the English Language Acquisition , Language Enhancement, and Academic Achievement Act, also known as Title III, Part A of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015 (ESSA) hold LEAs responsible for providing all ELs—including those whose parents have waived direct ESL services—with English language support. The LEA must find alternative means of providing the student with support for language development and proficiency outside of structured ESL classes.[45]

An EL whose parents have chosen indirect ESL services is not exempt from the federally or state-mandated annual assessment of all ELs on their English language proficiency.[46] These students are to be identified and coded as ELs ["W" in the student information system (SIS) and the Tennessee Department of Education's (the department's) Education Information System (EIS)] and will continue to be coded as such until the student reaches an English proficiency level that meets the state requirements to exit ESL services[47]. Students who have had direct services waived by their parents are also eligible for standardized test accommodations that are available for all ELs. Parents may decide at any time to change the service from indirect to direct or from direct to indirect.

Note: *LEA staff should never encourage nor discourage a parent to waive direct services for their child.*
If an EL is removed from ESL services by waiving direct services, they must continue to be assessed by the WIDA ACCESS for ELs until the proficiency level adopted by the State Board of Education is achieved. [48] Services for English language acquisition will be provided by the general education classroom staff and the school must continue to maintain an ILP for the student.[49]

Evaluating ELs for Special Education and Related Services Under IDEA and Special Education and Related Aids and Services Under Section 504

ELs may also qualify for special education and related services under the Individuals with Disabilities Education Act (IDEA) or special education and related aids and services under Section 504 of the Rehabilitation Act of 1973 (Section 504) in addition to ESL. LEAs must not identify or determine that ELs are students with disabilities because of their limited English proficiency.[50] Therefore, when an EL is referred for a special education evaluation, care must be taken to ensure that:

- the student's difficulties are not caused by a lack of English skills alone; and
- difficulties with English, including pronunciation, are not mistaken for a speech or language disorder.[51]

Once an EL has been determined eligible for services under IDEA or Section 504, they will receive the special education and related services outlined in their IEP or 504 Plan. An ESL professional who understands the

---

[45] U.S. Dep't. of Just. & U.S. Dep't. of Educ., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (Jan. 7, 2015), https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf.
[46] U.S. Dep't. of Just. & U.S. Dep't. of Educ., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (Jan. 7, 2015), https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf.
[47] Tennessee Dep't. of Educ., Federal Programs and Oversight Data Manual (2023). https://eplan.tn.gov/DocumentLibrary/ViewDocument.aspx?DocumentKey=1392963&inline=true.
[48] Tenn. R. & Regs. 0520-01-19-.06(1).
[49] Tenn. R. & Regs. 0520-01-19-.03(6).
[50] U.S. Dep't. of Just. & U.S. Dep't. of Educ., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (Jan. 7, 2015), https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf.
[51] Ibid.

process of second language learning must serve on the IEP team,[52] and IEP team members must understand the process of second language learning and the characteristics exhibited by ELs at each stage of language development to distinguish between language acquisition processes, interference, and other impairments.[53] Parents must be informed of how the ESL program will support their EL child's IEP.

Points to Remember

- Interference from an EL's home language may cause them to be unable to discriminate or produce English sounds. This is not necessarily a learning, speech, or hearing disorder.[54]
- It generally takes ELs up to eighteen months to two years to develop conversational speech and five to seven years to develop proficiency in the academic language used in school.[55]
- Oral fluency in English may not be an indication that an EL has the overall English language skills necessary for academic success. (These oral skills are also known as the basic interpersonal communicative skills – cognitive academic language proficiency (BICS-CALP) gap; the incorrect assumption that a conversationally fluent student is also academically fluent can lead to misclassifications.) [56]
- The culturally-based behavior of ELs must be distinguished from behavior indicative of special education needs.[57]
- Parents and family members of an EL who may be eligible for special education or disability services have valuable information that can help in developing an appropriate plan for that student. Parents are required IEP team members.
- Processing or testing for special education services may not be delayed beyond the period of adjustment often referred to as the preproduction period. [58]

Additional guidance can be found on the department website (https://www.tn.gov/education/student-support/english-learners.html). See the *2018 Special Education Framework*.[59]

RTI²

ELs must also be appropriately included in the Response to Instruction and Intervention (RTI²) process at a school. Thoughtful consideration should be made when determining how ELs will participate in tiered interventions.

ELs should be provided the appropriate Tier I (core instruction), Tier II, and Tier III supports based on their individual needs identified by the universal screener. An RTI² placement for an EL depends on their level of language acquisition. If an EL falls below the 25th percentile on the universal screener and the student has not acquired sufficient English language to access academic interventions, the student should continue to receive ESL services. If an EL falls below the 25th percentile on the universal screener and they have

---

[52] U.S. Dep't of Educ., English Learner Toolkit for State and Local Education Agencies (Oct. 2017), https://ncela.ed.gov/sites/default/files/legacy/files/english_learner_toolkit/OELA_2017_ELsToolkit_508C.pdf.
[53] Ibid.
[54] Schiff-Myers, N.B., Considering Arrested Language Development and Language Loss in the Assessment of Second Language Learners (1992), Language, Speech, and Hearing Services in Schools, 23(1), 28-33.
[55] Collier, V.P. & Thomas, W.P., Two Languages are Better than One (1997). Educational Leadership. 55(4), 23-26.
[56] Street, B. & Hornberger, N. H. (Eds.), Encyclopedia of Language and Education (2008), 2nd Edition, Volume 2: Literacy. 71-83.
[57] Tenn. Dept.. of Educ., Assessment Considerations for Culturally and Linguistically Diverse Students, (2008). https://www.tn.gov/content/dam/tn/education/special-education/eligibility/se_eligibility_cultural_diverse_students.pdf.
[58] Ibid.
[59] Tenn. Dept.. of Educ., Special Education Framework (2018), https://www.tn.gov/content/dam/tn/education/special-education/framework/sped_framework.pdf.

acquired sufficient English language to allow them to access academic interventions, the student should receive RTI^2 interventions based on their specific area of need.[60]

An ESL teacher **_must_** be part of the school-level RTI^2 team if an EL is being discussed.[61] Additionally, parents should be informed of how RTI^2 will meet their child's needs. Complete information on how to support ELs in RTI^2 can be found in the [RTI2 Implementation Guide](#).

Assessing ELs for Intellectual Giftedness

ELs may not be excluded from gifted programs based on their limited English proficiency. [62] ELs should not be overlooked in the search for intellectually gifted students.[63] If an LEA uses academic assessments to screen all students for intellectual giftedness, the scores of EL students should be compared with similar language peers rather than native English-speaking peers.

Evaluating students for gifted programs should include the following:[64]

- assessment through a multi-modal identification process, wherein no singular mechanism, criterion, or cut-off score is used for the determination of eligibility and
- individual evaluation procedures that include appropriate use of instruments sensitive to cultural, linguistic, and environmental factors or sensory impairments.

See the [Intellectual Disability Evaluation Guidance](#) and the [Intellectually Gifted](#) page on the department's website for more information.

Note: _LEAs must keep data on the number and percentage of NELB and native English speakers in gifted programs. The percentage of ELs in gifted programs should ideally be comparable to that of their non-EL peers in an LEA._

---

[60] Tenn. Dep't. of Educ., Response to Instruction and Intervention Framework (2015), https://www.tn.gov/content/dam/tn/education/documents/rti2_manual_revisedNov2020%20(1).pdf
[61] Ibid.
[62] 20 U.S.C. § 1703.
[63] Tenn. R. & Regs. 0520-01-09.-03.
[64] Tenn. Dep't. of Educ., Assessment Considerations for Culturally and Linguistically Diverse Students (2008), https://www.tn.gov/content/dam/tn/education/special-education/eligibility/se_eligibility_cultural_diverse_students.pdf.

Chapter 3: EL Screener Assessments

WIDA Screener for Kindergarten and WIDA Screener Assessment to Identify ELs

NOTE: *Use of the W-APT for kindergarten and first semester first graders ended on June 30, 2021. That assessment was replaced in Tennessee with the **WIDA Screener for Kindergarten.** Student scores are reported in integers of 1 to 6 in 0.5 increments for the WIDA Screener for Kindergarten.*

State Board Rule 0520-01-19 requires all K–12 students identified as NELB through the HLS process to be assessed for limited English language proficiency. [65] The department's instruments for screening and identification of EL students are:

- the WIDA Screener for Kindergarten (as of July 1, 2021) for kindergarten students and first-semester first-graders and
- the WIDA Screener for second-semester first-graders and students in grades 2–12.[66]

The WIDA Screener for Kindergarten and WIDA Screener serve as indicators of a student's language proficiency level (1–6) on the WIDA continuum, which aids in determining the appropriate level and amount of ESL services they require. It may also serve as a guide for classroom placement and tier placement on the ACCESS for ELs annual assessment. See WIDA's website for more information on the WIDA Screener for Kindergarten and the WIDA Screener.

Note: The WIDA Screener for Kindergarten should not be given until a student enrolls in kindergarten and should never be given during Spring pre-K .

Identifying EL with WIDA Screeners[67]	
Kindergarten (First Semester)	NELB Students who are screened in their first (1st) semester of kindergarten shall be screened with the WIDA Screener for Kindergarten (WSK) using the speaking and listening domains. If a student receives an **oral composite score below 4.5 or a score below 4 in either domain**, the student shall be identified as an EL student and receive a minimum of one (1) hour of ESL service each day from a teacher who holds an ESL endorsement unless the guardian chooses to waive Direct ESL Services.
Kindergarten (Second Semester)	NELB Students who are screened in their second (2nd) semester of kindergarten shall be screened with the WIDA Screener for Kindergarten (WSK) using the speaking, listening, reading, and writing domains. If a student receives an **oral composite score below 5 or a score below 4 in any domain**, the student shall be identified as an EL student and receive a minimum of one (1) hour of ESL service each day from a teacher who holds an ESL endorsement unless the guardian chooses to waive Direct ESL Services.

---

[65] Tenn. R. & Regs. 0520-01-19-.03.
[66] Tenn. R. & Regs. 0520-01-19-.03.
[67] Tenn. R. & Regs. 0520-01-19-.03(2)(a-c).

Grade 1 (First Semester)	NELB Students who are screened in their first (1st) semester of first grade shall be screened with the WIDA Screener for Kindergarten (WSK) using the speaking, listening, reading, and writing domains. If a student receives an **oral composite score below 5 or a literacy composite score below 4.5**, the student shall be identified as an EL student and receive a minimum of one (1) hour of ESL service each day from a teacher who holds an ESL endorsement unless the guardian chooses to waive Direct ESL Services.
Grade 1 (Second Semester)- Grade 12	NELB Students who are screened in their second (2nd) semester of first (1st) grade, or at any point in grades two (2) through twelve (12), shall be screened using the WIDA screener. Students who score **below a 4.5 composite on the WIDA screener** shall be identified as an EL student and receive a minimum of one (1) hour of ESL service each day from a teacher who holds an ESL endorsement unless the guardian chooses to waive Direct ESL Services.

Language Domains and Grade Clusters

The WIDA Screener for Kindergarten and WIDA Screener assess the four language domains—listening, speaking, reading, and writing. The WIDA Screener for Kindergarten is only administered to kindergarten students and first-grade students in their first semester.

The grade clusters for the WIDA Screener are:

- Grade 1 (second semester)
- Grades 2-3
- Grades 4–5
- Grades 6–8
- Grades 9–12

Contact Information

For specific WIDA Screener for Kindergarten questions:
        WIDA Help Desk | (866) 276-7735 | help@wida.us
For Tennessee-specific ESL assessment questions:
        Nancy Williams | (615) 795-7981 | Nancy.E.Williams@tn.gov
For Tennessee-specific ESL program questions:
        Joann Runion | 615-878-1806| Joann.Runion@tn.gov
For Title III grant compliance and monitoring:
        Hannah Gribble | Hannah.Gribble@tn.gov

WIDA Screening Preparation

The WIDA screeners should be administered to students individually, and score reports should be filed in the student's cumulative folder. The screener administrator ***must*** hold an ESL endorsement. In an LEA with no ESL professional on staff, screening services must be contracted through a neighboring LEA.

Note: Because the screener administrator must hold a Tennessee ESL endorsement, teachers without an ESL endorsement, teaching assistants, educational assistants, and translators may <u>not</u> administer the WIDA screeners or assessments.[68]

Test administrators of WIDA products **<u>must</u>** also complete annual WIDA training and pass all WIDA certifications required to administer the WIDA Screener for Kindergarten or WIDA Screener.[69] See *Preparing for ACCESS Testing* on the WIDA website for more information.

Note: The ESL director or LEA testing coordinator for each LEA has been assigned one username and password for accessing and downloading WIDA screening materials. LEAs should note that both the WIDA Screener for Kindergarten and WIDA Screener can be used at no cost to the LEA. The WIDA Screener for Kindergarten may be downloaded from the WIDA website and printed, whereas the WIDA Screener is administered only online in Tennessee.

Educator Training for the WIDA Screeners

Training for the screener is available through the WIDA website. Educators must:

1. Complete the online WIDA requirements for administering all state-approved screening tools.
2. Become familiar with the Test Administration Manuals (TAM) applicable to screening tools used in the school.[70]

Accessing WIDA Screener for Kindergarten and WIDA Screener Materials

Each district testing coordinator (DTC) or ESL director is assigned a secure username and password for accessing WIDA Screener for Kindergarten and WIDA Screener forms and training materials online at no additional cost. A master copy on paper may be purchased by the LEA ESL director/ESL coordinator from Data Recognition Corporation (DRC). Paper may be used as an accommodation, but the screeners should be administered online.[71]

WIDA Screener for Kindergarten Tool Administration

The WIDA Screener for Kindergarten replaced the W-APT as the identification tool for English learners in kindergarten, those entering kindergarten, or students entering their first semester of first grade. Scoring and administration guidelines are outlined in the WIDA Screener for Kindergarten. The Test Administrator's Manual requires login. Test administrators should follow the directions that are provided in the manual to record student score information.

Prior to administration of the screener, the following considerations should be given:

- Review the screener: https://wida.wisc.edu/assess/screener/kindergarten
- Test administrators are required to complete the Online Training course for certification for administration: https://portal.wida.us

---

[68] WIDA, Tennessee English Language Learner Identification and Placement Guidance Document. Board of Regents of the University of Wisconsin System (2021), https://wida.wisc.edu/sites/default/files/id-placement/TN-ID-Placement-Guidance.pdf.
[69] WIDA, Tennessee ACCESS for ELLs Online Checklist 2022-2023. Board of Regents of the University of Wisconsin System (2022), https://wida.wisc.edu/sites/default/files/checklists/TN-online-checklist.pdf.
[70] WIDA, QuickStart Guide for Administering WIDA Screener Online (2020), https://wida.wisc.edu/assess/screener/online#:~:text=QuickStart%20Guide%20for%20Administering%20WIDA%20Screener%20Online%201,student%20responses.%20...%207%207.%20Generate%20score%20reports.
[71] WIDA, WIDA Screener Paper (2023), https://wida.wisc.edu/assess/screener/paper.

- Examine and review both the Test administrator manual and script material pp. 17-33: [Resources for WIDA Screener for Kindergarten: Administration and Scoring](#)
  - Follow the Accessibility and Accommodations Supplement: https://wida.wisc.edu/resources/accessibility-and-accommodations-supplement
- Story booklets and cards can be taken apart, laminated, or put into sheet protectors.
- Make sure the barcode is intact.
- All screener materials are to be returned and secured.
- Review test administration guidelines and ensure the reliability and validity of the assessment.
- Administer assessments individually.
- Allow for breaks during the administration of the assessment.
- School or staff assistants that laminate story booklet and cards require an administrator to sign a non-disclosure agreement.
- The script is secure material and must be returned.
- Testing materials are available for printing or kits are available via the WIDA portal.

WIDA Screener for Grades 1–12

The WIDA Screener for grades 1–12 is individually administered at all grade levels first grade second semester through twelfth grade and is fully adaptive (i.e., answers provided by students early in the test will determine how many and which tasks are administered later in the test). Consequently, the screener administration times vary, increasing as a student's English proficiency increases. Students performing at a lower proficiency level may complete the test in as little as 20 minutes, while students performing at a higher proficiency level may take up to 90 minutes.[72]

As an adaptive test, the student is presented only with questions the test administrator has a reasonable expectation that the student will be able to understand and respond to, based on the student's responses to the items in the previous part of that test section. Therefore, scoring occurs as the test is being administered. Test administration guidelines can be found in the WIDA ACCESS for ELs Test Administrator's Manual (login required).[73]

Test Security

The security of all WIDA assessment materials and confidentiality of student scores must be maintained at all times. Test materials must be kept in a secure, locked storage area and signed out and in. Materials may not be left unattended at any time, including immediately prior to or after testing. ESL directors, DTCs, and test administrators are responsible for maintaining the security of all WIDA assessment materials.[74]

Test Administrator's Responsibilities

Only teachers who hold Tennessee ESL endorsements are permitted to administer secure ESL state assessments. In addition, test administrators shall be school personnel who have professional training in education and the state testing program. Retired teachers, if working for the LEA in an ESL capacity, may administer Tennessee ESL tests.

---

[72] WIDA, Tennessee ACCESS for ELLs Online Checklist 2022-2023. Board of Regents of the University of Wisconsin System (2022), https://wida.wisc.edu/sites/default/files/checklists/TN-online-checklist.pdf.
[73] Ibid.
[74] Tenn. Dep't. of Educ., Tennessee Test Security Manual (2021), https://www.livebinders.com/play/play/2244559?tabid=5309e400-8393-b02a-d4a0-0ec196cca9bc#anchor.

Test administrators shall not, at any time, modify, change, alter, or tamper with student responses on the answer sheets, nor may any questions be altered or changed. If repetition of a question is allowed, it must be read verbatim.

Note: *Title III funds must **not** be used for training or administration of English language proficiency tests.*[75]

Testing Accommodations for Students with Disabilities

Only department-approved testing accommodations may be provided for students with disabilities. See the department's Test Accommodations webpage for additional information. For more information, contact **Nancy Williams** at (615) 795-7981 or Nancy.E.Williams@tn.gov.

---

[75] 20 U.S.C. § 6825(g).

Chapter 4: Placing ELs

Placing ELs at All Grade Levels

When making decisions regarding student placement, it is important to consider the services and support in place to ensure that ELs are developing both social and academic English language proficiency and can effectively participate in all academic and special programs within the LEA. As part of this process, LEA personnel must familiarize themselves with the [WIDA Performance Definitions](#) which serve as the basis for the WIDA Screener for Kindergarten, WIDA Screener, and ACCESS for ELs and MODEL Composite Proficiency Levels.

Initial placement of ELs in appropriate classes is crucial to their success in the educational program. LEAs must ensure ELs are placed in age-appropriate classes, regardless of lack of formal education or English language proficiency. ELs are eligible for any program that will help them reach the same standards of performance asked of non-ELs.[76] Once a child enters a general education classroom, they may need language development and other types of support that must be included in everyday classroom instruction[77]. These supports may include accommodations on instructional activities, tasks, and/or assessments. As an EL attains proficiency in English, however, fewer accommodations may be necessary.[78]

Students at lower levels of proficiency, and/or with an educational background of limited or interrupted instruction, may require additional support and/or multiple classes of support when first receiving ESL services. Students nearing proficiency may benefit from sheltered instruction content classes or ESL courses targeted to those academic areas in which they are most likely to need additional support.[79]

While the provision of services to ELs may have the effect of separating them from their English-proficient peers for at least part of the school day, the LEA's program should not unnecessarily separate ELs. ELs must be given the opportunity to participate in all extracurricular and special programs.[80] Additionally, ELs must be provided with services in comparable facilities to those in which non-ELs receive instruction.

An endorsed and highly effective ESL teacher must provide direct services to ELs.[81] Pre-functional, beginning, and intermediate ELs (WIDA levels 1–3) must receive direct service for at least one hour per day.[82] ELs in middle and high school identified for ESL services shall receive a minimum of one hour of Direct ESL Service per school day or the equivalent of one full-class period of at least 45 minutes in duration per school day. ELs should receive up to one hour of direct service each day until these transitions begin to take place.[83]

At the high school level, two ESL credits may be counted toward the four English credits required for graduation. Additional ESL courses are to be counted as elective credits.[84] It is recommended that ELs

---

[76] U.S. Dep't. of Just. & U.S. Dep't. of Educ., Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (Jan. 7, 2015), https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf.
[77] U.S. Dep't. of Just. & U.S. Dep't. of Educ.., Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs (Jan. 7, 2015), https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf.
[78] U.S. Dep't. of Educ., Tools and Resources for Monitoring and Exiting English Learners from EL Programs and Services (2015), https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf.
[79] Ibid.
[80] Ibid.
[81] Tenn. R. & Regs. 0520-01-19-.03(6).
[82] Tenn. R. & Regs. 0520-01-19-.03(2).
[83] Tenn. R. & Regs. 0520-01-19-.03.
[84] Tenn. R. & Regs. 0520-1-3-.03(12).

achieve the intermediate level (WIDA level 3) before taking a non-ESL English course. Federal requirements state that the student must be tested once in high school for English, math, and science.[85] 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.[86]

Transitional EL Students

Transitional ELs are considered proficient and move to the general education classroom with careful academic monitoring for two calendar years. Should a transitional student begin to have difficulty in classes, they should receive intervention immediately. If these interventions are not successful, the student may be re-designated as an EL and begin receiving ESL services again. This should be a rare occurrence and be carried out through the LEAs reclassification procedure.[87]

---

[85] 20 U.S.C. § 6311(b)(2).
[86] Tenn. R. & Regs. 0520-01-19-.03.
[87] Tenn. R. & Regs. 0520-01-19-.06(1-4).

Chapter 5: ESL Program Models Overview

In the sections below, the program models used in Tennessee are detailed. Some models may be appropriate for students performing at all WIDA levels, whereas other models may be more effective for certain levels of language acquisition. Student ILPs and other information must be considered to ensure that individual student needs are met and that the model is appropriate.

Sheltered English Instruction (appropriate for all levels, particularly levels 3–5)

Sheltered English Instruction is an instructional approach whereby teachers use physical activities, visual aids, and the environment to teach students the vocabulary necessary to understand content subjects. It delivers language-rich, grade-level content instruction in English that is comprehensible to ELs.[88] While sheltered English instruction is commonly used for intermediate to advanced students, this model may also be effective with students at any level. Sheltered English Instruction is one element of the sheltered instruction observation protocol (SIOP), which is a framework for teaching language and content together.

The eight components of SIOP are:

- Lesson preparation
- Building background
- Comprehensible input
- Strategies
- Interaction
- Practice and application
- Sheltered lesson delivery
- Review and assessment[89]

Structured English Immersion (appropriate for all levels, particularly level 1)

Structured English Immersion (SEI) is a technique for rapidly increasing the language proficiency of ELs. Many SEI programs provide some bilingual support. The hallmark of this program is that the focus is on English, not specific content, for extended periods of time.

Teachers may use strategies such as graphic organizers, visuals, gestures, and realia to support comprehension. Students are encouraged to produce language to demonstrate communication. Traditional English language development (ELD) classes are often considered Structured English Immersion courses. Structured English Immersion courses are common in middle and high school programs for students who have difficulty accessing content in an English-only classroom. ELs should be with grade-level peers when appropriate, and where linguistic needs are met.

Structured English Immersion is often used as a newcomer program for ELs. During this first year, basic interpersonal communication skills (BICS) are the focus. As students learn the basic communication skills needed, the goal of the program shifts to cognitive academic language proficiency (CALP). During that phase, general subject area vocabulary and structures will be taught. Newcomer programs are effective and designed to be short-term so that students learning English do not generally spend more than six months to an academic year outside of a typical classroom with peers. Many programs make this determination based

---

[88] U.S. Dep't. of Educ., Developing Programs for English Language Learners (2020), https://www2.ed.gov/about/offices/list/ocr/ell/glossary.html#sheltered_english.
[89] Echevarria, J., Vogt, ME. & Short, D., Making Content Comprehensible for English Learners: The SIOP Model (2017), Pearson.

on literacy. A beginner in English might spend six months, but a student who has no literacy in any language might spend a year in the newcomer program.

Specially Designed Academic Instruction in English (appropriate for all levels)

Specially Designed Academic Instruction in English (SDAIE) is an approach to teaching English simultaneously with content. SDAIE either requires intermediate fluency in English for the EL to be able to access the content, or the lessons must be carefully scaffolded to provide the language to the ELs who are at a beginning to low intermediate level. Lessons are focused on both content and language acquisition.[90]

Features of SDAIE include:

Low Affective Filter

When a learner is flooded with emotions, high-affect language learning is more difficult. Having a comfortable classroom where the EL can experiment with language and freely practice language skills results in a low affective filter. Generally, a low affective filter is associated with increased language acquisition. Teachers can lower the affective filter by making certain that the EL is included in classroom activities, by providing comprehensible input, and by creating a warm, welcoming classroom environment.

Modified Speech

Modified speech can refer to slowing or simplifying language. Often, modifying speech entails movement away from idioms. For example, the teacher might request, "Sit down." Rather than "Take your seat." The latter might cause confusion if the EL is translating literally. It might also refer to using a simpler word when the vocabulary is not the goal of the experience; for example, choosing to use "below" rather than "underneath."

Contextual Clues

Teachers often have no difficulty pointing out contextual clues in written text but may find using contextual clues more difficult for speech. Prepositions may be contextualized by using objects to show the relationship of beside, below, under, over, through, up to, over, etc.

Multisensory Experiences

Vocabulary may be meaningfully taught by using senses other than sight and hearing. Some vocabulary words that lend themselves to this method are sweet, bitter, sour, salty, spicy, rough, fuzzy, smooth, soft, hard, etc.[91]

Comprehensible Input

Comprehensible input refers to the understanding of what is being read or heard. If the language cannot be understood, the input is not comprehensible. Several factors to consider are speed, dialectical differences, accents, unknown vocabulary, grammar, or syntax.

Frequent Comprehension Checks

Frequent comprehension checks can be accomplished quickly and in a variety of ways: thumbs up or down, colored cards, checks for understanding, retelling, repeating, fist to five, exit tickets, etc.

---

[90] Genzuk, Michael, Specially Designed Academic Instruction in English (SDAIE) for Language Minority Students (2011), University of Southern California.
[91] Asher, J. J., The Total Physical Response approach to second language learning (1969). Modern Language Journal, 53, 3-17.

Formative and Summative Assessments

Formative and summative assessments refer to both classroom quizzes and tests as well as end-of-the-year comprehensive exams or assessments to determine where students are in their mastery of the standards.

Appropriate Lesson Design

Appropriate lesson design refers to what is meaningful to the student at their level of linguistic competence. If the student is unable to read but can select an answer to an oral discourse by pointing that should be utilized to connect the intent of the lesson to the student. The WIDA Can Do Descriptors are useful for appropriate lesson designs.

Content-Driven Plans

Content-driven plans refer to the plans developed for language teaching that are designed around the necessary comprehension of content needed for understanding the lesson. This is common in a content-based ESL class.

The focus of the SDAIE model is the blending of English acquisition with content instruction. The academic vocabulary becomes more meaningful because the students are experiencing the usefulness of the words learned. Grammar is more meaningful because the students are experiencing the nuances of the grammatical choices, such as active versus passive verb tense.

Content-Based English Instruction (appropriate for levels 2–5)

Content-based English Instruction (CBI) is designed to provide English learner instruction in content and language.[92] During CBI, engaging language lessons are blended with content and students have an increased focus on core content versus explicit language acquisition.[93]

Research indicates that ESL teachers must provide a content-rich, high-standards curriculum that prepares ELs to become academically successful in content learning.[94] The content-based educational curriculum (CBEC) provides four strong areas of support:

- ELs learn age-appropriate content knowledge that reflects the content learning in the mainstream and can be motivating to ELs.
- ELs read authentic texts, not simplified or contrived text written for ELs only.
- ELs view language learning as becoming more purposeful because they are learning the language, not about the language.
- ELs learn technical vocabulary and use it in context.

Pull-Out English Instruction (appropriate for all levels)

Pull-out English Instruction involves students being removed from the general education classroom to work in a small group. Pull-out ESL requires that ELs miss core class time, which can pose challenges. To use pull-out effectively, the student must be unable to access content in a general education classroom due to a lack

---

[92] Brinton, D. M., Snow, M. A., & Wesche, M. B., Content-based second language instruction (1989). Boston: Heinle & Heinle Publishers.
[93] Richards, J., & Rodgers, T., Content-Based Instruction. In Approaches and Methods in Language Teaching (2001), Cambridge: Cambridge University Press.
[94] Brown, Clara, Content Based ESL Curriculum and Academic Language Proficiency (2004), The Internet TESL Journal Vol. X, No. 2, http://iteslj.org/Techniques/Brown-CBEC.html.

of language proficiency. Some ESL teachers pull out mixed-level proficiency groups while others pull out by proficiency levels that may include mixed grade levels.

Determining the appropriate program model can be challenging; the table below provides some example students and the potential program model to support their needs.

Student Example	Program Model	Pros	Cons
Recently Arrived English Learner (RAEL), 16 years old, who is a refugee from Syria and has been on the move for the past three years, out of school since age 11.	Pull Out	• Will be able to develop English skills with a selected group of students • Allows individualization of needs, including social/ personal needs	May be relegated to work on a software language program if other students have better language skills
Long-term English Learner (seventh year in the ESL program)	Sheltered English Instruction	• Could connect academics to ESL to help make up academic gaps in concepts and vocabulary • Would be learning the grammatical structures for classroom work in authentic language	Approach to grammar and language learning might be too deductive and unclear
EL with disabilities, sixth grade, identified in first grade for ESL and in third grade for special education services	Content-based Instruction	Provides consistency to academics while increasing English proficiency	If content is too difficult and not properly scaffolded, access to language instruction will not be evidenced
Newly arrived fifth-grader with high beginning English skills	Specially Designed Academic Instruction in English	• Provides support for academics and ESL • Must be a school-wide or grade-level wide program for ELs	Requires Sheltered Instruction Observation Protocol (SIOP) or SDAIE-trained team of teachers
12-year-old recently arrived from Guatemala with a non-English home language and/or no written English skills	Structured English Immersion	• Develop basic interpersonal communicative skills (BICS) • Allows for adjustment to U.S. schooling expectations • Individualization of non-academic needs, including counseling and other social supports.	• More than academic support may be needed • Requires trained teachers to understand the needs of newcomers, which are not limited to academics • Requires school-wide buy-in from ESL teachers and general education teachers

Chapter 6: Provisioning of Services for ELs

Service Delivery Program Models

LEAs have the freedom to select the model(s) most suited to the needs of its students, as there is no single federal or state-mandated ESL program model. State Board Rule 0520-01-19 provides a list of accepted models for ESL service delivery in Tennessee.

Approved Models

An ESL program may be provided through various service-delivery models, including:

1. Sheltered English Instruction,
2. Structured English Immersion,
3. Specially Designed Academic Instruction in English (SDAIE),
4. Content-Based Instruction (CBI),
5. Heritage Language,
6. Virtual ESL classes,
7. Pull-out instruction; or
8. Other models approved by the department.[95]

LEAs wishing to use any model not included on the list must have prior approval from the department before implementing the model. The department will approve other models based on evidence of effectiveness. All models must address how academic deficits that are the result of a student's limited English proficiency will be remediated. All ESL services must be founded on evidence-based educational practices, aligned to the Tennessee (WIDA) English language development standards, and founded on evidence-based educational practices. These service delivery models may be used in ESL classrooms, general education classrooms, or in newcomer centers for recently arrived ELs (RAELs). Instruction may be delivered in newcomer centers or classes, a traditional setting, or resource centers. Ideally, instruction is delivered through content-based materials. Sheltered classes in academic subjects are an accommodation that is supported by research.[96] These classes are most appropriate at the middle and high school levels. Structured immersion can segregate students and is only appropriate for one or two years in situations where students are illiterate in their first language.

Classroom Instruction

On average, ELs spend 80 percent of their day in a general education classroom, so ESL and general education teachers must work in partnership to support ELs. In July 2021, the State Board of Education Rule Chapter 0520-01-19 became effective and states that: LEAs shall ensure that all teachers who provide Direct or Indirect ESL Services are annually trained on delivering ESL instruction. At a minimum, this training shall include, but not be limited to:

- The Tennessee English language development (ELD) standards;
- Appropriate ESL instructional methods to use with grade-level academic content standards in English language arts, mathematics, science, and social studies;

---

[95] Tenn. R. & Regs. 0520-01-19-.03 (9).
[96] California Department of Education Press, Improving Education for English learners: Research-Based Approaches (2010), Sacramento: CDE Press.

- English language acquisition training for general education teachers to understand the process of acquiring a second or subsequent language;
- Strategies for collaboration between teachers serving EL students so that ILPs are developed and implemented by all educators; and
- The requirements regarding ILP development and implementation.[97]

Tennessee adopted the WIDA standards in 2013 as the state's ELD standards. The WIDA standards provide general education teachers with a valuable tool to support ELs in accessing the Tennessee Academic Standards.

Additional information on the WIDA standards can be found in Chapter 7: WIDA Standards.

Tier I Core Instruction

All students, including ELs, should be provided high-quality Tier I instruction. Tier I instruction, also known as core instruction, provides rich learning opportunities for all students that are aligned to the Tennessee Academic Standards and are responsive to student strengths and needs through differentiation. Differentiation, based on multiple sources of data, is a hallmark of Tier I. Tier I instruction should be differentiated and responsive to students' growth.[98] Differentiation strategies should drive the ILP for ELs. Educators should proactively identify student needs through multiple sources of data and use this information to plan for differentiation. Differentiation should be the primary response to supporting students during Tier I instruction. To support effective instruction, teachers should be provided with tools and training that include attention to core reading and mathematics materials and instructional methods that are supported by evidence and are aligned to grade-level Tennessee Academic Standards; the universal screening process; formative assessment data to determine instructional needs; and ongoing, embedded support and professional learning.[99]

All data should be considered when making instructional decisions for students in Tier I core instruction. Each type of data serves a purpose and provides useful information regarding students' strengths and weaknesses.[100] No one source of data should override or supersede another.

Tier II Instruction

If an EL is identified as requiring Tier II support, the student should be provided with the appropriate interventions. Tier II is in addition to the instruction provided in Tier I and should meet the needs of 10-15 percent of students. Students who score below the designated cut score on the universal screening will receive more intense intervention in Tier II.[101] For ELs, their language proficiency must also be considered regarding the decision to provide Tier II interventions. All interventions must be linguistically accessible to ELs.[102]

If an EL falls below the 25th percentile on the universal screener and they have not acquired sufficient English language to access academic interventions, they should continue to receive ESL services in lieu of RTI[2]. If an EL falls below the 25th percentile on the universal screener and they have acquired sufficient

---

[97] Tenn. R. & Regs. 0520-01-19-.03(7).

[98] Tenn. Dept. of Educ., Implementation Guide: Response to Instruction & Intervention Framework (2016), https://www.tn.gov/content/dam/tn/education/documents/rti2_manual_revisedNov2020%20(1).pdf.

[99] Ibid.

[100] Ibid.

[101] Ibid.

[102] Zacarian, Debbie, Transforming Schools for English Learners: A Framework for School Leaders (2011), Corwin: Thousand Oaks, CA. pp. 129-146.

English language to allow them to access academic interventions, they should receive accessible RTI[2] interventions, in addition to ESL services, based on their specific area of need.

Tier II interventions should be systematic, evidence-based interventions that target the student's identified area of deficit (basic reading skill(s), reading fluency, reading comprehension, mathematics calculation, mathematics problem solving, or written expression). Interventions should be developed based on the unique needs of students. Evidence-based interventions should be used. There must be evidence that interventions are focused on specific skill needs rather than the standards focus of Tier I. Further, the discrete skills must be within the range of the ELs English linguistic competency. When these interventions are used properly, adequate gains are expected. An effective intervention is:

- implemented by highly trained personnel,
- implemented with fidelity and confirmed with measurement, and
- progress monitored to ensure outcomes are met.

When possible, Tier II interventions should be taught by qualified, licensed teachers. Progress monitoring in Tier II will take place at least every other week. Highly trained personnel should administer the progress monitoring in Tier II, and classroom teachers should continuously analyze the progress monitoring data.[103]

Tier III Instruction

Tier III addresses 3–5 percent of students who have received Tier I instruction and Tier II interventions and continue to show marked difficulty in acquiring necessary reading, mathematics, and writing skill(s).[104] It could also include ELs who are more than two years behind, are below the 10th percentile, and require the most intensive interventions immediately. Students at this level should receive daily, intensive, small group, or individual intervention targeting specific area(s) of deficit, which are more intense than interventions received in Tier II. Intensity can be increased through the length, frequency, and duration of implementation. Again, English language proficiency is a factor in this decision. ELs should never be placed in services that are inaccessible to them.[105]

School RTI² teams will decide the best placement for students in Tier III, and if an EL is being discussed, an EL teacher must be a member of the team.[106] Students who have not made adequate progress with Tier II interventions or who score below the designated cut score on the universal screening will receive more intense intervention in Tier III. These cut scores should be based on national norms that identify students who are at risk.

As a guideline, students below the 10th percentile are considered the most "at-risk" and in need of Tier III intervention.[107] For an EL to receive Tier III instruction they must have sufficient language acquisition to be able to access the intervention.[108] When teachers and school-level RTI² support teams are making placement decisions for Tier III interventions, it may be necessary to consider other assessments, data, and

---

[103] Tenn. Dept. of Educ., Implementation Guide: Response to Instruction & Intervention Framework (2016), https://www.tn.gov/content/dam/tn/education/documents/rti2_manual_revisedNov2020%20(1).pdf.
[104] Ibid.
[105] WIDA, Developing a Culturally and Linguistically Responsive Approach to Response to Instruction & Intervention (RtI²) for English Language Learners (2013). Board of Regents of the University of Wisconsin System.
[106] Tenn. Dept. of Educ., Implementation Guide: Response to Instruction & Intervention Framework (2016), https://www.tn.gov/content/dam/tn/education/documents/rti2_manual_revisedNov2020%20(1).pdf.
[107] Ibid.
[108] WIDA, Developing a Culturally and Linguistically Responsive Approach to Response to Instruction & Intervention (RtI²) for English Language Learners (2013). Board of Regents of the University of Wisconsin System.

information on the student. Such examples may include attendance records, past retention, or performance on TCAP. For ELs, data from English language proficiency assessments should be included.

Tier III interventions are systematic, research-based interventions that target the student's identified area of deficit (basic reading skill(s), reading fluency, reading comprehension, mathematics calculation, mathematics problem solving, or written expression). Interventions should be developed based on the unique needs of students. Interventions that have been researched to have the greatest chance of addressing the area of need should be selected. There should be evidence that Tier III interventions are more intense than Tier II. Scientifically research-based interventions are interventions that produce reliable and valid results. When these interventions are used properly, adequate gains should be expected. To be considered evidence-based, they must have a clear record of success.

Similar to Tier II, an effective intervention is:

- implemented by highly-trained personnel;
- implemented with fidelity and confirmed by measurement; and
- progress monitored to ensure outcomes are being met.[109]

The interventions should be delivered by highly trained personnel. Highly trained personnel are adequately trained to deliver the selected intervention as intended with fidelity to design. When possible, Tier III interventions should be taught by qualified, certified teachers. Research supports the most trained personnel working with the most at-risk students.[110]

When additional intervention is provided in Tier III, the effectiveness of the instructional intervention should be monitored to ensure that it is helping the student reach a goal. This is accomplished through the administration of probes that are parallel forms of the ones used in universal screening. Students in Tier III should be progress monitored at least every other week in grades K–12. Progress monitoring will be done in the area of deficit using an instrument that is sensitive to change.[111]

Additional information on Tier I, II, and III can be found in the RTI[2] Implementation Guide.

Individual Learning Plan

In Tennessee, all ELs must have an ILP.[112] An ILP is a document that describes the academic and language needs of, and goals for, an EL. It is created by ESL teachers in collaboration with other teachers, leaders, counselors, parents, and/or the student. The purpose of developing ILPs for ELs is to ensure all students are being served and on track to meet the linguistic and academic expectations each year.

Every ILP should contain general information about the student (i.e., name, age, grade level, school year, etc.). Additionally, State Board Rule 0520-01-19 requires that all ILPs contain:

- **Assessment data** from the English language proficiency assessment, achievement assessments, and any meaningful benchmark data;
- **Short-term goals** that help the student proceed to the next level in the four (4) domains of language: reading, writing, speaking, and listening;
- **Growth trajectories** for English language proficiency based on individual student data;

---

[109] Tenn. Dept. of Educ., Implementation Guide: Response to Instruction & Intervention Framework (2016), https://www.tn.gov/content/dam/tn/education/documents/rti2_manual_revisedNov2020%20(1).pdf.
[110] Ibid.
[111] Ibid.
[112] Tenn. R. & Regs., 0520-01-19-.03(3).

- **Strategies, accommodations, and scaffolding** used in the delivery of Indirect ESL Services; and
  Note: *When using accommodations on state assessments, be sure to include details specific to the amount of extended time needed should the ILP determine this as a need. Additional guidance on state assessment supports may be found in the [Accessibility and Accommodations Manual](#).*
- **Teacher team input**.

Recommended, but not required, elements of an ILP are as follows:

- Parent and/or guardian input and
- Student input.

The ILP should include any needed accommodations necessary to support and provide meaningful instruction to the student in general education and ESL classrooms. Accommodations may address domains such as instruction, assignments, environment, and formative and summative assessment.

[State Board Rule 0520-01-19](#) also requires LEAs shall have an oversight plan for the development, implementation, and monitoring of ILPs for EL students. This plan must outline how LEAs shall monitor the academic and English language proficiency growth of EL students through benchmarking, formative assessments, and/or summative assessments identified in his or her ILP, the student shall receive differentiated support so that he or she may advance more rapidly toward English language proficiency. Supports shall be implemented promptly after the ILP team has determined the student is not on the expected growth trajectory.[113]

Growth Trajectory

Under [State Board Rule 0520-01-19](#), all EL students must have an ILP that contains growth trajectories for English language proficiency based on individual student data.[114] A growth trajectory is a growth model based on previous student data in comparison to proficiency at a later point in time. Growth trajectories use a projection model to predict student performance based on a student's data, including age, grade, years in school, proficiency level at the time of entry, and previous performance. Growth trajectories are designed to assist educators in measuring expected growth for individual students, based on a variety of factors, including but not limited to, age, grade, years in school, and proficiency level at entry. Growth trajectories address student growth on WIDA ACCESS according to the growth standards developed through statewide accountability. Additionally, trajectories should be developed to target linguistic growth across the domains of reading, speaking, listening, writing, and literacy. When the student experiences difficulty with movement toward proficiency or does not move forward in English proficiency measures, there should be intervention immediately. Intervention should begin through the Proficiency Level Descriptors (PLDs) of the WIDA framework.[115] These descriptors can serve as a map for student expectations and a way for general education teachers to highlight expectations and gather ideas for future differentiation. Growth trajectories serve as a useful tool to measure actual student growth against expected progress to determine any additional adjustments to instructional strategies that may best help ELs access grade-level content instruction in English.

Prior Year Score Range	Growth Standard
1.0–1.4	1.3

---

[113] Tenn. R. & Regs. 0520-01-19-.03 (4-5).
[114] Tenn. R. & Regs. 0520-01-19-.03 (4)(a).
[115] WIDA, WIDA English language development standards framework, 2020 edition: Kindergarten–grade 12 (2020), Board of Regents of the University of Wisconsin System, https://wida.wisc.edu/sites/default/files/resource/WIDA-ELD-Standards-Framework-2020.pdf.

| Prior Year Score Range	Growth Standard
1.5–1.9	0.7
2.0–2.4	0.8
2.5–2.9	0.7
3.0–3.4	0.4
3.5–3.9	0.5
4.0–4.4	0.4
4.5–4.9	0.2

Chapter 7: WIDA Standards

WIDA Standards Framework

EL classroom instruction is structured around the WIDA standards framework and Tennessee Academic Standards. The framework consists of four components, ranging from broad to narrow in scope:

- WIDA ELD Standards Statements: conceptual framing of language and content integration.
- Key Language Uses: prominent language uses across disciplines.
- Language Expectations: goals for content-driven language learning.
- Proficiency Level Descriptors: A continuum of language development across six levels.[116]

Big Ideas of the WIDA ELD Standards Framework

The 2020 Edition of the WIDA ELD Standards Framework is anchored by four **Big Ideas** that are interwoven throughout the document. Like the Can Do Philosophy, they support the design of standards-based educational experiences that are student-centered, culturally, and linguistically sustaining, and responsive to multilingual learners' strengths and needs.[117]

Big Ideas

EQUITY of Opportunity and Access

INTEGRATION of Content and Language

COLLABORATION among Stakeholders

FUNCTIONAL APPROACH to Language Development

WIDA

©2020 Board of Regents of the University of Wisconsin System
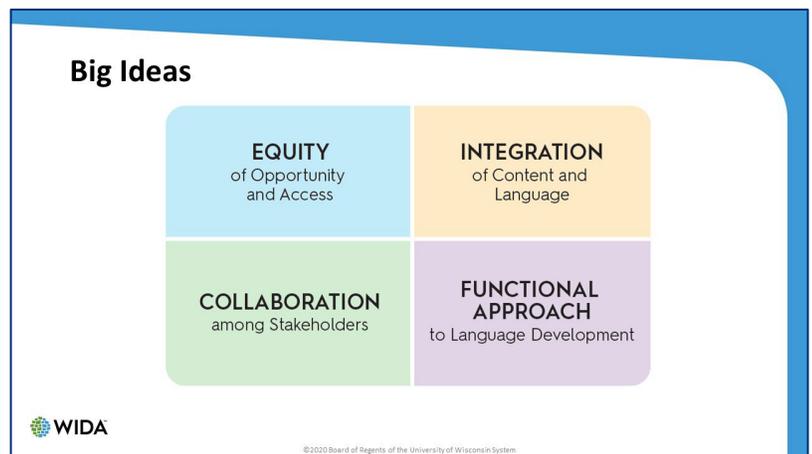
WIDA ELD Standards Statements

Standard 1 – Social and Instructional Language: English language learners communicate for social and instructional purposes within the school setting.
Standard 2 – Language for Language Arts: English language learners communicate information, ideas, and concepts necessary for academic success in the content area of language arts.
Standard 3 – Language for Mathematics: English language learners communicate information, ideas, and concepts necessary for academic success in the content area of mathematics.
Standard 4 – Language for Science: English language learners communicate information, ideas, and concepts necessary for academic success in the content area of science.
Standard 5 – Language for Social Studies: English language learners communicate information, ideas, and concepts necessary for academic success in the content area of social studies.[118]

Updated: Key Language Uses – Narrate, Inform, Explain, Argue

- Key Language Uses (KLUs) are select genre families that appear across content areas: Narrate, Inform, Explain, and Argue.
- KLUs summarize prominent language across disciplines, helping educators organize and coordinate instruction.

New: Language Expectations

---

[116] Ibid.
[117] Ibid.
[118] Ibid.

- Language Expectations are goals for content-driven language instruction, adding specificity to the ELD standards statements and Key Language Uses. They are the statements most similar to what educators generally find in academic content standards.

New: Proficiency Level Descriptors

- Proficiency Level Descriptors (PLDs) show how multilingual learners use language at the end of each of the six English language proficiency levels. PLDs are:
  - Anchored in K-12 Performance Definitions
  - Aligned to the six grade-level clusters used in ACCESS (i.e., K, 1, 2–3, 4–5, 6–8, 9–12)
- Proficiency Level Descriptors (PLDs) are a detailed articulation of student language performance across six levels of English language proficiency. Each end-of-level descriptor includes and builds on previous levels (e.g., PL4 = PL1 + PL2 + PL3 + PL4).

No Change: The WIDA ELD Standards statements remain the same.

- The Can Do Philosophy emphasizes the assets and potential of multilingual learners
  - Guiding Principles of Language Development
  - Age-Appropriate Academic Language in Sociocultural Contexts
  - English Language Development Standards and Performance Definition Strands of Model Performance Indicators
- Six levels of English Language Proficiency
- Six grade-level clusters (i.e., K, 1, 2–3, 4–5, 6–8, and 9–12)

No Change: The Can Do Philosophy and 5 English Language Development Standards remain the foundation of WIDA. They will remain the same.

No Change: The 6 levels of English language proficiency are staying the same.

1. Entering
2. Emerging
3. Developing
4. Expanding
5. Bridging
6. Reaching

New: The 2020 WIDA ELD standards have been based on the following guiding principles:

- Multilingual learners' languages and cultures are valuable resources to be leveraged for schooling and classroom life; leveraging these assets and challenging biases help develop multilingual learners' independence and encourage their agency in learning.
- Multilingual learners' development of multiple languages enhances their knowledge and cultural bases, their intellectual capacities, and their flexibility in language use.
- Multilingual learners' language development and learning occur over time through meaningful engagement in activities that are valued in their homes, schools, and communities.
- Multilingual learners' language, social-emotional, and cognitive development are interrelated processes that contribute to their success in school and beyond.
- Multilingual learners use and develop language when learning opportunities consider their individual experiences, characteristics, abilities, and levels of language proficiency.
- Multilingual learners use and develop language through activities that intentionally integrate multiple modalities, including oral, written, visual, and kinesthetic modes of communication.
- Multilingual learners use and develop language to interpret and access information, ideas, and concepts from a variety of sources, including real-life objects, models, representations, and multimodal texts.

- Multilingual learners draw on their metacognitive, metalinguistic, and metacultural awareness to develop effectiveness in language use.
- Multilingual learners use their full linguistic repertoire, including translanguaging practices, to enrich their language development and learning.
- Multilingual learners use and develop language to interpret and present different perspectives, build awareness of relationships, and affirm their identities.[119]

Age-Appropriate Academic Language in Sociocultural Contexts

An EL's growth varies, dependent upon their proficiency and/or grade level. Many researchers, including those at WIDA, have stated the following principle for student growth: "Lower is faster, higher is slower."[120]

This simply means that ELs at a lower grade and/or proficiency level will show faster rates of growth than ELs at a higher grade and/or proficiency level. For example, the amount of content and language an EL must learn to move from proficiency level 1 to level 2 is much smaller and simpler than the breadth of content and language skills they must master to move from proficiency level 4 to level 5. Care must be taken to avoid mistaking a slowing growth rate as an EL rises in proficiency level for a lack of language learning. These students are simply required to learn more complex skills and standards as they raise proficiency.

For further information on age-appropriate academic language in sociocultural contexts, review English Language Development Standards.[121]

English Language Development (ELD) Standards

The WIDA ELD standards (previously known as English Language Proficiency Standards) are designed as a curriculum and instruction planning tool. They help educators determine a student's ELD levels and how to appropriately challenge them to reach higher levels.[122]

The following are the WIDA ELD standards:

- English learners **communicate** for **social and instructional** purposes within the school setting.
- English learners **communicate** information, ideas, and concepts necessary for academic success in the content area of **language arts**.
- English learners **communicate** information, ideas, and concepts necessary for academic success in the content area of **mathematics**.
- English learners **communicate** information, ideas, and concepts necessary for academic success in the content area of **science**.
- English learners **communicate** information, ideas, and concepts necessary for academic success in the content area of **social studies**.[123]

Each grade-level band K–8 and then grade-level clusters 9–10 and 11–12 have their own versions of the five standards to appropriately support students at their academic level. WIDA ELDs are designed to represent and enhance Tennessee's Academic Standards within its current framework. The language demands of these content standards have been addressed in numerous ways to ensure that ELs at all levels of English proficiency can engage in the cognitive challenges represented in those content standards. In addition to

---

[119] Ibid.
[120] Ibid.
[121] Ibid.
[122] Ibid.
[123] Ibid.

the core knowledge and skills represented in content standards, students need to develop social, language, and cross-cultural competencies to be successful in school and beyond.

The [Tennessee Academic Standards](#) guide the department in setting curricular goals, exemplifying many of the language features of WIDA's standards framework, specifically:

- a focus on oral language development,
- literacy across the content areas,
- use of instructional supports,
- Attention to genre,
- Text type,
- Register,
- Language forms; and
- Conventions.

Chapter 8: ACCESS and Annual Assessments

ESSA Requirements

Under ESSA, all students must participate in mandated testing. States must test all students using statewide assessments in the following areas: reading/language arts and math every year in grades 3–8 and once in high school; and science once between grades 3–5, once between grades 6–9, and once again in grades 10–12. These assessments must provide valid, reliable, and comparable information on whether all students are meeting state standards in each subject. [124] Including ELs in Tennessee's assessment results ensures that ELs, including immigrant children, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and student academic achievement standards all students are expected to meet.

ESSA State Plan Assessment Requirements

ESSA requires all state assessments to provide the following:

- the reasonable adaptations and accommodations for students with disabilities necessary to measure students' academic achievement relative to state academic content and state student academic achievement standards; and
- the **inclusion of ELs**, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what students know and can do in academic content areas until they have achieved English language proficiency.[125]

Native Language Assessments

Tennessee is an English-only state, and mandated assessments are administered only in English.[126] That does not preclude an LEA from using native language assessments for determining special needs or supports.

If an LEA determines—on a case-by-case basis—that assessments in the native language would yield more accurate and reliable information on what an EL knows and can do, the LEA may decide to assess such a student in the native language.[127] This may be considered for beginners and low intermediate ELs to help determine if the student is experiencing the same difficulties in the native language and English. Some LEAs do this informally before beginning to assess for disabilities. Informal assessment can include using the native language to read or tell a story and either asking questions or asking the student to retell the story or listening for the same errors with similar sounds (e.g., the "r" or "h," in both English and the native language, or following simple directions).

---

[124] 20 U.S.C. § 6311(b).
[125] 20 U.S.C. § 6311(b)(2).
[126] T.C.A. § 4-1-404.
[127] 20 U.S.C. § 6311(b)(2)(B)(vii)(III).

Academic Assessments of English Language Proficiency

Each state shall demonstrate that LEAs in the state will provide for an annual assessment of English proficiency (i.e., students' oral language, reading, and writing skills in English) of all students with limited English proficiency in the public schools.[128]

WIDA ACCESS for ELs Assessment

The WIDA ACCESS for ELs assessment exceeds the requirements of the ESSA and is used to measure and report an EL's growth. It is a standards-based, curriculum-referenced English language proficiency assessment designed to measure an EL's social and academic English proficiency and progress. It assesses the social and academic language across the four language domains of speaking, listening, reading, and writing. More information on WIDA ACCESS for ELs can be found at https://wida.wisc.edu/assess/access.

The results of WIDA ACCESS for ELs assessment:

- provide an English language proficiency performance level score based on a scale of 1.0 to 6.0;
- serve as one criterion to aid in determining when ELs have attained the language proficiency needed to meaningfully participate in content area classrooms without ESL program support and state assessments without accommodations;
- provide LEAs with information that will aid in evaluating the effectiveness of ESL programs; and
- identify English language proficiency.

All students identified as ELs—including those whose parents have waived ESL services—must be administered the WIDA ACCESS for ELs during the annual English language proficiency testing window.

Note: Students who have formally exited ESL services and are transitional are not administered the WIDA ACCESS for ELs.

Alternate ACCESS for ELs

WIDA created the Alternate ACCESS for ELs to meet federal accountability requirements and provide educators with a measure that is sensitive to the English language proficiency growth of ELs with significant cognitive disabilities. The assessment is for grades 1–12 and is for students whose disabilities prevent their meaningful participation in the ACCESS for ELs assessment.[129] More information can be found here.

Alternate ACCESS for ELs aligns with the WIDA alternate English language proficiency levels. These levels were designed to expand upon level P1-Entering by increasing the sensitivity of the measure. These alternate levels give students a chance to demonstrate progress within level P1. EL students who achieve a P1 composite or higher and P1 or higher in literacy on the WIDA ALT ACCESS assessment shall be exited from Direct ESL Services.[130] Students exit at a P1 level. *Note: Only students taking an alternative state assessment are eligible to take the Alternate ACCESS for ELs.*

MODEL

The WIDA Measure of Developing English Language (MODEL) is a series of English language proficiency assessments for K–12. MODEL can be used by educators as an **interim progress monitoring assessment**.

---

[128] 20 U.S.C. § 6311(b)(2)(G).
[129] WIDA, Alternate Access for ELLs (2022), https://wida.wisc.edu/assess/alt-access.
[130] Tenn. R. & Regs. 0520-01-19-.06(5).

MODEL may **_not_** be used as a screener in Tennessee public schools.[131] Not all domains must be administered each time the assessment is used.

MODEL is a flexible, on-demand language proficiency assessment and can be administered at any time during the school year for the following purposes:

- to serve as an interim assessment during the school year, providing information that informs instructional planning and other decisions related to the student's education; and
- to guide instructional and curricular decisions while waiting for WIDA ACCESS for ELs score reports.[132]

MODEL is **not** designed to meet requirements for annual assessment and accountability and should **not** be used to exit students from ESL services.[133] More information can be found here.

State Assessments for ELs

During the 2015-16 school year, Tennessee transitioned to a new assessment, called TCAP, with multiple item types and more rigorous questions aligned to more rigorous standards for Tennessee students. TCAP was designed to measure higher expectations and critical thinking skills for Tennessee students.

Tennessee will continue to require a 95 percent participation rate for all students and each subgroup of students as required under ESSA § 1111(c)(4)(E) and use participation rates as an indicator for accountability. TCAP will assess all students, including ELs and students with disabilities.

Recently Arrived English Learners (RAELs)

Tennessee is utilizing the flexibility option in ESSA that allows states up to three years, from student enrollment date, before fully including RAELs' achievement results on state assessments into the accountability framework. In an individual RAEL's year one, the student will participate in state assessments, and those results would be excluded from accountability. In year two, the student will participate in state assessments, and those results will be included only in the TVAAS growth metric for accountability. Results for all ELs in year three and beyond will be included in both achievement and growth metrics for accountability.[134]

The department will continue to work with researchers and stakeholders to determine potential hybrid options for assessing RAELs.

Transitional ELs

As outlined in State Board Rule 0520-01-19-06, ELs who score a 4.4 composite or higher and 4.2 or higher for literacy on the WIDA ACCESS for ELLs or Kindergarten ACCESS for ELLs shall be exited from Direct or Indirect ESL Services. Students who exit Direct or Indirect ESL Services shall be considered Transitional EL students for four (4) school years.[135]

ELs in the first and second years of transition are referred to as T1 and T2 respectively. ELs in the third and fourth years of transition are referred to as T3 and T4 respectively. During this transition period, Direct or Indirect ESL services are not required for T3 and T4 students. These students are required to take all content

---

[131] Tenn. R. & Regs. 0520-01-19-.03(3).
[132] WIDA. WIDA Model. WIDA (2022), https://wida.wisc.edu/assess/model
[133] Tenn. R. & Regs. 0520-01-19-.06.
[134] Tenn. Dept.. of Educ., 2021-22 Accountability Protocol (2022), https://www.tn.gov/content/dam/tn/education/accountability/2021-22/2021-2022%20Accountability%20Protocol.pdf.
[135] Tenn. R. & Regs. 0520-01-19-.06.

areas of the state assessments but do not take the WIDA ACCESS. In addition to active English learners (L) and ELs whose parents have waived direct ESL services (W), transition students (T1-T4) are included in the EL student group for accountability purposes.[136]

Transitional EL students shall be served in the general education classroom. T1 and T2 EL students shall be monitored for two (2) years. If a transitional student demonstrates difficulty in the general education classroom or fails to meet ILP benchmarks, academic interventions should be provided by a general classroom teacher or teacher with an ESL endorsement pursuant to an ILP.[137]

Additionally, each LEA shall have a written reclassification procedure to be used for exited EL Students who require reentry into the ESL program. The LEA shall apply its reclassification procedure if academic or non-academic interventions are unsuccessful.[138]

ELs with Disabilities

Members of the Individualized Education Plan (IEP) team must understand the process of second language acquisition. The IEP team and IEP meetings are two of the most important parts of the special education process. During IEP meetings, school staff and parents come together to discuss, develop, and review a student's IEP and make sure the IEP meets the student's needs. For more information, see the department's *Special Education Framework, Component 2.4: Important Cultural Considerations for English Learners*.

The IEP or 504 teams should collaborate with school ESL professionals to determine the English language development needs of an EL with an identified disability. For example, an EL with a disability that affects their language acquisition may need support from both ESL and special education staff. In addition, an ESL professional must be a member of an English learner student's IEP or 504 team.

The ESL and the IEP or 504 teams should meet to:

- determine the appropriate special education and related services, supports, and/or accommodations that address the student's linguistic needs and disability;
- discuss the effective implementation of the special education and related services, supports, and/or accommodations; and
- determine the effectiveness of such special education and related services, supports, and/or accommodations.

Determining Appropriate Assessment Accommodations

ELs may need accommodations during assessment administration. Accommodations are available only to currently identified ELs with disabilities when listed in their IEP, ILP, or 504 plan, and only when the student requires the accommodation(s) to meaningfully participate in an assessment..[139]

Accommodations should be considered for ELs by a group of educators familiar with the student. ELs with disabilities are entitled to appropriate and approved accommodations to address their identified disabilities.

Disability-related accommodation decisions may only be made by the IEP or 504 team. *Decisions about accommodations should **not** be made by an individual*. The role of the team is to discuss the student's needs

---

[136] Tenn. R. & Regs. 0520-01-19-.06(2).
[137] Tenn. R. & Regs. 0520-01-19-.06(3)(a).
[138] Tenn. R. & Regs. 0520-01-19-.06(4).
[139] Tenn. Dept.. of Educ., Tennessee Comprehensive Accessibility and Accommodations Manual (2022), https://www.livebinders.com/media/get/MjM1OTYxNDI=.

and the accommodations that may help the student overcome learning obstacles during state testing and decide what accommodations will be used. Making these decisions in isolation can result in an inappropriate accommodations plan and/or inconsistent use of accommodations for the student. An EL who has either an IEP or 504 Plan must also receive specific testing accommodations listed in the plan based on accommodations allowed on the state assessment.

EL-Responsive Criteria to Use When Matching Accommodations to Student Needs

- Level of oral language proficiency in English and the home language
- Literacy levels in English and the home language
- Language of instruction of the student's current/past schooling
- Years of formal schooling and/or interruptions in schooling
- Age/grade level

Guiding Questions to Consider When Determining Accommodations

- What support does this individual student need to be able to show what they know about the content?
- Will the testing accommodation be implemented appropriately so that the construct of the test is not compromised?
- Has the student had prior experience using this accommodation?[140]

Background Characteristics to Consider for Accommodations

Selecting the appropriate accommodation for an EL requires the examination of several background characteristics, if available:

Level of Oral Language Proficiency in English and the Home Language

- Refer to the student's English proficiency level scores in listening and speaking on the ACCESS for ELs.

Literacy Levels in English and the Home Language

- Consider the student's current academic achievement and test performance in the content areas.
  - o Attaining academic English and content vocabulary is a major factor in the assessment of content knowledge.
- Determine the student's level of English literacy for listening, speaking, reading, and writing.
  - o Refer to the student's English language literacy scores in reading and writing on the ACCESS for ELs.
- Determine the student's level of literacy in their home language.
  - o If possible, determine how well the student reads and writes in their home language.
- Consider whether the student's oral proficiency in English or the home language is stronger than the student's written proficiency in either language.
  - o This is an important consideration when selecting the accommodation that will yield the most accurate assessment of the student's knowledge of the content.

---

[140] Tenn. Dept. of Educ., Tennessee Comprehensive Accessibility and Accommodations Manual (2022), https://www.livebinders.com/media/get/MjM1OTYxNDI=.

Language of Instruction in the Student's Current/Past Schooling

- Determine the language(s) in which the student has received academic instruction; one language may be stronger than the other.
- Consider that a beginning student who is literate in a non-alphabetic script (e.g., Japanese, Arabic, Chinese) may benefit from oral response accommodations or use a scribe for writing English responses.

Years of Formal Schooling

- Determine whether the student's schooling has been interrupted.
  - Highly mobile students may have gaps in their education.
  - Students with interrupted formal education may have low literacy skills in both their home language and in English; oral accommodations may be more useful than written in these instances.

Age/Grade Level

- If the student is younger (early elementary), oral accommodations may be more appropriate. Students at this age are less likely to have developed strong literacy skills in either English or their home language.
- If the student is older and requires accommodations that would set him/her apart from peers, consider selecting an appropriate test administration practice (e.g., testing in a separate, supervised location).

State-Approved EL Accommodations - TCAP/EOC

Students who are not proficient in English, as determined by ACCESS for ELs, may use, as appropriate, any of the accessibility features and any of the following accommodations. Students whose parents have waived services are also eligible to receive accommodations for ELs. Students who are in the T1 - T4 years are not eligible to continue to receive EL accommodations, however, T1-T4 students with disabilities may receive other accommodations if they have an IEP/Section 504 plan.[141]

As ELs gain English proficiency, their need for support may decrease. The language proficiency of the student should be taken into consideration when determining appropriate EL accommodations. More information about testing accommodations in Tennessee can be found here.

Accommodation[142]	Description
Extended Time (R)	Not to exceed double time; may not extend beyond one day.
Word-to-Word Dictionary (S)	Provides a bilingual, published, paper dictionary. This should be the same dictionary used by the student for daily instruction.
Rest/Breaks (T)	This is intended to provide a scheduled rest or break due to fatigue, behavior plan, sensory needs, and/or other health-related needs.

---

[141] Ibid.
[142] Tenn. Dept. of Educ., 2021-22 Accountability Protocol (2022), https://www.tn.gov/content/dam/tn/education/accountability/2021-22/2021-2022%20Accountability%20Protocol.pdf.

Accommodation[142]	Description
Human Reader/Human Signer (V)	Provides an oral presentation of directions, test items, and/or answer options on the assessments for students served under an IEP, 504 plan, or ILP. EL students who score a 4, 5, or 6 on the reading portion of WIDA ACCESS for ELs from the prior testing year should not receive a read-aloud accommodation.

State-Approved EL Accommodations: WIDA ACCESS for ELs

On the WIDA ACCESS for ELs, the two approved accommodations are extended time and rest/breaks where the assessment may be paused and resumed, as needed.[143]

Administrative Notes

Responsibilities

The ESL coordinator should provide a list of ELs (L and W) to the building testing coordinator and indicate which accommodations, as indicated on the IEP, 504, or ILP can be applied for each test.

The testing coordinator must ensure that each EL student is appropriately coded on the student's answer sheet.

ELs and Value-Added

Test scores from ELs ***cannot*** be excluded from the accountability formula or the calculation of value-added (TVAAS) scores. Research indicates that ELs, on average, tend to score below the national norm on standardized tests.[144] However, they also often make stronger gains in achievement during their first years in an English-speaking school than their English-speaking peers.

Data and Monitoring

Monitoring the Academic Progress of ELs

Monitoring classroom performance includes measures of English language proficiency and curricular achievement. Schools should compare an EL's achievement to that of academically successful English-speaking students and to that of NELB students in the transitional period or formally identified as EL. Educators should use classroom performance and/or available achievement test scores to revise a student's academic program or to change the types of ESL services they are receiving.

NELB students must be compared to native English-speaking peers in knowledge of subject matter. It is important to assess a student's foundation for the acquisition of new information, as well as the ability to participate effectively in general education classes.[145]

---

[143] Tenn. Dept. of Educ., Tennessee Comprehensive Accessibility and Accommodations Manual (2022), https://www.livebinders.com/media/get/MjM1OTYxNDI=.

[144] Lawrence Erlbaum Associates, Inc., Standardized Achievement Tests and English Language Learners: Psychometrics Issues (2002), *Educational Assessment.* 8(3), 231-257.

[145] U.S. Dept. of Educ., Tools and Resources for Monitoring and Exiting English Learners from EL Programs and Services (2015), https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf.

Collection of Data for Monitoring Student Success

Monitoring student progress is necessary while students are in the ESL program and is required after they exit the program. Comprehensive and comparable data on all students are needed to evaluate the success of students in obtaining an effective and appropriate education. Ideally, maintaining the data electronically in a database will facilitate monitoring. Data on current and former ELs should be maintained as part of a system that includes all students. This allows comparisons to be made between EL, language minorities, and native English speakers.[146]

---

[146] Ibid.

Chapter 9: Exiting ELs and Grade Retention

Exit Criteria

As an EL reaches high levels of English proficiency, determining when they are ready to exit from ESL services becomes an important discussion and decision. It is imperative to ensure that ELs have attained a degree of English proficiency that will allow them to achieve academic success—without direct ESL support—at levels comparable to their native English-speaking peers. Classroom accommodations may still be needed during the four transitional years.

Exiting from ESL service is based on a student's proficiency in all areas of language—listening, speaking, reading, and writing. English proficiency is based on attaining fluent English proficiency on the summative, spring WIDA ACCESS for ELs assessment. ***EL students who score 4.4 composite or higher <u>and</u> 4.2 or higher for literacy on the WIDA ACCESS shall be exited from Direct or Indirect ESL Services.***[147]

Kindergarten Students

The teacher report for the Kindergarten ACCESS for ELs provides two sets of scores: instructional and accountability. In Tennessee, the accountability score is utilized to determine if a kindergarten student has met the requirements to exit ESL services. ***Exit is 4.4 composite or higher <u>and</u> 4.2 or higher for literacy on Kindergarten Access.***[148]

Transitional Years

LEAs must monitor the progress of ELs for two calendar years after meeting exit criteria.[149] All transition students (T1-T4) must be included as ELs in LEA and school accountability.[150] As with any student, all ELs and former ELs should receive services and classroom accommodations, respectively, to be successful in academic classes.

In Tennessee, the student is classified in EIS as:

- **Transitional 1** during their first monitoring year,
- **Transitional 2** during their second monitoring year,
- **Transitional 3** during their third year after exit, and
- **Transitional 4** during their fourth year after exit.

Exited in a Different State

If the records of a newly enrolled student indicate that they previously received ESL services in another state or a non-public school and were formally exited, the department also considers that student as exited. The exit criteria of the other state or the non-public school *do **not** have to match that of Tennessee's criteria;* the exit decision is honored.[151]

If an exited student transfers from another state or a non-public school and has not completed the first two years of the transitional period prior to enrollment, the LEA is required to monitor the student for the

---

[147] Tenn. R. & Regs. 0520-01-19-.06(1).
[148] Tenn. R. & Regs. 0520-01-19-.06(1).
[149] 20 U.S.C. § 6841(a)(4-5); See also Tenn. R. & Regs. 0520-01-19-06(1-3).
[150] Tenn. R. & Regs. 0520-01-19-.06(2).
[151] Tenn. R. & Regs. 0520-01-19-.06(6).

remainder of the transitional period. The LEA must maintain documented evidence that the student was monitored throughout the four-year transitional period.[152]

Note: If the exit criteria from the other state or non-public school are lower than the exit criteria from Tennessee, diligent monitoring of the student's progress is recommended.

Considerations when Exiting ELs

General education teachers need to understand that exited ELs will need ongoing support. Making connections between new information and students' background knowledge, guiding the organization of information, and assessing their learning may continue to be a struggle for an EL even after attaining English proficiency.

ELs strive to function as proficient learners in the classroom. However, if they are given tasks beyond their current functional level of language proficiency, they may not be able to complete them successfully. Recognizing the ability level of an EL and appropriately challenging and supporting them is integral to ensure that they do not lose their academic motivation.

Teachers may need to make adaptations to content material and present it to all ELs in a less demanding language format, by leveraging the WIDA standards to support ELs in accessing the Tennessee Academic Standards. It is also important for a teacher to note the progression of an exited student's academic skills to increase the complexity with which information is provided as the student becomes more cognitively proficient. Teachers should provide students with increased opportunities to demonstrate what they know by using a variety of formative and summative assessments.

Students Struggling during the Transitional Period

Some ELs may struggle in their content classes even though they have been deemed proficient in English and met the criteria to be exited from ESL services. The transitional period under Title III is in place for this very reason-- to determine if transitional ELs require instructional accommodations in some of their content classes. If a transitional student demonstrates difficulty in the general education classroom or fails to meet ILP benchmarks, academic interventions should be provided by a general classroom teacher or teacher with an ESL endorsement pursuant to an ILP.[153] If there is evidence that a student is struggling in one or more content areas, the first step is to ensure that the student is provided with any instructional supports available in the school and to notify the RTI² team of the student's lack of academic progress and success.

The RTI² team should review the student's data and determine the next steps, appropriate interventions, and any potential increased tier transitional for RTI² purposes. After these interventions have been put in place and progress has been measured over time, the RTI² team, working with an ESL professional, should determine whether the student is struggling due to a lack of content knowledge or a lack of English proficiency.

When considering a student's second language acquisition time frame, the following may be useful:

- Was the student formally educated in their home country? Did they have consistent schooling, or were there prolonged periods of interrupted or no schooling?
- What were the student's ACCESS scores and sub-scores in each domain?

---

[152] 20 U.S.C. § 6841(a)(4-5).
[153] Tenn. R. & Regs. 0520-01-19-.06(3)(a).

- Were the student's achievement scores borderline for meeting standards, or were they significantly above the minimum requirement?
- What are the student's areas of difficulty in the content courses they are struggling with? Is the teacher using accommodations in the classroom?
- Is the student having difficulty specifically in the domain of writing or reading, or are there factors outside of language involved?
- If the student is struggling in a particular course, is it a course in which they have always had difficulty?
- Are teachers differentiating instruction specifically to reach and support ELs?
- Is the student receiving academic support to compensate for any lack of background information?

Educators reviewing the data must determine if a student's academic difficulties are due to a lack of English proficiency, rather than a lack of content knowledge, cognitive issues, or a disability.

Reclassifying a Transitional EL

A transitional EL experiencing academic difficulties should **_not_** be immediately reclassified as an EL. As noted above, appropriate instructional supports, including RTI[2], should be implemented.[154] If those additional instructional supports do not resolve the issue, the RTI[2] committee should review the documentation and, if appropriate, implement more intensive Tier II and III interventions. An ESL professional should be included in these discussions and decisions. All Tier II and III interventions must be linguistically accessible to the student.

Following a documented period of Tier III RTI[2] support, if academic difficulties persist and data support the belief that language proficiency is the root of the problem, the RTI[2] committee may determine that the student should re-enter the ESL program. No rescreening is necessary to reclassify a student as an EL during the transitional period.

A transitional student should **_only_** be reclassified if it is determined that they are struggling academically due to a lack of English proficiency and that accommodations are not adequate for the student to experience academic success. This may happen when the cognitive load with grade-level work is increasing faster than gains in English language proficiency.

Note: Each LEA shall have a written reclassification procedure to be used for exited EL students who require reentry into the ESL program. The LEA shall apply its reclassification procedure if academic or non-academic interventions are unsuccessful.[155]

Recommended Procedures for Transitional ELs

The following suggestions are provided to support LEAs and schools after exiting EL students from ESL services. These practices are neither exhaustive nor mandatory and, if used, should be adapted to the context of the specific needs of the school and its students.

Initial Follow-Up

An initial follow-up should be made within two weeks of exiting ESL services:

- to verify that the student is achieving academically, and

---

[154] Tenn. R. & Regs. 0520-01-19-.06(3)(a).
[155] Tenn. R. & Regs. 0520-01-19-.06(4).

- to check on the student's social and psychological adjustment.

Student Achievement Monitoring Activities

Post-exit monitoring activities include periodic:

- review of grades,
- review of standardized test scores,
- review of portfolio assessments,
- student and/or parental interviews, and
- discussions between an ESL professional and the student's general education teachers held at the end of each progress reporting period to determine if the exited student is adjusting and succeeding academically and to identify any academic or adjustment needs.[156]

Transitional EL Achievement Data

Comprehensive and comparable data on all students are needed to evaluate the success of students in obtaining an effective and appropriate education. Ideally, maintaining the data electronically in a database will facilitate monitoring. Data on current and former EL students should be maintained as part of a system that includes all students. This allows comparisons to be made between EL, fluent non-English language background (NELB), and native-English speaking students. See information on data that should be maintained in [Chapter 1: Welcoming New Students](#).

SIS Coding

As ACCESS for ELs scores are generally received and evaluated before the end of the school year, LEAs may determine that an EL has successfully met the criteria to exit an ESL program. However, *coding in the LEA's SIS must **not** be changed for students before July 1* to ensure that LEA data is recorded correctly for accountability and funding purposes.

Former ELs

Once the four-year transitional period has ended, the student's coding in the state's Education Information System (EIS) for English language background will change to "F" (former English learner) and remain as such for the remainder of the student's enrollment. Additional information on EIS coding can be found in [Appendix C.](#)

Special Considerations for EL Retention

Prior to considering retention of an EL, the following should be addressed in consultation with the student's ESL teacher:

1. Has the student been enrolled in the LEA for more than one full academic year?
   - If not, the child may have spent more than one-half of the year in a "silent period." Two to nine months may be inadequate for meeting educational goals.
2. Are classroom accommodations being made in the following areas?
   - Classroom
   - Assignments
   - Homework

---

[156] U.S. Dept. of Educ., Tools and Resources for Monitoring and Exiting English Learners from EL Programs and Services (2015), https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf.

- Assessments
3. Are all instructional accommodations documented? Has there been a discussion with the ESL coordinator?
4. Has the student been considered as an individual and received differentiated instruction? Have instructional accommodations and differentiation been documented?
5. Is a beginning to intermediate student receiving an hour of ESL daily? Is a more advanced student receiving enough ESL for instruction to be meaningful?
6. Do all teachers modify grading through a rubric or contract?[157]

If the above points have not occurred sufficiently, retention is _**not**_ appropriate.

Retention policies, especially for ELs, should **not** be based on one specific piece of data, or any sole criterion.[158] In most cases, retention does not help the child with academic achievement. Every effort should be made to move the child to the next level of academic work and allow the child to continue in the age-appropriate grade.

Research on the Impacts of Grade Retention

Research Findings

Grade retention is associated with negative outcomes in all areas of an EL student's achievement (e.g., reading, math, and oral and written language) and social and emotional adjustment (e.g., peer relationships, self-esteem, problem behaviors, attendance). English Learners who are retained are more likely to drop out of high school and less likely to graduate at an acceptable age. Retained ELs may appear to do better in the short term, but they are at a much greater risk for future failure than equally achieving, non-retained peers.[159]

Alternatives to Retention

The following are alternatives to retention that research has found to be effective. These measures are not exhaustive nor mandatory and, if used, should be adapted to the context of the specific needs of the school and its students.

- Parental involvement in their children's school and education (e.g., frequent contact with teachers, supervision of homework, etc.),
- Age-appropriate and culturally sensitive instructional strategies to accelerate progress in the classroom,
- Early developmental programs and preschool programs to enhance language and social skills,
- Systematic assessment strategies (e.g., continuous progress monitoring, formative evaluation) to enable ongoing accommodation of instructional efforts,
- Early reading programs,
- School-based mental health programs to promote the social and emotional adjustment of children,
- Behavior management and cognitive behavior accommodation strategies to reduce classroom behavior problems,

---

[157] Tenn. Dept. of Educ., Retention Guidelines for English Learner Students (2023), https://eplan.tn.gov/DocumentLibrary/ViewDocument.aspx?DocumentKey=2113503&inline=true.
[158] Ibid.
[159] Hattie, J., Visible Learning (2008), Routledge. pp. 97-99.

- Student support teams with appropriate professionals to assess and identify specific learning or behavior problems, design interventions to address those problems, and evaluate the efficacy of those interventions,
- Tutoring and mentoring programs focusing on promoting specific academic or social skills, and
- Comprehensive school-wide programs to promote the psychological and academic skills of all students.[160]

Other Considerations

ELs must **_not_** be retained in grade level because of their English language proficiency. These students should be even more carefully evaluated than their non-EL peers before retention is recommended to ensure that low English proficiency skills are not mistaken for poor achievement or behavior. LEAs must have a procedure to ensure age-appropriate grade-level placement and prohibit grade retention based solely on low English proficiency.[161]

---

[160] Jimerson, S.R., Woehr, S.M., Kaufman, A.M., & Anderson, G.E., Grade Retention and Promotion: Information and Strategies for Educators (2004). National Association of School Psychologists, pp. 61-64.
[161] Tenn. Dept. of Educ., Retention Guidelines for English Learner Students (2016),
https://www.tn.gov/content/dam/tn/education/special-education/ell_retention_guidelines.pdf.

Chapter 10: Administrative Requirements

Requirements for State Funding

At the state level, there is The Tennessee Investment in Student Achievement (TISA) Formula. TISA is a student-based funding formula which starts with a base funding for every public school student and adds additional funding to be allocated based on weights to address specific student needs.[162] ESL is considered a Unique Learning Need (ULN) and LEAs are required to provide the Student individualized services, interventions, accommodations, or modifications that are written within an ILP. Students classified as L, W, T1, and T2 are required to have ILPs and are included in the TISA weighted calculation. For example:

Tennessee Investment in Student Achievement Formula	
Component	*State Funding Level*
All public school students	Base Funding Amount
T1 or T2, Waived, or Long-Term EL	English Learner Tier I (ULN 2)= Base +20%
EL receiving Direct Services who is not EL Tier 1 or EL Tier III	English Learner Tier II (ULN 4) = base +60%
EL, receiving Direct ESL Services, with an overall proficiency level of 3 or lower on the WIDA ACCESS and 3 years or less of ESL services	English Learner Tier III (ULN 5) = base +70%

Title III, Part A Funding

Note: Only active ELs (Ls and Ws) and Immigrant students may be served under Title III. Students who have exited ESL services (T1, T2, T3, and T4) may not be served under Title III unless they are also qualified as Immigrant.[162] For more information on EL and immigrant student coding see [Appendix C](#).

Supplement not Supplant

Title III of the ESSA requires that funds available under a subgrant be used to "supplement the level of federal, state, and local public funds that, in the absence of such availability, would have been expended for programs for [EL] students and immigrant students and youth and in no case to supplant such other federal, state, and local public funds."[163]

Administrative Costs

It is allowable to use Title III funds to pay for administrative costs to implement the Title III program. However, the amount of Title III funds that may be used to pay for administrative costs to implement the program must not exceed **two percent** of the program's entitlement amount (carryover is not included when calculating the two-percent maximum).[164]

In calculating total administrative costs subject to the two percent limit, all appropriate direct costs (e.g., administrative salaries) must be included. If the LEA contracts with an outside vendor to provide Title III

---

[162] T.C.A § 49-3-103(a).
[163] 20 U.S.C. § 6825(g).
[164] 20 U.S.C. § 6825(b).

services, the LEA must require that the contractor identify any administrative costs, which are also included within the two percent limit.

Title III Funds for Language Translators or Interpreters

Title III, Part A funds may be used only for supplemental translation and interpretation activities that are not provided by the LEA for all students and are not required under state or federal law. Whether these types of expenditures are allowable would depend on the exact responsibilities of the translator or interpreter. As previously noted, Title III funds must only be used to supplement the level of federal, state, and local public funds that, in the absence of such availability, would have been expended for programs for EL children.[165]

For example, translation of instructional materials or instruction in a language other than English would not be an allowable use of Title III funds. This would fall under the LEA's responsibility to provide ESL services to ELs to help them overcome their language barriers and ensure that ELs have equal access to education and educational excellence.[166]

Translation of general information by the LEA for all students (e.g., translation for the Spanish language version of the LEA's website, newsletter, or other communications; information related to the LEA data system; information related to the state's achievement assessments) would also not be an allowable expenditure of Title III.[167]

If, however, the translation/interpretation is for a purpose above and beyond the level of other federal (including OCR and Title I, Part A), state, and local requirements, then this may be an allowable use of Title III funds. Possible examples would be providing interpretation during a Title III parent involvement meeting or providing translations of materials to be used for supplemental EL parent classes.

ESL Teacher Licensure

In Tennessee, an ESL teacher is a teacher who holds an ESL endorsement.[168] Additionally, the teacher must be fluent in all four domains of English (i.e., reading, writing, speaking, and listening).

Staffing Ratios

As outlined inState Board Rule 0520-01-19 , appropriate staffing of ESL programs shall be based on the following criteria:

1. LEAs shall provide adequate ESL staff to implement the chosen service delivery model effectively, as documented by the progress in English language proficiency and academic content of their EL students.
2. LEAs shall adequately staff their ESL programs to meet state and federal requirements. This includes, but is not limited to, having sufficient staff to ensure meaningful communication or guardians of EL students with limited English proficiency, to identify EL students, and to monitor transitional EL students.

To meet the two (2) criteria of effective and compliant ESL programs, LEAs shall implement ESL programs based on the following staffing ratio standards:

---

[165] 20 U.S.C. § 6825(g).
[166] Tenn. Dept. of Educ., Title III, Part A: Supplement Not Supplant Guidance (2022), https://eplan.tn.gov/DocumentLibrary/ViewDocument.aspx?DocumentKey=1864305&inline=true.
[167] 20 U.S.C. § 6825(g).
[168] Tenn. R. & Regs. 0520-01-19-.03(6).

- ESL class sizes shall not exceed state-mandated grade-level class size requirements; and
- The LEA-wide ESL program staffing ratio shall be based on an average of no more than thirty-five (35) identified EL students per full-time equivalent ESL teacher unless an alternate staffing ratio is approved by the department.[169]

Alternate Staffing Ratio Waivers

An alternative staffing ratio may only be approved when the LEA can show adequate academic growth and proficiency with the EL student population and can prove that EL students are receiving the recommended hours of service. LEAs seeking approval for a waiver for an alternate LEA-wide staffing ratio shall provide the following information upon application and, if approved, annually to the department:

1. The number of EL students served;
2. The proficiency levels of EL students;
3. The academic growth of EL students;
4. Evidence that no school in the LEA is an Additional Targeted Support and Intervention (ATSI) school based on the EL student accountability subgroup;
5. The most recent analysis for the EL student subgroup for achievement assessments in reading/language arts, mathematics, and science;
6. The proposed staffing ratio that will be used in place of the recommended thirty-five (35) to one (1) ratio; and
7. The justification for the alternate staffing ratio.[170]

The alternate staffing ratio may be approved for one year. Consecutive-year waivers will not be approved. It is important to note that waivers may not be granted by the commissioner for regulatory or statutory requirements related to federal and state civil rights; federal, state, and local health and safety; federal and state public records; immunizations; possession of weapons on school grounds; background checks and fingerprinting of personnel; federal and state special education services; student due process; parental rights; federal and state student assessment and accountability; open meetings; educators' due process rights; reductions in teachers' salaries; employee rights, salaries, and benefits; and licensure of employees.

Suggested Roles LEA and School Personnel

The following is a list of suggested, but not exhaustive, roles for LEA and school staff. LEAs should ensure that staff roles and responsibilities are clearly communicated and that written procedures have been established where needed.

Principal

The principal:

- ensures student enrollment forms, including the HLS, are completed for each student enrolling in the school and are maintained in the student's cumulative folder;
- informs the ESL teacher(s) serving the school of newly enrolled students;
- provides appropriate space, comparable to that provided for general education instruction, for ESL services; and ensures that ELs are provided with appropriate ESL services.

---

[169] Tenn. R. & Regs. 0520-01-19-.05(1-2).
[170] Tenn. R. & Regs. 0520-01-19-.05(2).

ESL Coordinator

The ESL coordinator:

- recommends, implements, and maintains program policies, procedures, schedules, and budgets;
- ascertains that the goals and requirements of the program are met;
- coordinates with general education teachers on how to incorporate the WIDA proficiency standards;
- supervises annual system-wide HLS administration to initially enrolling students;
- works with LEA testing coordinator to supervise annual English proficiency testing, including ordering of testing materials, dissemination, development, and maintenance of records;
- monitors the progress of transitional ELs;
- coordinates ESL services with all other departments of the school system;
- plans staff development activities;
- oversees the preparation and dissemination of program communications (e.g., brochures, videotapes, newsletters, website);
- oversees the implementation of individual learning plans; and
- oversees support for ELs whose parents have waived direct ESL services.

ESL Teacher

The ESL teacher:

- creates and maintains an instructional climate that is conducive to learning;
- assists with the identification of ELs using the WIDA Screener for Kindergarten and WIDA Screener;
- plans and implements ESL instruction based on diagnosed needs of each student;
- develops a student's ILP;
- evaluates student performance in the ESL class and provides classroom teachers with input regarding progress;
- maintains records on each student attending the ESL class;
- attends professional development to increase knowledge and understanding of ESL strategies and methodologies;
- assists ELs in understanding American culture and encourages all students to understand other cultures; and
- conducts in-service training for staff on ESL intervention and instructional strategies.

General Education Teacher

The general education teacher:

- closely communicates with the ESL teacher regarding the EL's progress and class assignments;
- creates, implements, and updates the EL's ILP in partnership with the ESL teacher;
- provides indirect ESL services in the form of linguistically appropriate accommodations and scaffolding within the general education setting as described in the student's ILP; and
- understands and implements WIDA standards with all ELs in core or elective classes.

Building Test Coordinator

The building test coordinator:

- reviews the annual Accessibility and Accommodations Manual to ensure appropriate accommodations on state tests are considered for each English Learner (L and W students).

Chapter 11: Non-Public Schools

Title III Services

Title III Eligibility of EL Non-Public School Students

ELs in non-public schools may participate in programs and receive services and products funded by Title III, equal to public school students calculated on a per-pupil basis. This requires that the ELs are identified in an appropriate manner and that the non-public school has developed an agreement with the LEA in which the non-public school is located (written documentation and the format of agreements should follow the local policy standard).[171]

Non-public schools that opt to participate in Title III *may never receive funds directly*.[172] Instead, public school LEAs must reach agreements with non-public school officials through consultation for eligible students to receive programs, services, and products from the LEA. All educational service decisions are made during the ongoing consultation process.

Control of Title III Materials & Equipment Provided to Non-Profit Providers

The LEA, consortium, or independent contracted entity maintains control of the federal funds used to provide services to non-public schools. It also maintains title to materials, equipment, and property purchased with those funds.[173] Public school LEAs, consortiums, and independent contracted entities may allow the non-public school to keep the items from year to year, in accordance with approved activities specified in the agreement, so long as title to materials, equipment, and property remain with the LEA, consortium, or independent contracted entity. If the non-public school does not continue to participate in equitable services, the LEA should ensure that all materials, equipment, and property are returned.[174]

Title III Program Design for Public & Non-Public Schools

Title III services provided by the LEA for non-public school ELs should be designed to meet their educational needs and supplement the educational services provided by the private school.[175] If the needs of the non-public school students and personnel are different from those of the public school, the public school LEA, in consultation with non-public school officials, should develop a program that is appropriate for their needs. Consultation and coordination between the LEA and non-public school officials are essential to ensure a high-quality program that meets the needs of the students served and assists them in attaining English proficiency.[176]

---

[171] U.S. Dept. of Educ., Title IX, Part E, Uniform Provisions, Subpart 1, Private Schools, §§ 9501-9506.
[172] 20 U.S.C. § 7881(d)(1).
[173] Ibid.
[174] Ibid.
[175] 20 U.S.C. § 7881.
[176] U.S. Dept. of Educ., Title III, Part A English Language Acquisition, Language Enhancement, and Academic Achievement Equitable Services to Private School Students, Teachers, and Other Educational Personnel (2015), https://oese.ed.gov/files/2020/07/titlethree.pdf.

Supplement, Not Supplant

Educational services provided under Title III for both public and non-public schools must be supplemental to the services provided by other federal, state, and local funds, which includes the *Lau* requirements.[177]

> *Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.[178]*

Equitable Services Requirements

After timely and meaningful consultation with appropriate non-public school officials, public school LEAs receiving Title III funds must provide educational services to ELs attending non-public schools that are geographically located in the attendance area served by the LEA.[179]

To ensure timely and meaningful consultation, the LEA must consult with appropriate non-public school officials during the design and development of the Title III program on issues, such as:

- how ELs' needs will be identified;
- what services will be offered;
- how, where, and by whom the services will be provided;
- how the services will be assessed and how the results of the assessment will be used to improve those services;
- the size and scope of the services to be provided to the non-public school children and educational personnel;
- the amount of funds available for those services;
- how the amount of funds available for equitable services is determined;
- whether to provide equitable services to eligible non-public school participants (1) by creating a pool or pools of funds with all of the funds allocated under programs covered under ESSA § 8501(b) or (2) on a school-by-school basis based on each the proportionate share of funds available to provide services in each school; and
- how and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the non-public school officials on the provision of contract services through potential third-party providers.[180]

Title III services provided to ELs and educational personnel in non-public schools ___must___:

- be equitable and timely and address their educational needs;
- be equal, taking into account the number and educational needs of those children, to the funds provided for participating public school children;
- be secular, neutral, and non-ideological;
- be provided by employees of the LEA or through a contract made by the LEA with a third party; and
- not be commingled with nonfederal funds.[181]

---

[177] 20 U.S.C. § 6825(g).
[178] 20 U.S.C. § 7881(a)(3).
[179] U.S. Dept.. of Educ., Title IX, Part E, Uniform Provisions, Subpart 1, Private Schools, §§ 9501-9506.
[180] 20 U.S.C. § 7881(c)(1).
[181] 20 U.S.C. § 7881(d)(2)(A-C).

Each LEA shall maintain as part of the LEA's records, and provide to the department, a written affirmation signed by officials of each participating non-public school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for non-public school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible non-public school children. If such officials do not provide such affirmation within a reasonable period of time, the LEA shall forward the documentation that such consultation has or attempts at such consultation have taken place to the department.[182]

The federal programs ombudsman serves as the department's primary point of contact for addressing questions and concerns from non-public school officials and LEAs regarding the provision of equitable services under Title III. Each LEA should ensure that non-public school officials know how to contact the ombudsman. LEAs shall also ensure that non-public school officials know of their right to file a written complaint with the ombudsman asserting that a school LEA did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the non-public school, or did not make a decision that treats non-public school students equitably.[183]

Public school LEAs may serve non-public school ELs either directly or through contracts with public and non-public agencies, organizations, and institutions. The control of funds used to provide services and the title to materials and equipment purchased with those funds must be retained by the LEA.[184] Providers of services to non-public school children and educational personnel must be independent of the non-public school and any religious organization, and the provider's employment or contract must be under the control and supervision of the LEA.[185]

---

[182] 20 U.S.C. § 7881(c).
[183] 20 U.S.C. § 7881(c)(6).
[184] 20 U.S.C. § 7881(c)(6)(C).
[185] 20 U.S.C. § 7881(d).

Appendix A: Resources for LEAs and Schools

Federal

➢ Every Student Succeeds Act

https://www.ed.gov/essa?src=rn

➢ Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA)

https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf

➢ Federal Interagency Limited English Proficiency Website

http://www.lep.gov/

➢ U.S. Department of Education English Learners Data Story

https://www2.ed.gov/datastory/el-characteristics/index.html

➢ National Center for Education Statistics – English Language Learners

https://nces.ed.gov/fastfacts/display.asp?id=96

➢ National Clearinghouse for English Language Acquisition – Title III State Formula Grant

https://ncela.ed.gov/title-iii-state-formula-grants

➢ U.S. Department of Education – English Language Acquisition State Grants

http://www2.ed.gov/programs/sfgp/index.html

➢ Office for Civil Rights – Programs for English Language Learners

https://www2.ed.gov/about/offices/list/ocr/ell/index.html

➢ Office of English Language Acquisition – English Learner Tool Kit

http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html

➢ U.S. Department of Education – *Recursos en español*

http://www2.ed.gov/espanol/bienvenidos/es/index.html

➢ U.S. Department of Justice – Educational Opportunities Section

http://www.justice.gov/crt/about/edu/

➢ What Works Clearinghouse – English Language Learners

http://ies.ed.gov/ncee/wwc/Topic.aspx?sid=6

WIDA

➢ Educator Resources

https://wida.wisc.edu/resources

➢ WIDA Symposium

https://wida.wisc.edu/memberships/isc/newsletter/wida-symposium-innovate-design-learn-lead

➢ Tennessee WIDA Member Page

https://wida.wisc.edu/memberships/consortium/tn

Tennessee

- ePlan > [TDOE Resources](#) > ESSA Information, Guidance, PPTs, & Webinars > Title III, Part A: English Language Acquisition
- Tennessee's ESSA Plan

    https://www.tn.gov/content/dam/tn/education/documents/TN_ESSA_State_Plan_Approved.pdf
- Tennessee Department of Education - ESEA Title III

    https://www.tn.gov/education/districts/federal-programs-and-oversight/elementary-and-secondary-education-act-esea/essa-title-iii.html
- Tennessee Department of Education – English Learners

    https://www.tn.gov/education/families/student-support/english-learners.html
- Tennessee Department of Education – English Language Arts Standards

    https://www.tn.gov/education/districts/academic-standards/english-language-arts-standards.html
- Tennessee Department of Education – Rules

    https://www.tn.gov/sbe/rules--policies-and-guidance/rules.html
- Teaching Literacy in Tennessee: English Learner Companion (K-3)

    https://www.tn.gov/content/dam/tn/education/documents/teaching_literacy_tennessee_english_learner_companion.pdf
- Tennessee Teachers of English to Speakers of Other Languages (TNTESOL)

    https://tntesol.wildapricot.org/

For Educators

- Bridging Refugee Youth & Children's Services

https://brycs.org/
- Center for Applied Linguistics

http://www.cal.org/
- The Choices Program

http://www.choices.edu/
- American Institutes for Research: Elementary & Middle Schools Technical Assistance Center

https://www.air.org/project/elementary-and-middle-schools-technical-assistance-center
- Global Dimension

http://globaldimension.org.uk/
- iEarn International

https://us.iearn.org/
- Modern Language Association – Language Map

https://apps.mla.org/map_main
- National Association for Multicultural Education

http://www.nameorg.org/
- National Center for Culturally Responsive Educational Systems

https://cainclusion.org/camap/national-center-for-culturally-responsive-educational-systems/
- One World Education

http://www.oneworldeducation.org/

Appendix B: Glossary

ACCESS: The required English language proficiency assessment currently used in Tennessee, *see WIDA for more detail*

ASL: American Sign Language

BEP: Basic Education Program

CPL: Composite Proficiency Levels

ED: U.S. Department of Education

EEOA: Equal Educational Opportunities Act (1974); 20 U.S.C. Ch. 39

EIS: Education Information System

EL: English learner

ELD: English Language Development

ELP: English Language Proficiency

ESEA: Elementary and Secondary Education Act (reauthorized in December 2016 as the Every Student Succeeds Act (ESSA)

ESL: English as a Second Language
Note: ESL refers to the language acquisition program provided to English learners. It does **not** refer to the student receiving the services.

ESSA: Every Student Succeeds Act (ESSA)

FEP: Fluent English proficient

FERPA: Family Education Rights and Privacy Act (1974); 20 U.S.C. § 1232(g)

F/SD: Faculty/Student Data Form

FTE: Full-time equivalent

HHS: U.S. Department of Health and Human Services

HLS: Home Language Survey

IEP: Individualized Education Program

ILP: Individual Learning Plan

LEP: Before ESSA, ELs were often referred to as limited English proficient; *see EL for more detail*

MFLEP: Monitored former limited English proficient. TN uses "*transition*" to describe MFLEPs.

MODEL: a formative assessment that relates to the WIDA ACCESS *see WIDA*

MPI: Model Performance Indicator

NCLB: No Child Left Behind Act (2001); Pub. L. 107-110; *see ESEA*

NELB: Non-English Language Background

NOM: National Origin Language Minority

OCR: U.S. Office for Civil Rights

OELA: U.S. Office of English Language Acquisition

OME: U.S. Office of Migrant Education

RTI²: Response to Instruction and Intervention

SEA: State Educational Agency

SIS: Student Information System (at the LEA level)

SSN: Social Security number

TCAP: Tennessee Comprehensive Assessment Program

TDOE: Tennessee Department of Education

Transitional (T1/T2/T3/T4): This refers to EL students who are no longer receiving ESL services but have met the exit criteria (1 refers to students in their first year after exit; 2 refers to students in their second year after exit; etc.). The federal government refers to these students (both T1-T4) as Monitored Former Limited English Proficient (MFLEP).

WIDA: WIDA is a consortium or working group that has produced standards, a framework, and assessments. The assessments are as follows:

- ➢ **W-APT:** WIDA-ACCESS Placement Test (kindergarten and first grade, first semester students only. This test was replaced with the WIDA Screener for Kindergarten in July 2021.
- ➢ **WIDA Screener for Kindergarten-** WIDA-ACCESS Placement Test (kindergarten and First grade, first semester students only
- ➢ **MODEL:** Measure of Developing English Language; used as a formative assessment in TN
- ➢ **ACCESS:** Assessing Comprehension and Communication in English State-to-State for English Language Learners
- ➢ **ALT ACCESS:** Alternate ACCESS for students with significant cognitive disabilities

Appendix C: EIS Coding

Classification in EIS	Code
Non-English Language Background	N
English learner	L
Transitional 1	1 or T1
Transitional 2	2 or T2
Transitional 3	3 or T3
Transitional 4	4 or T4
Former EL	F
Waived Direct ESL Services	W

Additional information on EIS Coding can be found in the FPO Data Manual.