

TENNESSEE STATE BOARD OF EDUCATION		
ENGLISH LEARNERS		4207
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If the inability to speak, read, write, and understand the English language excludes a student from meaningful participation in the educational programs offered by an authorized charter school, the school shall take reasonable actions to provide the student equal access to its programs. Students who are English learners (EL) shall be identified, assessed, and provided appropriate services. An authorized charter school shall identify students as EL using the two (2) step process outlined in State Board policy, which includes administering the Home Language Survey and assessing a student for English proficiency using the state's approved screening assessment for ELs. No child shall be admitted to or excluded from any program or extra-curricular activity based on the student's surname or EL status.¹

The school leader or designee shall evaluate the effectiveness of the school's language assistance program to ensure EL students will acquire English proficiency and the ability to meaningfully participate in the standard instructional program within a reasonable period of time.

English Language Instruction Program. Authorized charter schools shall develop and implement English as a Second Language (ESL) instruction programs that:^{2,3}

- (1) Appropriately identify EL students in a timely, valid, and reliable manner;
- (2) Determine the appropriate instructional environment for EL students;
- (3) Provide EL students with a language assistance program that is educationally sound and proven successful;
- (4) Annually assess the English proficiency of EL students and monitor the progress of students in order to determine their readiness for standard instructional program;
- (5) Provide EL students with an Individualized Learning Plan (ILP) and interventions for students who are not meeting the expected growth trajectories outlined in their ILP;
- (6) Monitor the progress of students that have exited the EL program; and
- (7) Provide EL students with instruction by teachers who are trained in the WIDA standards.

Parental Notification.⁴ Parents of EL students shall be given notice of and information regarding the instructional program within the first thirty (30) days of the school year, or within the first two (2) weeks of a student being placed in an ESL program, in a language the parent understands. At a minimum, the notice shall include the following:³

- (1) The reason for identifying the child as an EL student;
- (2) The child's level of English language proficiency, including how the level was assessed, and the status of the child's academic achievement;

- ~~(3) Methods of instruction used in the program, methods of instruction in other available programs, and how they differ;~~
- ~~(4) How the program meets the educational strengths and needs of the student, and how the program will help the student reach English language proficiency and meet academic standards;~~
- ~~(5) Program exit requirements, rate of transition to standard instructional program classroom, and expected rate of high school graduation;~~
- ~~(6) How the program meets the goals of an EL student with an IEP; and~~
- ~~(7) Information on the parents' right to withdraw the student from the program or choose another program or method of instruction if available.~~

~~The school shall encourage parental involvement and regularly apprise parents of their child's progress.⁵ If a parent refuses direct ESL services for the student, the general education classroom teacher shall be responsible for providing appropriate accommodations as required in the student's IEP.⁶ Further, retention of an EL student shall not be based solely on English language proficiency.⁷ The school shall follow the procedures outlined in the English Learners Monitoring Procedures when considering an EL student for retention.~~

Legal References:

¹Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1112(e)(3)(D)

²Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 3113(b)(3)(B)

³State Board Policy 3.207

⁴Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1112(e)(3)(A)

⁵Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1112(e)(3)(C)

⁶State Board Policy 3.207

⁷TDOE Retention Guidelines for English Learner Students, November 22, 2016

Cross References:

English Learner Monitoring Procedures

Student Enrollment Procedures

Promotion and Retention, Grading, and Assessment 4603