
English as a Second Language (ESL) Program Policy 3.207

The Background:

The English as a Second Language (ESL) Program Policy is a complement to the English as a Second Language Programs Rules 0520-01-19. This policy was repealed in 2022 because all the content in the policy had been moved into the rule, making the policy duplicative.

However, 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 WIDA assessments to ELPA21, the Department is proposing an update to the language in the ESL Programs Rule to make the references to the English language proficiency assessment generic rather than vendor-specific.

The Department is also proposing this item, a new ESL Program Policy, that further defines the 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 if vendors change.

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

- Added specificity to the name of each screener/assessment.
- Added a section identifying requirements for students to earn the Seal of Biliteracy.
- Technical changes to improve clarity.

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.

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.

The Recommendation:

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