
English as a Second Language (ESL) Program Rule 0520-01-19

The Background:

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

Previously, the guidelines and criteria related to ESL programs in Tennessee were outlined in State Board ESL Program Policy 3.207. Public Chapter 929 of 2018 required some information previously included in policies to be moved to rule. To comply with Public Chapter 929, this item proposes to create a new English as a Second Language Program Rule 0520-01-19 that encompasses ESL requirements formerly detailed in policy. The English as a Second Language Program Policy 3.207 will serve to further define the rule and provide additional context regarding the identification, placement, and exit criteria for EL students.

Minor changes were made between first and final reading to:

- clarify several assessment names and cut scores for service delivery;
- emphasize that EL student identification is a two-step process; and
- specify that LEAs must use a Department-approved screener to identify students needing ESL services.

To collect public feedback, the State Board held a rulemaking hearing in December 2020. No comments were submitted regarding this rule.

The Fiscal Analysis Impact:

T.C.A. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule, or regulation proposed to the State Board of Education. This item has no financial impact on an LEA.

The Recommendation:

The Department of Education recommends approval of this item on final reading. The SBE staff concurs with this recommendation.