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**English as a Second Language (ESL) Programs  
Rules 0520-01-19-.01, and -.03 through -.06**

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**The Background:**

The English as a Second Language (ESL) Programs Rules 0520-01-19 set forth the requirements for the identification, screening, and service delivery for students who are English learners.

In 2023, the Tennessee Department of Education ran a competitive procurement process for an English language proficiency screener, assessment, and alternate assessment because there are now multiple national vendors of English language proficiency tools from which states can select. A new assessment suite, ELPA21, was adopted through that process.

To facilitate the transition from the current WIDA assessments to ELPA21, the ESL Program Rule must be updated to make the references to the English language proficiency assessment generic rather than vendor-specific.

The Department is also proposing a complementary item, ESL Program Policy 3.207, that further defines this rule by setting forth the specific assessment name, purpose, and cut scores. By having the name of the vendor and cut scores in policy, rather than in rule, the Department and State Board can more readily update assessment requirements for English learners in the future and provide timely updates for district and school staff.

In addition, the Department proposes to add co-teaching as an approved delivery model back into the rule, as well as additional edits for clarification and improved alignment to best practices for serving English learners.

The State Board held a rule-making hearing to collect public feedback prior to final reading. No comments were submitted.

Between first and final reading, the Department proposed the following revisions:

- Further defined “Transitional EL” to indicate an English learner in their first four years after exiting Direct or Indirect ESL Services.
- Added detail to describe when students are eligible to take the Alternate Screener.
- Minor formatting and numbering corrections.

**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 the Department, the State Board, or any LEA or public charter school.

**The Recommendation:**

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