

---

**English as a Second Language (ESL) Program Policy 3.207**

---

**The Background:**

The English as a Second Language (ESL) Program Policy is designed to set minimum requirements for ESL programs in Tennessee and provide a framework for implementing effective educational programs for English learners (ELs).

This proposal seeks to update criteria for provisional identification (section 2), service models (section 5), and exit criteria (section 7) in light of the COVID-19 Public Health Emergency.

**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. There would be no impact on BEP funding. It is estimated that Tennessee's federal Title III per-student allocation would decrease from \$139 to \$132 because funds would be spread across more ELs.

**Policy Justification:**

T.C.A. § 4-5-230 requires that justification for adopting an item as a policy instead of a rule be submitted to the chair of the Government Operations Committee. This item is proposed to be adopted as a policy because it defines or explains the meaning of a statute or rule and/or concerns only the internal management of state government that does not affect private rights or privileges. However, the State Board and the Department staff have identified this policy as one that needs to be at least partially moved into rule. State Board and Department staff are working on bringing rule revisions to the Board as soon as possible.

**The Recommendation:**

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