



Department of  
**Education**

# English as a Second Language Manual

Tennessee Department of Education | March 2018

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## Introduction

Since 2011, there has been a 45 percent increase in the English learner (EL) population across Tennessee, and the EL population is continuing to grow. The purpose of this manual is to provide support for Title I and Title III directors as they manage English as a Second Language (ESL) programs and projects. It also provides meaningful support for teachers and administrators who are working to improve outcomes for ELs.

With the reauthorization of the Every Student Succeeds Act (ESSA) in Dec. 2015 and subsequent approval of [Tennessee's ESSA state plan](#), Tennessee is poised to leverage the increased state-level decision making authority, as well as flexibilities for programs to fulfill the vision laid out in Tennessee's strategic plan, [Tennessee Succeeds](#). Tennessee's vision is that that "districts and schools in Tennessee will exemplify excellence and equity such that all students are equipped with the knowledge and skills to successfully embark upon their chosen path in life." It is imperative that this vision is true for *all* students, including ELs.

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## Background

The U.S. Department of Education (ED) defines an EL as "[an individual] who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency [...and] whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:

- the ability to meet the state's proficient level of achievement on state assessments,
- the ability to successfully achieve in classrooms where the language of instruction is English, or
- the opportunity to participate fully in society."<sup>1</sup>

Students classified as ELs are entitled to services specifically designed to improve their English proficiency, which is needed for ELs to access the Tennessee Academic Standards. In Tennessee, an alternative language program for ELs, known as English as a Second Language (ESL), is defined as, "English instruction especially designed for speakers of other languages."<sup>2</sup>

Districts are federally mandated to identify all ELs, determine their English proficiency level, and provide effective ESL programs. A complete list of federal legislation and Supreme Court rulings protecting ELs can be found in [Appendix D](#).

Effective ESL programs must be provided to all students identified as ELs in order to increase their English language proficiency. Under ESSA, all ELs are expected to meet the same academic standards as their non-EL peers. Therefore, should a parent waive the EL child's right to ESL services, the district must provide such services in the general education classroom.

[Tennessee state board policy 3.207](#) is designed to set minimum standards for Tennessee school districts in providing services to non-English language background (NELB) students who are also ELs. In Oct. 2017, the state board updated the policy to include the requirements that (1) all teachers working with ELs must be trained on the WIDA English language development standards, (2) tailored ESL services can now be considered at a score of 3.5 (previously 3.6), and (3) beginning in 2018-19, all ELs will have an Individual Learning Plan (ILP). These state board changes provide guidance on how ELs can be supported in a strong partnership between ESL and general education teachers.

## WIDA Framework

Since March 2014, Tennessee has been a member of the WIDA consortium, a non-profit cooperative group promoting educational equity for English learners. Tennessee utilizes WIDA for both standards and assessment. Beginning in 2015-16, Tennessee transitioned to the WIDA ACCESS assessment as the English Language Proficiency Assessment (ELPA) for ELs. The [WIDA standards framework](#) contains five components, including:

- Can Do Philosophy
- Guiding Principles of Language Development
- Age-Appropriate Academic Language in Sociocultural Contexts
- English Language Development Standards and Performance Definitions
- Strands of Model Performance Indicators



# Chapter 1: Welcoming New Students

## Welcoming New Students and Parents

A new student's first impressions of a school set the tone for the rest of that child's experience at the school and in the district. They, and their parents, may be scared and uncertain of what lies ahead. All school staff and faculty who will be meeting new students and their families should be prepared to put them at ease with welcoming smiles and appropriate communication skills.

In addition to introducing the student and his/her family to school personnel, it may be helpful to provide them with the following information:

- pertinent bus/transportation information;
- meals available at the school, their cost, and how to register for free and reduced price lunch;
- school calendar and bell schedules, including daily start and end times; and
- school attendance policies, including tardiness.

## Steps in the Registration Process

A consistent registration process for ELs facilitates their entry and orientation into the new school environment. It is vital to this orientation process to have school personnel who are trained and dedicated to meeting the needs of students from different cultures with different levels of English proficiency. School personnel should take the following steps to ensure a smooth transition:

1. Greet the parents and student warmly;
2. Complete a student profile form with the student's personal data, language background, and educational history. This should include the Home Language Survey (HLS) if one has not been previously completed for the student (Information on the HLS can be found in [Chapter 2: Identifying ELs](#).);
3. Make copies of student records (e.g., transcripts, birth certificate, legal documents, etc.); and
4. Screen the student for ESL services if the HLS determines they are NELB and there is no indication in their records that they have been exited from such services.

If the district has access to documents from the referring state/school regarding the student's previous ESL status and/or proficiency level (e.g., W-APT, HLS, etc.), these may be used to expedite the enrollment process.

**[NOTE:** The school cannot turn a student away if the student doesn't have school records from their home country.<sup>3</sup> The student must be enrolled in the grade closest to his/her age, and the school can try to obtain the school records after the student is enrolled.

A district must meaningfully communicate all material information to parents who have limited English proficiency. For example, when communicating with these parents about enrollment, the district should formally translate or interpret documents and have some method of responding to those parents' questions.<sup>4</sup>

Material information could include any and all alternative means to establish proof of age and residency requirements. If a district requests a social security number, material information would also cover informing the parents that a district cannot deny enrollment to a student if he/she (or his/her parents) chooses not to provide a social security number.]

## Cumulative Folder Checklist

A student's cumulative folder should be created for each EL and kept at the school. The cumulative folder should include the following:

- HLS
- Intake data for ELs:
  - Country of birth
  - Date arriving in a U.S. school
  - First language
  - Any available documents (e.g., birth certificate, I-94, other immigration documents, etc.)
  - W-APT scores
- English Language Proficiency (ELP) assessment scores for all years served in ESL, if applicable
- Notes from IEP meetings, if applicable

## Protecting Student Privacy Rights

To comply with federal civil rights laws, as well as the mandates of the U.S. Supreme Court,<sup>5</sup> districts and their personnel may not request information with the purpose or result of denying access to public schools on the basis of race, color, or national origin. Additionally, students must not be barred from enrolling in public schools at the elementary and secondary levels based on the actual or perceived immigration or citizenship status of the student, or that of their parents/guardians.

A district must apply its rules and standards for requested documentation in the same way to everyone.<sup>6</sup>

Districts **CANNOT** require a student's:

- birth certificate,
- social security number (or other documents related to immigration status),
- full medical records, or
- proof of residency to be established with their parent's state-issued documents.

Districts **CAN**:

- ask for a student's birth date,
- assign a unique student identification number to students who do not provide a social security number,
- require a student's immunization records for the state and district requirements, and
- establish a student's residency within a district through multiple means.



## Social Security Numbers

Districts may request, but cannot mandate, that enrolling students provide a social security number. As noted above, a district may assign a unique student identification number (USID) to students who do not provide a social security number.<sup>7</sup>

If a district chooses to request a student's social security number, it must be made clear in all enrollment and registration documents—including forms, websites, and communications with parents—that the provision of the student's social security number is voluntary and that choosing not to provide a social security number will not bar a child's enrollment.<sup>8</sup>

## Immunization Records

A district may only require a student's immunization records for state and district immunization requirements; state immunization requirements can be found [here](#).<sup>9</sup> A district should not send parents and children home to retrieve the documents as a prerequisite to register.

**[NOTE:** For students who have not received all required immunizations, a school must schedule an immediate appointment with the school nurse, a public health clinic, or an appropriate healthcare provider.]

## Proof of Residency

Districts should use a variety of documents to establish proof of residency within district limits to allow any resident to meet the stated requirements. As with establishing the age of a child, the district should publicize that these options are acceptable for all children in the district and used solely to establish proof of residency.

Examples of accepted documentation of a student's residency within a district include, but are not limited to, the following:

- rent receipt,
- lease for dwelling,
- utility bill,
- doctor's bill, or
- notarized affidavit from a neighbor.

**[NOTE:** An emancipated minor is to be enrolled in the district for which he/she is zoned based on his/her own address, not that of his/her parents.]

## Establishing Student Age

Districts are encouraged to take proactive steps to educate parents about their children's rights and to reassure them that their children are welcome in district schools. A variety of documents are permitted to establish the age of an enrolling child. Districts should publicize that these options are acceptable for all children in the district and are solely used to establish the child's age.

Examples of accepted documentation of a student's age include, but are not limited to, the following:

- birth certificate,
- passport,
- other immigration document, or
- notarized affidavit.

**[NOTE:** The district may have to accept a verbal report of the student's age from the parent of the student.]

## Parental Rights

Parents have the right to be informed of: <sup>10</sup>

- the reasons for the identification of their child as an EL and the need for placement in an ESL program;
- their child's level of English language proficiency, how levels are assessed, and the status of their child's academic achievement;
- the method of instruction used in the ESL program in which their child is, or will be, participating;
  - If multiple ESL programs are available in the district, information must be provided on how the programs differ in content and instruction goals.
- how the ESL program in which their child is, or will be participating in, will meet the educational strengths and needs of the child;
- how the ESL program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;
- the specific exit requirements for the ESL program, the expected rate of transition of ELs from ESL programs into general education classrooms, and the expected rate of graduation from secondary school;
- in the case of a child with a disability, how the ESL program meets the objectives of the individualized education program (IEP) of the child; and
- the options that parents have to decline to enroll their child in the ESL program or to choose another program or service delivery model, if more than one program or model is offered by the district.

## Student Data

Once a student has been identified as an EL, districts should maintain the following information for any student identified as an EL for their individual student profiles.

- Assessment information (e.g., standardized tests taken, scores, and dates)
- Academic information (e.g., courses taken, grades, attendance, and promotion/retention)
- Entry date into U.S. schools
- Entry date into the district
- Years of schooling in the student's home language

- Educational history
  - Interrupted education? – Yes/No
- Testing for vision and hearing
- Physical or psychological conditions that may affect learning
- Classroom observations by teachers
- Enrollment history and criteria used for placement in special services (e.g., ESL, speech therapy, special education, intellectual giftedness, etc.)

**[NOTE:** Should the student qualify for ESL services, he/she will be coded as “L” in the district student information system (SIS) for English language background. If the student does not qualify, based on required screener results, he/she will be coded as “N” in the SIS for English language background. Districts must make sure that students are appropriately coded in the SIS system and that data uploaded to the Education Information System (EIS) is accurate.]

## Additional Items to Consider When Welcoming an EL

### School Tour

Take the student and their family on a tour of the school and introduce them to the people who will be important in the student’s academic journey. This should include their classroom teacher, ESL teacher, and guidance counselor.

### Peer Buddy

Assign a “peer buddy” to help the student adjust during his/her first few days at the new school. The buddy can come from the ESL program or student organizations and should be prepared to guide the newcomer to classrooms, the lunchroom, locker facilities, the restrooms, and other locations in the school. The buddy may also help make introductions to other students.

### Additional Suggestions for High School Students

In order to meet graduation requirements, additional steps should be considered when incoming high school ELs arrive to a school, such as:

- providing the student and his/her family with a chart explaining the requirements for graduation and the policies regarding required and elective subjects;
- explaining the schedule of standardized tests and how they impact the student’s progress;
- explaining semester grading periods and progress reports;
- explaining how grades and course credits—including transfer credits—are awarded; and
- reviewing all foreign transcripts.

# Chapter 2: Identifying ELs

## Home Language Survey

The Home Language Survey (HLS) is the first step districts take to meet the federal requirement to identify language minority students.<sup>11</sup> The department requires a student to be administered a HLS one time in their educational career upon their initial enrollment.<sup>12</sup>

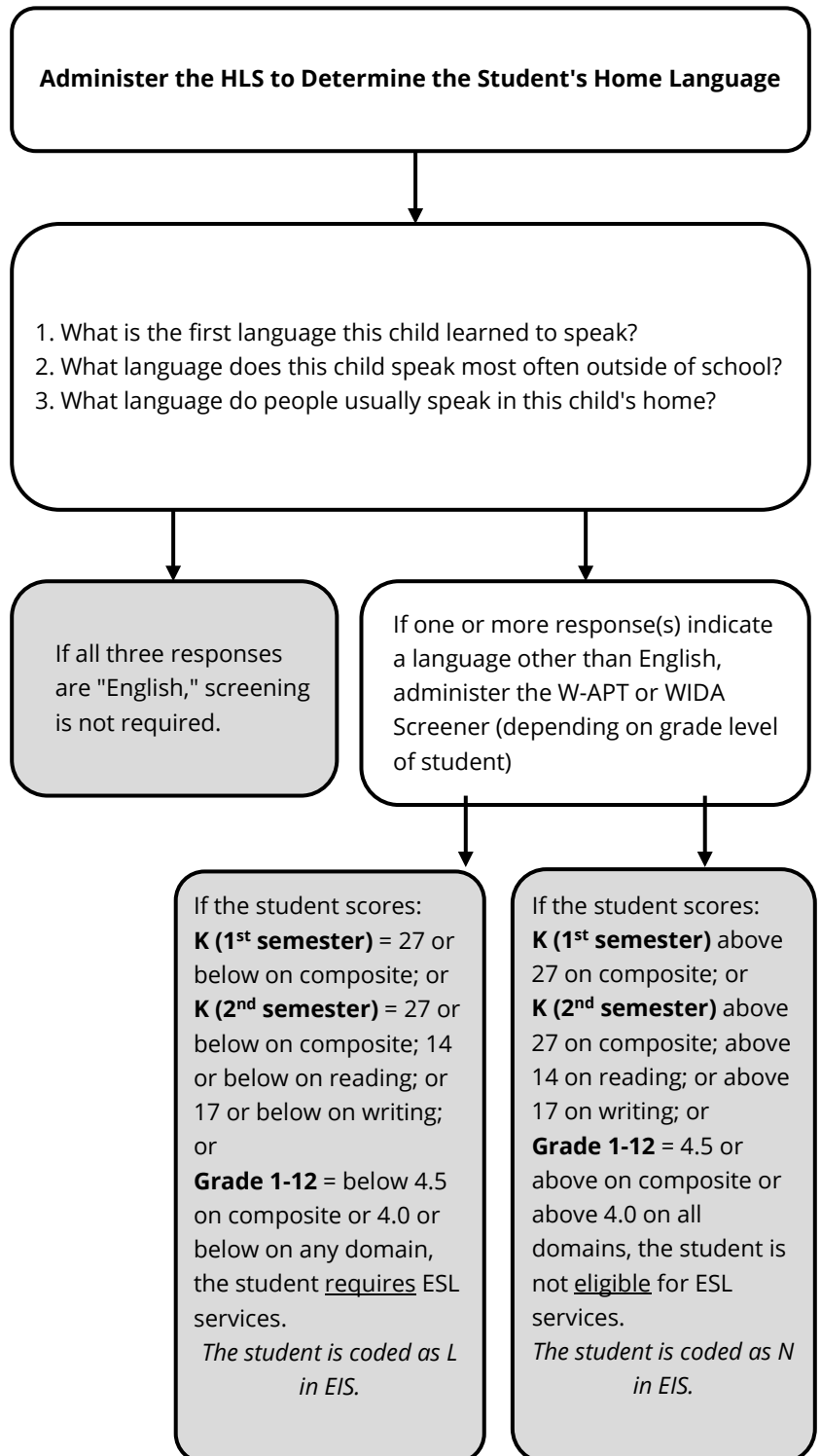
A Tennessee HLS must include the following three questions:

1. What is the first language this child learned to speak?
2. What language does this child speak most often outside of school?
3. What language do people usually speak in this child's home?

Districts may ask for additional information, as needed. This is the appropriate time for the district to discuss education with parents (e.g., milestones in early childhood, former education, interruptions to education, learning difficulties, traumatic events, etc.).

The HLS should not be included in the district/school's registration packet that a parent fills out to enroll their child. The HLS should be given to the parent as a separate document that is thoroughly explained to them so they understand its purpose. All completed surveys must be filed in the student's cumulative folder and transferred with the folder if the student transfers.<sup>13</sup>

If the student is transferring from another school, the original HLS should be obtained. If a language other than English was indicated, there should be documentation of the student's prior English language proficiency



assessment(s) in his/her cumulative folder. The student's instructional program should follow accordingly.

**[NOTE:** In order to ensure that responses given on the HLS are accurate and legally binding, districts should make every attempt to administer this document in the home language of the parent.<sup>14]</sup>

## Identification/Placement Screening Assessments

Once a student has been identified as Non-English Learner Background (NELB) by the HLS, he/she is considered a potential EL.<sup>15</sup> These students should be screened by a certified ESL teacher with the WIDA-ACCESS Placement Test (W-APT) if they are in kindergarten or the WIDA Screener for grades 1–12 to determine if the student is an EL and corresponding ESL services identified. It is the expectation of the department and Title III that students will be assessed as soon as logistically possible within the appropriate time frames.

### SCREENING TIME FRAMES

- Students enrolled in the school/district whose home language survey indicates that he/she is a potential EL must be screened and parents notified **within 30 calendar days**.

**[NOTE:** Upon determining that a student is an EL, that student must be scheduled for appropriate ESL services, and those services must begin immediately.<sup>16]</sup>

### WIDA Screener – Placement Test

Tennessee utilizes the WIDA-ACCESS Placement Test (W-APT) to assess eligibility for ESL services for kindergarten students and the WIDA Screener for grades 1–12. These screeners are used by educators to measure the English language proficiency of students who have recently arrived to the U.S. or to a particular district, and to determine whether or not a child is eligible for English language acquisition services. Screeners are given only one time in a student's academic career. Additional information on the WIDA screeners is located in [Chapter 3: WIDA Screener](#).

Test administrators must complete training and pass all WIDA certifications required to administer the W-APT or WIDA Screener. For more information, see the [2017-18 WIDA Test Administrator Manual](#).

**[NOTE:** The ESL director in each district has been assigned one username and password for accessing and downloading WIDA screening materials. Districts should note that both the W-APT and WIDA Screener can be used at no cost to the district. The W-APT may be downloaded from the WIDA website and printed, whereas the WIDA Screener is administered online in Tennessee.]

### Additional Student Information

Assessing a student's literacy skills in English as well as collecting additional student information provides valuable insight into the student's language and literacy development. This knowledge can inform instructional and programming decisions.

The following questions are neither mandatory nor exhaustive. They are meant as a helpful guide to determine an EL's educational history and content knowledge.

## Educational History

- How many years were you in school in your native country? In the United States?
- What is the name of the most recent school you attended?
- What grade were you in at the last school you attended?
- How well do you read in your first language?
- How well do you write in your first language?

## Content Knowledge

- What subjects did you study in your previous school? In what language did you study?
- Which books did you use in your previous schools? In what language were the books written?
- Did you study in a bilingual program?
  - If yes, which subjects did you study in English and which did you study in [the other language]?

## Transfer Students

If a student transfers from another district within the United States<sup>17</sup> or from a Department of Defense school<sup>18</sup> and there are official records (e.g., W-APT, HLS, etc.) indicating the student's pre-determined eligibility and ESL services within the past year, the receiving school must accept the record and provide the student with ESL services accordingly.

If there is no record available, or records cannot be obtained in a timely manner, it will be necessary for the school to ensure that it meets the appropriate deadlines for identification and screening of transfer students.

**[NOTE:** Every attempt should be made to obtain the original HLS, or a copy, from the student's previous school. A student should only be re-surveyed if the original HLS cannot be obtained.]

## Foreign Exchange Students

If the HLS indicates a home language other than English for a foreign exchange student, that student should be classified as NELB and may be screened for ESL service eligibility, if the district so chooses.<sup>[1]</sup> The *Lau v. Nichols* (1974) decision applies to foreign exchange students. In *Lau v. Nichols*, the Supreme Court ruled that failure to provide students who do not speak English with English language instruction, or other adequate instruction, is a violation of the civil rights laws. Additional information can be found in [Appendix D](#).

## Parental Notification and Approval

### Parental Notification

The district should provide parents with sufficient information about the program(s) of ESL services offered so that the parents' may make an informed decision. A process must be implemented for

determining whether parents are limited English proficient and what their language needs are.<sup>19</sup> Specific procedures in a language the parents understand should be in place to notify parents of these services. Additionally, procedures should be in place describing how parents, who may be limited English proficient themselves, will be notified of school activities that are called to the attention of other parents (e.g., student progress reports, school schedules, extracurricular activities, special meetings, ceremonies, events, etc.).<sup>20</sup>

Notification of ESL services must be sent to parents on an annual basis. All notifications sent to parents must be in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand.<sup>21</sup>

This information includes:

- the student's eligibility for ESL services;
- the student's level of proficiency and how it was assessed;
- the ESL service delivery model;
- how the service delivery model will help the child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation; and
- the specific requirements for exiting the program.

Additionally, information pertaining to parental rights that includes written guidance should detail:

- the right of parents to immediately remove their child from ESL services upon their request;
- the options available to parents to decline to enroll their child in the ESL program or to choose another program or method of instruction, if available; and
- the differences between various service delivery models of instruction, if more than one program or model is offered, so parents may make an informed decision when selecting their child's program.

If an EL is removed from ESL services, he/she must continue to be assessed by the WIDA ACCESS for ELs until proficient. Services for English language acquisition will be provided by the general education classroom staff. EL students may not be denied ESL services that prohibit them from becoming proficient and accessing general education academic standards.

## District Responsibilities when Parents Waive ESL Services

Some parents of students identified as ELs may choose to waive ESL services for their child. Parents who waive services must do so in writing on an annual basis, and the district must maintain evidence of the written documentation.<sup>22</sup>

The Office of Civil Rights (OCR) holds districts responsible for providing all ELs—including those whose parents have waived ESL services—with English language support. The district must find alternative means of providing the student with support for language development and proficiency outside of structured ESL classes.

An EL whose parents have chosen to waive ESL services is not exempt from the federally mandated annual assessment of all ELs on their English language proficiency. These students are to be identified and coded as ELs ("W" in the SIS) and will continue to be coded as such until the student reaches an

English proficiency level that meets the state requirements to exit ESL services. Students who have had services waived by their parents are also eligible for standardized test accommodations that are available for all ELs.

## Assessing ELs for Special Needs

ELs may have special needs in addition to their low English proficiency. The civil rights laws prohibit students from being placed in special education if their difficulty in school is primarily the result of culturally linguistic differences. Therefore, when an EL is referred for special needs assessment, care must be taken to ensure that:

- the student's difficulties are not caused by lack of English skills alone; and
- difficulties with English, including pronunciation, are not being mistaken for a speech or language disorder.<sup>23</sup>

Members of the Individualized Education Program (IEP) team must understand the process of second language acquisition. Only after documenting problematic behaviors and eliminating extrinsic variables as causes of these problems should the possibility of the presence of a disability be considered. For example, behavior is not necessarily an indication of a disability but could be frustration from lack of language ability. For more information, see the department's *Special Education Framework, Component 2.4: Important Cultural Considerations for English Learners* [here](#).

Once an EL has been determined to qualify for special education, ELs are served through an IEP. An ESL professional who understands the process of second language learning will serve on the IEP team,<sup>24</sup> and IEP team members must understand the process of second language learning and the characteristics exhibited by ELs at each stage of language development in order to distinguish between language acquisition processes, interference, and other impairments.<sup>25</sup> Parents must be informed of how the ESL program will meet their EL child's IEP.

### Points to Remember

- Interference from an EL's home language may cause him/her to be unable to discriminate or clearly produce English sounds. This is not necessarily a learning, speech, or hearing disorder.<sup>26</sup>
- It generally takes ELs eighteen months to two years to develop conversational speech and five to seven years to develop proficiency in the academic language used in school.<sup>27</sup>
- Oral fluency in English may not be an indication that an EL has the overall English language skills necessary for academic success. (This is also known as the basic interpersonal communicative skills – cognitive academic language proficiency (BICS-CALP) gap; the incorrect assumption that a student who is conversationally fluent is also academically fluent can lead to misclassifications.)<sup>28</sup>
- All local assessments administered to an EL in English can be viewed as tests of English language proficiency, regardless of the content of the test.
- The culturally-based behavior of ELs must be distinguished from behavior indicative of special education needs.
- Parents and family members of an EL who may be eligible for special education or disability services have valuable information that can help in developing an appropriate plan for that student.



- Processing or testing for special education services may not be delayed beyond the period of adjustment often referred to as the silent period.

Additional guidance can be found on the department website ([here](#)). The 2017 *Special Education Framework* can be found [here](#).

## RTI<sup>2</sup>

ELs should also be appropriately included into the Response to Instruction and Intervention (RTI<sup>2</sup>) process at a school. Thoughtful consideration should be made when determining how ELs will participate in tiered interventions.

ELs should be provided the appropriate Tier I (core instruction), Tier II, and Tier III supports based on their individual needs identified by the universal screener. An RTI<sup>2</sup> placement for an EL will depend on his/her level of language acquisition. If an EL falls below the 25th percentile on the universal screener and he/she has not acquired sufficient English language to access academic interventions, the student should continue to receive ESL services. If an EL falls below the 25th percentile on the universal screener and he/she has acquired sufficient English language to allow them to access academic interventions, the student should receive RTI<sup>2</sup> interventions based on his/her specific area of need.

An ESL teacher must be part of the school-level RTI<sup>2</sup> team if an EL is being discussed.<sup>29</sup> Additionally, parents should be informed of how RTI<sup>2</sup> will meet their child's needs. Complete information on how to support ELs in RTI<sup>2</sup> can be found in the [RTI<sup>2</sup> Implementation Guide](#).

## Assessing ELs for Intellectual Giftedness

It is a violation of federal law<sup>30</sup> to exclude students from gifted programs based on their limited English proficiency. The department charges districts to ensure that the abilities of students from traditionally underrepresented groups—including ELs—are accurately assessed. More information can be found in the *Tennessee State Plan for the Education of Intellectually Gifted Students* [here](#).

## Evaluating ELs for Gifted Programs

ELs can often be overlooked in the search for intellectually gifted students.<sup>31</sup> If a district uses academic assessments to screen all students for intellectual giftedness, the scores of EL students should be compared with similar language peers rather than native English-speaking peers.

Evaluating students for gifted programs should include the following:<sup>32</sup>

- assessment through a multi-modal identification process, wherein no singular mechanism, criterion, or cut-off score is used for determination of eligibility and
- individual evaluation procedures that include appropriate use of instruments sensitive to cultural, linguistic, and environmental factors or sensory impairments.

It is necessary for districts to keep data on the number and percentage of NELB and native English speakers in gifted programs. The percentage of ELs in a gifted program should be comparable to that of their non-EL peers in a district. For example, if 10 percent of a district is identified as gifted, then 10

percent of ELs should be identified as gifted. Wide discrepancies between the two groups would indicate that the district needs to review its identification procedures for ELs.

## Assessing ELs for Additional Services

### Homeless Students

As with any student, an EL could be a homeless student, so it is important to ascertain if the student is also determined to be homeless. As part of the registration process, it should be determined if a student is eligible for EL and homeless student services. A district may not deny a homeless child enrollment because he/she is unable to provide the required documents to establish residency.

The McKinney-Vento Act<sup>33</sup> defines homeless children and youth as children who are:

- sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- living in emergency or transitional shelters or abandoned in hospitals;
- awaiting foster care placement; or
- children of migratory agricultural workers.

### Unaccompanied Students

Additionally, an EL could be classified as an unaccompanied student. As part of the registration process, it should be determined if a student is an EL *and* an unaccompanied student so that the appropriate services are provided. The McKinney-Vento Act defines unaccompanied youth as “a homeless child or youth not in the physical custody of a parent or guardian” [42 USC § 11434a(6)], and the federal government [6 U.S.C. § 279(g)(2)] defines an unaccompanied minor as “a child [...] who has not attained 18 years of age, and who has no parent or legal guardian in the United States available to provide care and physical custody.”<sup>34</sup> Unaccompanied children<sup>35</sup> in Department of Health and Human Services (DHHS) shelters are provided a basic education by those entities and, therefore, are not enrolled in local schools. Children in the shelters are not eligible for McKinney-Vento services.

When these children are released from shelters to live with a sponsor, they will enroll in the district where that sponsor resides. Children living with a sponsor may be eligible, on a case-by-case basis, for McKinney-Vento services under its broad definition, which includes youth who are living with family members in “doubled-up” housing (i.e., sharing the housing of other persons due to economic hardship or a similar reason). Districts should refer children they believe may qualify to the district’s local liaison for further consideration and a determination of McKinney-Vento eligibility. A small number of unaccompanied children are placed in long-term foster care instead of being released to a sponsor. The Department of Children’s Services (DCS) and the school system in which the foster care is located should collaborate with the foster family to determine where the child will attend school.<sup>36</sup>

**[NOTE:** The actual or perceived immigration or citizenship status of the unaccompanied minor and/or their sponsor does not negate their right or ability to enroll in local schools.]

# Chapter 3: EL Screener Assessments

## W-APT and WIDA Screener Assessment to Identify ELs

Federal and state policies require all K-12 students identified as NELB through the HLS process to be assessed for limited English language proficiency. This assessment determines whether an NELB student requires ESL services. The department’s instrument for screening and identification of EL students is the WIDA-ACCESS Placement Test (W-APT) for kindergarten students and the WIDA Screener for students in grades 1-12.

The W-APT and WIDA Screener serve as an indicator of a student’s language proficiency level (1-6) on the WIDA continuum, which aids in determining the appropriate level and amount of ESL services they require. It may also serve as a guide for tier placement on the ACCESS for ELs annual assessment. More information on the Kindergarten W-APT can be found [here](#) and more information on the WIDA Screener can be found [here](#).

Kindergarten, First Semester (W-APT)	Kindergarten, Second Semester (W-APT)
Kindergarten students who are screened in the first semester and who score 27 composite or below on the W-APT screener shall be entered into the ESL program and shall receive a minimum of one (1) hour of ESL service each day from a teacher who holds an ESL endorsement.	Kindergarten students who are screened in the second semester and who score 27 or below on speaking and listening; 14 or below on reading; or 17 or below on writing shall be entered into the ESL program and shall receive a minimum of one (1) hour of ESL service each day from a teacher who holds an ESL endorsement.
Grades 1-12 (WIDA Screener)	
Students in grades one through twelve (1-12) who are screened and who score below 4.5 composite or 4.0 or below on any domain shall be entered into the ESL program.	

### Language Domains and Grade Clusters

The W-APT and WIDA Screener assess the four language domains—listening, speaking, reading, and writing. The W-APT is only administered to kindergarten students.

The grade clusters for the WIDA Screener are:

- Grade 1
- Grades 2-3
- Grades 4-5
- Grades 6-8
- Grades 9-12

## Contact Information

For specific W-APT questions:

**WIDA Help Desk** – (866) 276-7735 – [help@wida.us](mailto:help@wida.us)

For Tennessee-specific assessment questions related to ESL:

**Lori Morris** – (615) 741-5113 – [Lori.Morris@tn.gov](mailto:Lori.Morris@tn.gov)

For Tennessee-specific ESL program questions:

**Jan Lanier** – (615) 532-6314 – [Jan.Lanier@tn.gov](mailto:Jan.Lanier@tn.gov)

**Katie Barcy** – (615) 532-1392 – [Katie.Barcy@tn.gov](mailto:Katie.Barcy@tn.gov)

**Joann Runion** – (615) 253-4249 – [Joann.Runion@tn.gov](mailto:Joann.Runion@tn.gov)

## W-APT and WIDA Screener Preparation

The W-APT and WIDA Screener should be administered to students individually, and score reports should be filed in the student’s cumulative folder.

The W-APT and/or the WIDA Screener administrator must be ESL certified or endorsed in Tennessee.

**[NOTE:** Teaching assistants, educational assistants, and translators may not administer the W-APT.]

### Educator Training for the W-APT and WIDA Screener

Training for the W-APT and WIDA Screener is available through the WIDA website. .

1. Read and study the materials—including the Test Administration Manual—for the W-APT, available [here](#). No quizzes are required.
2. Complete the speaking portion of the ACCESS training to correctly score that portion of the test.
3. For the WIDA Screener follow the training plan for the online version listed [here](#).

### Accessing W-APT and WIDA Screener Materials

Each district ESL director is assigned a secure username and password for accessing W-APT and WIDA Screener forms and training materials online at no additional cost. A master copy may be ordered, for a nominal fee, by the district ESL director/ESL coordinator from [Data Recognition Corporation](#) (DRC).

## W-APT and WIDA Screener Administration

### Kindergarten W-APT

The kindergarten W-APT is administered to students in kindergarten, or those entering kindergarten.

The kindergarten W-APT consists of five parts, each containing three tasks. Testing time may vary significantly. Depending on the student’s age, schooling, and proficiency level, the test may take

anywhere from five minutes (for students at a lower proficiency level) to 30 minutes (for students at a higher proficiency level).

Scoring guidelines are outlined in the kindergarten [K W-APT Test Administrator's Manual](#) (login required). Test administrators should follow the directions that are provided in the manual to record student score information.

First semester kindergarten students complete only the listening and speaking tests. These two components are combined in one test that uses pictures to alternate between speaking and listening tasks.

A student entering in the second semester of the kindergarten year completes all four components: listening, speaking, reading, and writing. Additionally, a student repeating kindergarten completes all four components of the kindergarten W-APT.

## Grades 1–12 WIDA Screener

The grades 1–12 WIDA Screener is individually administered at all grade levels and is fully adaptive (i.e., answers provided by students early on in the test will determine how many and which tasks are administered later in the test). Consequently, the administration time varies, increasing as the student's English proficiency increases. Students performing at a lower proficiency level will complete the test in as little as 20 minutes, while students performing at a higher proficiency level may take up to 90 minutes.

As an adaptive test, the student is presented only with questions the test administrator has a reasonable expectation that the student will be able to understand and respond to, based on the student's responses to the items in the previous part of that test section. Therefore, scoring occurs as the test is being administered.

### Administrator Notes

The WIDA Screener should be administered in the following order: listening, reading, speaking, and then writing.

For all grade clusters, the listening test consists of five theme folders (parts), or collections of related items, that focus on the language of an academic topic related to the WIDA ELD standard being assessed. The five theme folders increase in difficulty from part A to part E. A student will have the opportunity to answer every task in a given folder before the test administrator makes a determination of whether or not to advance to the next folder.

If the student answers the majority of items within a theme folder correctly, he/she will advance to the next listening theme folder. If the student does not answer the majority of the items within a folder correctly, the test administrator will skip to part A of the reading test. The scoring sheets provide specific rules for this advancement.

The administration of the reading test follows the same rules as the listening test. If in the reading test a student cannot answer the majority of the items in any theme folder correctly, the reading test will be brought to a close, and the writing test will begin.

## Test Security

The security of W-APT and WIDA Screener test materials and confidentiality of student scores must be maintained at all times. Test materials must be kept in a secure, locked storage area. Materials must not be left unattended at any time, including immediately prior to or after testing. ESL directors and the test administrators are responsible for maintaining security of all W-APT and WIDA Screener materials.

## Testing Environment

Test administrations typically occur individually, in a private room or space. The test administrator must:

- sit at a right angle to the student, rather than across from or beside the student;
- make sure that the student can see the test materials that lie flat on the table;
- administer and score speaking tests simultaneously; and
- adhere to the adaptive guidelines of the scripts.

## Test Administrator’s Responsibilities

Only endorsed or certified ESL teachers in Tennessee are permitted to administer secure ESL state assessments. Test administrators shall be school personnel who have professional training in education and the state testing program. Retired teachers, if working for the district in an ESL capacity, may administer Tennessee ESL tests.

Test administrators shall not, at any time, modify, change, alter, or tamper with student responses on the answer sheets. Nor may any questions be altered or changed.

**[NOTE:** Title III funds must not be used for training or administering English language proficiency tests.]

## Testing Accommodations for Students with Disabilities

Only department-approved testing accommodations may be provided for students with disabilities. Additional information can be found ([here](#)). For more information, contact:

**Lori Morris** – (615) 741-5113 – [Lori.Morris@tn.gov](mailto:Lori.Morris@tn.gov)

## W-APT/WIDA Screener Scores and Next Steps

The following information serves as a guide to determine whether or not the student will receive ESL services.

GRADE	W-APT OR WIDA SCREENER SCORE	ESL SERVICE DETERMINATION
W-APT Kindergarten, first semester	Composite: 27 or below	<b>NEEDS SERVICE</b>
	Composite: Above 27	Does not qualify for service
W-APT Kindergarten, second semester	Any of the following: <ul style="list-style-type: none"><li>• Listening &amp; Speaking: 27 or below</li><li>• Reading: 14 or below</li></ul>	<b>NEEDS SERVICE</b>

GRADE	W-APT OR WIDA SCREENER SCORE	ESL SERVICE DETERMINATION
	<ul style="list-style-type: none"> <li>• Writing: 17 or below</li> </ul>	
	ALL of the following: <ul style="list-style-type: none"> <li>• Listening &amp; Speaking: Above 27</li> <li>• Reading: Above 14</li> <li>• Writing: Above 17</li> </ul>	Does not qualify for service
WIDA Screener First grade	Composite score: Less than 4.5 <u>OR</u> Any domain score (Speaking, Listening, Reading, and/or Writing): 4.0 or less	<b>NEEDS SERVICE</b>
<i>through</i> 12th Grade	Composite score: 4.5 or more <u>OR</u> Any domain score (Speaking, Listening, Reading, and/or Writing): Above 4.0	Does not qualify for service

## Chapter 4: Placing ELs

### Placing ELs at All Grade Levels

When making decisions regarding student placement, it is important to consider the services and support in place to ensure that ELs are developing both social and academic English language proficiency and are able to effectively participate in all academic and special programs within the district. As part of this process, it is imperative that district personnel familiarize themselves with the [WIDA Performance Definitions](#), which serve as the basis for the W-APT, WIDA Screener, ACCESS for ELs 2.0, and MODEL Composite Proficiency Levels.

ELs are eligible for any program that will help them reach the same standards of performance asked of non-ELs. Once a child enters a general education classroom, he/she may need language development and other types of support that must be included in everyday classroom instruction.<sup>37</sup> These may include accommodations to the instructional activities, tasks, and/or assessments. As an EL attains proficiency in English, however, fewer accommodations will be necessary.

Students at lower levels of proficiency, and/or with an educational background of limited or interrupted instruction, may require additional support and/or multiple classes of support when first receiving ESL services. Students nearing proficiency may benefit from sheltered instruction content classes or with ESL courses targeted to those academic areas in which they are most likely to need additional support.

While the provision of services to ELs may have the effect of separating them from their English-proficient peers for at least part of the school day, the district's program should not unnecessarily separate ELs. ELs should be given the opportunity to participate in all extracurricular and special programs.<sup>38</sup> Additionally, ELs must be provided services in comparable facilities to those in which non-ELs receive instruction.

#### Placing ELs in non-ESL Classes

Initial placement of ELs in appropriate classes is crucial to their success in the educational program. Districts must ensure ELs are placed in age-appropriate classes, regardless of lack of formal education or English language skills (Additional information in [Appendix A](#)).

### Awarding Transfer Credits

School counselors should be trained in assessing non-U.S. school transcripts to award transfer credits appropriately. Internationally, there is wide variation in grading systems, course titles, and grade levels at which courses are taught. Students should not be required to repeat content classes they successfully completes in their home language solely due to their lack of English skills.<sup>39</sup> If there are problems in evaluating the student's academic transcript, or if there is no transcript, the district may award credits based on competencies according to the Tennessee State Board of Education rule stating the local board of education may adopt policies to award credits to students who have taken equivalent high school courses.<sup>40</sup>



## Foreign Language Credits

Districts may allow NELB students to complete the graduation requirements for a university preparation curriculum without taking foreign language courses, provided oral and written proficiency in the home language can be documented. Such documented home language proficiency will be noted on the Tennessee high school transcript.<sup>41</sup> Proficiency in more than one language may make an EL eligible for the seal of biliteracy on their transcript.

## Transfer Credit Guidance for International Students

Tennessee high schools should make every possible effort to transfer credits for students enrolling from other countries. The department recommends that the school attempt to obtain a list of content area course descriptions from the native country (in English) to determine the content equivalence of courses.

Awarding credits based on transfer transcripts is a local decision. Services are available, for a fee, to professionally translate and evaluate transcripts. Additionally, if a transcript is not available for a student, then the school may choose other performance measures for a student to demonstrate content proficiency that meets the intent of the Tennessee academic standards. These other measures could include an end-of-course assessment, an approved comprehensive written examination, or a recognized standardized test.<sup>42</sup>

**[NOTE:** Language arts classes in the student's home language (i.e., literature, writing) may count for Tennessee world language credit.]

# Chapter 5: ESL Program Models

## Service Delivery Program Models

Districts have the freedom to select the model(s) most suited to the needs of its students, as there is no single federal or state-mandated ESL program model. State board policy 3.207 provides a list of accepted models for ESL service delivery in Tennessee.

### Approved Models<sup>43</sup>

An ESL program may be provided through various service-delivery models, including:

- sheltered English instruction,
- structured English immersion,
- specially designed academic instruction in English,
- content based English instruction,
- pull-out instruction, and
- push-in instruction.

Districts wishing to use any model not included on the list must have prior approval from the department before implementing the model. The department will approve other models based on evidence of effectiveness. All models must address how academic deficits that are the result of a student's limited English proficiency will be remediated. Under ESSA,<sup>44</sup> all ESL services must be founded on evidence-based educational practices.

Instruction may be delivered in newcomer centers or classes, a traditional setting, or resource centers. ESL is ideally delivered through content-based materials. Sheltered classes in academic subjects are an accommodation that is supported by research.<sup>45</sup> These classes are most appropriate at the middle and high school levels. Structured immersion segregates students and is only appropriate for one or two years in situations where students are illiterate in their first language.

## Program Models Overview

In the sections below, the program models used in Tennessee are detailed. Some models may be appropriate for students performing at all WIDA levels where other models may be more effective for certain levels of language acquisition. Student Individual Learning Plans (ILPs) and other information must be considered to ensure that individual student needs are met and that the model is appropriate.

### Sheltered English Instruction (appropriate for all levels, particularly levels 3-5)

Sheltered English Instruction is an instructional approach whereby teachers use physical activities, visual aids, and the environment to teach students the vocabulary necessary to understand content subjects. It delivers language-rich, grade-level content instruction in English that is comprehensible to ELs.<sup>46</sup> While sheltered English instruction is commonly used for intermediate to advanced students, this model may

also be effective with students at any level. Sheltered English Instruction is one element of the sheltered instruction observation protocol (SIOP) which is a framework for teaching language and content together.

The eight components of SIOP are:

1. Lesson preparation
2. Building background
3. Comprehensible input
4. Strategies
5. Interaction
6. Practice and application
7. Sheltered lesson delivery
8. Review and assessment

### Structured English Immersion (appropriate for all levels, particularly level 1)

Structured English Immersion is a technique for rapidly increasing the language proficiency of ELs. Many SEI programs provide some bilingual support. The hallmark of this program is that the focus is on English, not specific content, for extended periods of time.

Teachers may use strategies such as graphic organizers, visuals, gestures, and realia to support comprehension. Students are encouraged to produce language to demonstrate communication. Traditional English language development (ELD) classes are often considered Structured English Immersion courses. Structured English Immersion courses are common in middle and high school programs for students who have difficulty accessing content in an English-only classroom. EL students, similar to students with disabilities, should be with grade-level peers when appropriate, and where linguistic needs are met.

Structured English Immersion is often used as a newcomer program for ELs. During this first year, basic interpersonal communication skills (BICS) are the focus. As students learn the basic communication skills needed, the goal of the program shifts to cognitive academic language proficiency (CALP). Newcomer programs are effective and designed to be short term, so that students learning English do not generally spend more than an academic year outside of a typical classroom with peers.

### Specially Designed Academic Instruction in English (appropriate for all levels)

Specially Designed Academic Instruction in English (SDAIE) is an approach to teach English simultaneously with content. SDAIE either requires intermediate fluency in English for the EL to be able to access the content, or the lessons must be carefully scaffolded to provide the language to the ELs who are at a beginning to low intermediate level. Lessons are focused on both content and language acquisition.

Features of SDAIE include:

1. Low affective filter

*When a learner is flooded with emotions, high affect, language learning is more difficult. Having a comfortable classroom where the EL can experiment with language and freely practice language skills results in a low affective filter. Generally a low affective filter is associated with increased*

*language acquisition. Teachers can lower the affective filter by making certain that the EL is included in classroom activities, by providing comprehensible input, and by creating a warm, welcoming classroom environment.*

2. Modified speech

*Modified speech can refer to slowing or simplifying language. Often, modifying speech entails movement away from idioms. For example, the teacher might request, "Sit down." Rather than "Take your seat." The latter might cause confusion if the EL is translating literally. It might also refer to using a simpler word when the vocabulary is not the goal of the experience; for example, choosing to use "below" rather than "underneath."*

3. Contextual clues

*Teachers often have no difficulty pointing out contextual clues in written text, but may find using contextual clues more difficult for speech. Prepositions may be contextualized by using objects to show the relationship of beside, below, under, over, through, up to, over, etc.*

4. Multisensory experiences

*Vocabulary may be meaningfully taught by using senses other than sight and hearing. Some vocabulary words that lend themselves to this method are sweet, bitter, sour, salty, spicy, rough, fuzzy, smooth, soft, hard, etc.<sup>47</sup>*

5. Comprehensible input

*Comprehensible input refers to the understanding of what is being read or heard. If the language cannot be understood, the input is not comprehensible. Several factors to consider are speed, dialectical differences, accents, unknown vocabulary, grammar or syntax.*

6. Frequent comprehension checks

*Frequent comprehension checks can be accomplished quickly and in a variety of ways: thumbs up or down, colored cards, checks for understanding, retelling, repeating, fist to five, exit tickets, etc.*

7. Formative and summative assessments

*Formative and summative assessments refer to both classroom quizzes and tests as well as end of the year comprehensive exams or assessments to determine where students are in their mastery of the standards*

8. Appropriate lesson design

*Appropriate lesson design refers to what is meaningful to the student at his/her level of linguistic competence. If the student is unable to read, but can select an answer to an oral discourse by pointing, that should be utilized to connect the intent of the lesson to the student. The WIDA Can Do Descriptors are useful for appropriate lesson designs.*

9. Content-driven plans

*Content-driven plans refer to the plans developed for language teaching that are designed around the necessary comprehension of content needed for understanding the lesson. This is common in a content-based ESL class.*

The focus in the SDAIE model is the blending of English acquisition with content instruction. The academic vocabulary becomes more meaningful because the students are experiencing the usefulness of the words learned. Grammar is more meaningful because the students are experiencing the nuances of the grammatical choices, such as active versus passive verb tense.

### Content-based English Instruction - (appropriate for levels 2-5)

Content-based English Instruction (CBI) is designed to provide English learner instruction in content and language.<sup>48</sup> During CBI, engaging language lessons are blended with content.<sup>49</sup> Students have an increased focus on core content versus explicit language acquisition.

Research indicates that it is critical for ESL teachers to provide a content-rich, high-standards curriculum that prepares ELs to become academically successful in content learning.<sup>50</sup> The content-based educational curriculum (CBEC) provides four strong areas of support:

1. ELs learn age-appropriate content knowledge that reflects the content learning in the mainstream and can be motivating to ELs.
2. ELs read authentic texts, not simplified or contrived text written for ELs only.
3. ELs view language learning as becoming more purposeful because they are learning the language, not about the language.
4. ELs learn technical vocabulary and use it in context.

### Pull-Out English Instruction (appropriate for all levels)

Pull-out English Instruction involves students being removed from the general education classroom to work in a small group. Pull-out ESL requires that ELs miss core class time, which can pose challenges. In order to use pull-out effectively, the student must be unable to access content in a general education classroom due to language proficiency. If content can be accessible in a general education classroom, then a push-in model may be more appropriate. Some ESL teachers pull-out mixed-level proficiency groups while others pull out by proficiency levels that may include mixed grade levels.

### Push-In English Instruction (appropriate for levels 3-5)

In push-in English instruction, the ESL teacher can push-in for small group instruction or co-teaching to the general education classroom. The push-in model increases the amount of time the EL is in with peers in the general education classroom and reduces the time they are away from core instruction. The ESL teacher can teach for the entire group certain language aspects and scaffold for the entire group. Some programs refer to this as the pull-in model but the use of the term inclusion is avoided, since that term is frequently associated with service to students with disabilities.

Additional information on the program models, including considerations for implementation and scenarios to help think through the best option for your district and school can be found in the [Teaching Literacy in Tennessee: English Learner Companion](#).

## Program Placement Examples

Determining the appropriate program model can be challenging; the table below provides some example students and the potential program model to support their needs.

Student Example	Program Model	Pros	Cons
First grade EL, expected to exit direct ESL services at the end of the school year	Push-in	<ul style="list-style-type: none"> <li>• Allows teaching team to see how he/she will perform in the academic classroom</li> <li>• Can determine if this model is appropriate for language growth with the child's learning style</li> </ul>	<ul style="list-style-type: none"> <li>• May determine that language is adequate but social and personal learning support is needed</li> </ul>
Recently Arrived English Learner (RAEL), 16 years	Pull Out	<ul style="list-style-type: none"> <li>• Will be able to develop English skills with a selected</li> </ul>	<ul style="list-style-type: none"> <li>• May be relegated to work on a soft-ware language</li> </ul>

Student Example	Program Model	Pros	Cons
old, who is a refugee from Syria and has been on the move for the past three years, out of school since age 11.		group of students <ul style="list-style-type: none"> <li>• Allows individualization of needs, including social/ personal needs</li> </ul>	program if other students have better language skills
Long-term English Learner (eighth year in the ESL program)	Sheltered English Instruction	<ul style="list-style-type: none"> <li>• Could connect academics to ESL to help make up academic gaps in concepts and vocabulary</li> <li>• Would be learning the grammatical structures for classroom work in authentic language</li> </ul>	<ul style="list-style-type: none"> <li>• Approach to grammar and language learning might be too deductive and unclear</li> </ul>
EL with disabilities, sixth grade, identified in first grade for ESL and in third grade for special education services	Content-based Instruction	<ul style="list-style-type: none"> <li>• Provides consistency to academics while increasing English proficiency</li> </ul>	<ul style="list-style-type: none"> <li>• If content is too difficult and not properly scaffolded, access to language instruction will not be evidenced</li> </ul>
Newly arrived fifth grader with high beginning English skills	Specially Designed Academic Instruction in English	<ul style="list-style-type: none"> <li>• Provides support for academics and ESL</li> <li>• Must be a schoolwide or grade-level wide program for ELs</li> </ul>	<ul style="list-style-type: none"> <li>• Requires Sheltered Instruction Observation Protocol (SIOP) or SDAIE trained team of teachers</li> </ul>
12-year-old recently arrived from Guatemala with a non-English home language and/or no written English skills	Structured English Immersion	<ul style="list-style-type: none"> <li>• Develops basic interpersonal communicative skills (BICS)</li> <li>• Allows for adjustment to U.S. schooling expectations</li> <li>• Individualization of non-academic needs, including counseling and other social supports.</li> </ul>	<ul style="list-style-type: none"> <li>• More than academic support may be needed</li> <li>• Requires trained teachers understanding the needs of newcomers which is not limited to academics</li> <li>• Requires schoolwide buy-in from ESL teachers and general education teachers</li> </ul>

## Chapter 6: Provisioning of Services for ELs

On average, ELs spend 80 percent of their day in a general education classroom so it is imperative that ESL and general education teachers work in partnership to support ELs. In Oct. 2017, the state board approved policy stating that all teachers who engage with ELs must be trained on the WIDA English Development (ELD) Standards. The WIDA standards provide general education teachers with a valuable tool to support ELs in accessing the Tennessee Academic Standards.

Additional information on the WIDA standards can be found in [Chapter 7: WIDA Standards](#).

### Classroom Instruction

#### Tier I Core Instruction

All students, including ELs, should be provided high-quality Tier I instruction. Tier I instruction, also known as core instruction, provides rich learning opportunities for all students that are aligned to the Tennessee Academic Standards and are responsive to student strengths and needs through differentiation. Differentiation, based on multiple sources of data, is a hallmark of Tier I. Tier I instruction should be differentiated and responsive to students' growth. Educators should proactively identify student needs through multiple sources of data and use this information to plan for differentiation. Differentiation should be the primary response to supporting students during Tier I instruction. To support effective instruction, teachers should be provided with tools and training that include attention to: core reading and mathematics materials and instructional methods that are supported by evidence and are aligned to grade-level Tennessee Academic Standards; the universal screening process; formative assessment data to determine instructional needs; and ongoing, embedded support and professional learning.

All data should be considered when making instructional decisions for students in Tier I core instruction. Each type of data serves a purpose and provides useful information regarding students' strengths and weaknesses. No one source of data should override or supersede another. When deciding which assessment to give, the teacher should first determine what it is he/she wants to know.

#### Tier II Instruction

If an EL is identified as requiring Tier II support, he/she should be provided the appropriate interventions. Tier II is in addition to the instruction provided in Tier I and should meet the needs of 10-15 percent of students. Students who score below the designated cut score on the universal screening will receive more intense intervention in Tier II. For EL students their language proficiency must also be taken into account the decision to provide Tier I or Tier III interventions.

If an EL falls below the 25th percentile on the universal screener and they have not acquired sufficient English language to access academic interventions, EL students should continue to receive ESL services. If an EL falls below the 25th percentile on the universal screener and they have acquired sufficient English language to allow them to access academic interventions, they should receive RTI<sup>2</sup> interventions based on their specific area of need.

Tier II interventions should be systematic, evidence-based interventions that target the student's identified area of deficit (basic reading skill(s), reading fluency, reading comprehension, mathematics calculation, mathematics problem solving, or written expression). Interventions should be developed based on the unique needs of students. Interventions that have been researched have the greatest chance of addressing the area of need should be selected. There will be evidence that interventions are focused on specific skill needs rather than the standards focus of Tier I. When these interventions are used properly, adequate gains are expected. An effective intervention is:

- implemented by highly trained personnel,
- implemented with fidelity and confirmed with measurement, and
- progress monitored to ensure outcomes are met.

Interventions should be delivered by highly trained personnel. Highly trained personnel are people who are adequately trained to deliver the selected intervention as intended with fidelity to design. When possible, Tier II interventions should be taught by qualified, certified teachers. Research supports the most trained personnel working with the most at-risk students. Progress monitoring in Tier II will take place at a frequency of at least every other week. Highly trained personnel should administer the progress monitoring in Tier II, and classroom teachers should continuously analyze the progress monitoring data.

### Tier III

Tier III addresses 3-5 percent of students who have received Tier I instruction and Tier II interventions and continue to show marked difficulty in acquiring necessary reading, mathematics, and writing skill(s). It could also include students who are one and a half to two years behind or are below the 10th percentile and require the most intensive interventions immediately. Students at this level should receive daily, intensive, small group, or individual intervention targeting specific area(s) of deficit, which are more intense than interventions received in Tier II. Intensity can be increased through length, frequency, and duration of implementation.

Tier III is in addition to the instruction provided in Tier I. Tier III interventions should meet the needs of 3-5 percent of students. School RTI<sup>2</sup> teams will decide the best placement for students in Tier III, and if an EL is being discussed, an EL teacher must be a member of the team. Tier III interventions must be more intense than Tier II interventions. Intensity can be increased through length, frequency, and duration of implementation. Students who have not made adequate progress with Tier II interventions or who score below the designated cut score on the universal screening will receive more intense intervention in Tier III. These cut scores should be based on national norms that identify students who are at risk.

As a guideline, students below 10th percentile would be considered the most "at risk" and in possible need of Tier III intervention. In order for an EL to receive Tier III instruction they must have sufficient language acquisition to be able to access the intervention. When teachers and school-level RTI<sup>2</sup> support teams are making placement decisions for Tier III interventions, it may be necessary to consider other assessments, data, and information on the student. Such examples may include attendance records,



past retention, or performance on TCAP. For ELs, data from English language proficiency assessment should be included.

Tier III interventions are systematic, research-based interventions that target the student's identified area of deficit (basic reading skill(s), reading fluency, reading comprehension, mathematics calculation, mathematics problem solving, or written expression). Interventions should be developed based on the unique needs of students. Interventions that have been researched to have the greatest chance of addressing the area of need should be selected. There should be evidence that interventions are more intense than Tier II. Scientifically research-based interventions are interventions that produce reliable and valid results. When these interventions are used properly, adequate gains should be expected. To be considered evidence-based, they must have a clear record of success.

Similar to Tier II, an effective intervention is:

- implemented by highly-trained personnel;
- implemented with fidelity and confirmed by measurement; and
- progress monitored to ensure outcomes are being met.

The interventions should be delivered by highly trained personnel. Highly trained personnel are people who are adequately trained to deliver the selected intervention as intended with fidelity to design. When possible, Tier III interventions should be taught by qualified, certified teachers. Research supports the most trained personnel working with the most at-risk students.

When additional intervention is provided in Tier III, the effectiveness of the instructional intervention should be monitored to ensure that it is helping the student reach a goal. This is accomplished through administration of probes that are parallel forms of the ones used in universal screening. Students in Tier III should be progress monitored at least every other week in grades K-12. Progress monitoring will be done in the area of deficit using an instrument that is sensitive to change.

Additional information on Tier I, II, and III can be found in the [RTI<sup>2</sup> Implementation Guide](#).

## Individual Learning Plan

Beginning with the 2018-19 school year, all ELs are required to have Individual Learning Plans and growth trajectories for English proficiency. An Individual Learning Plan (ILP) is a document that describes the academic and language needs of, and goals for, an EL. It is created by ESL teachers in collaboration with other teachers, leaders, counselors, parents, and/or the student. The purpose of developing ILPs for ELs is to ensure all students are being served and on track to meet the linguistic and academic expectations each year.

The department has developed a template for ILPs that districts may alter for use. This template includes the department's recommended elements of an ILP. The district may customize this template or develop its own to fit school or student needs. These recommended elements are neither mandatory, nor exhaustive and include:

- General information about the student (e.g., name, age, grade, school year, etc.)
- English language proficiency placement test level
- Language profile for skills

- State and local assessment information
- Score report
- ESL services provided to support the student’s English language proficiency attainment
- Strategies, accommodations, and modifications to be implemented in all the student’s classes
- Strategies and accommodations for state assessments
- Goals for the student (i.e., quarterly, semester, annual)

Growth trajectories address student growth on WIDA ACCESS according to the growth standards developed through statewide accountability. Additionally, trajectories should be developed to target linguistic growth across the domains of reading, speaking, listening, writing, and literacy. When the student experiences difficulty with movement toward proficiency or does not move forward in English proficiency measures, there should be intervention immediately. Intervention should begin through the Can Do Descriptors of the WIDA framework. These descriptors can serve as a map for student expectations and a way for general education teachers to highlight expectation and gather ideas for future differentiation.

The ILP should include any needed accommodations necessary to support and provide meaningful instruction to the student in general education and ESL classrooms. Accommodations may address domains such as instruction, assignments, environment, and formative and summative assessment. The department is developing resources to assist teachers in understanding and providing these accommodations to ELs.

## Growth Trajectory

Growth trajectories are designed to assist educators in measuring expected growth for individual students, based on a variety of factors, including but not limited to, age, grade, years in school, and proficiency level at entry. Growth trajectories can be designed to vary across the WIDA domains: speaking, listening, writing, comprehension, literacy, and composite. These trajectories serve as a useful tool to measure actual student growth against expected progress to determine any additional adjustments to instructional strategies that may best help ELs access grade level content instruction in English.

The department is currently working to develop a model for building growth trajectories that considers growth across indicators and highlights factors shown to have an impact on student progress. This model will be available upon the release of WIDA data in 2018.

# Chapter 7: WIDA Standards

## WIDA Standards Framework

EL classroom instruction is structured around the WIDA standards framework and Tennessee Academic Standards. The WIDA standards framework is built around five components:

- (1) WIDA Can do Philosophy,
- (2) Guiding Principles of Language Development,
- (3) Age-appropriate Academic Language in Sociocultural Context,
- (4) English Language Development Standards and Performance Definitions, and
- (5) Standards of Model Performance Indicators.

## WIDA Can Do Philosophy

WIDA's Can Do Philosophy is based on the belief that all students bring to their learning, cultural and linguistic practices, skills, and ways of knowing from their homes and communities. The resulting Can Do Descriptors provide teachers with examples of what a student at each proficiency level can be expected to be able to do and allow teachers to differentiate instructional tasks to fit the needs of individual students. More information can be found [here](#).

These Can Do Descriptors are a useful tool for both ESL and content teachers to use as lessons are designed. The descriptors focus on the positive aspect of each EL's language ability.

What is unique about the WIDA Can Do Descriptors is that they apply to all five English language development standards:

- Social and Instructional Language
- The Language of Language Arts
- The Language of Mathematics
- The Language of Science
- The Language of Social Studies

In addition to approaching instruction with a Can Do Philosophy, educators should consider WIDA's Essential Actions, or evidence-based strategies. The 15 Essential Actions are designed to stimulate conversation and collaboration between content and ESL educators. Importantly, Essential Actions are designed to work through WIDA's language development standards to highlight the academic language associated with content areas at given grade levels.

For further detail on the Essential Actions, including the research base behind each specified Action, see the [Essential Actions Handbook](#).

Essential Action 1	Capitalize on the resources and experiences ELs bring to school to build and enrich their academic language
Essential Action 2	Analyze the academic language demands involved in grade-level teaching and learning
Essential Action 3	Plan differentiated instruction around the conceptual knowledge and language development of ELs
Essential Action 4	Connect language and content to make learning relevant and meaningful for ELs
Essential Action 5	Focus on the developmental nature of language learning within grade-level curriculum
Essential Action 6	Reference content standards and language development standards in planning for language learning
Essential Action 7	Design language teaching and learning with attention to the sociocultural context
Essential Action 8	Provide opportunities for all ELs to engage in higher-order thinking
Essential Action 9	Create language-rich classroom environments to with ample time for language practice and use
Essential Action 10	Identify the language needed for functional use in teaching and learning
Essential Action 11	Plan for language teaching and learning around discipline-specific topics
Essential Action 12	Use instructional supports to help scaffold language learning
Essential Action 13	Integrate language domains to provide rich, authentic instruction
Essential Action 14	Coordinate and collaborate in planning for language and content teaching and learning
Essential Action 15	Share responsibility so that all teachers are language teachers and support one another within communities of practice

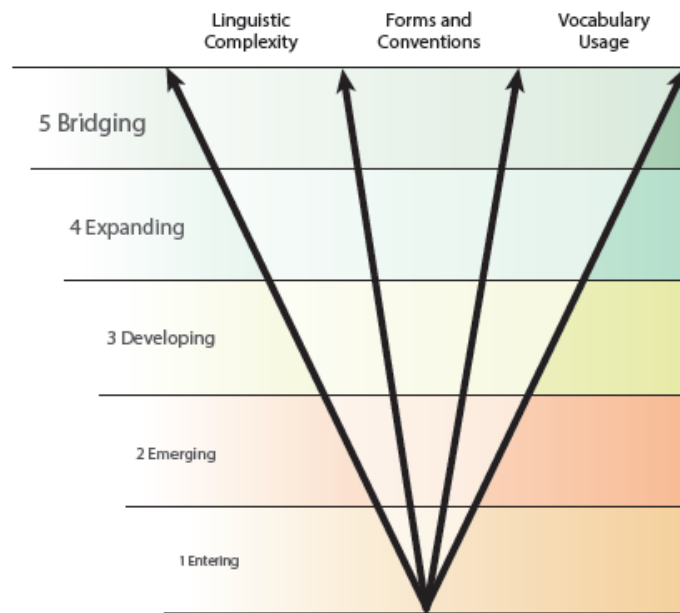
## Age-Appropriate Academic Language in Sociocultural Contexts

An EL's growth varies, dependent upon their proficiency and/or grade level. Many researchers, including those at WIDA, have stated the following principle for student growth:

*"Lower is faster, higher is slower."*

This simply means that ELs at lower grade and/or proficiency levels will show faster rates of growth than ELs at higher grade and/or proficiency levels. For example, the amount of content and language an EL must learn to move from proficiency level 1 to level 2 is much smaller and simpler than the breadth of content and language skills they must master to move from a proficiency level 4 to a level 5. Care must be taken to avoid mistaking a slowing growth rate as an EL rises in proficiency level for a lack of language learning. These students are simply required to learn more complex skills and standards as they raise proficiency.

The following is WIDA's graphical representation of this principle.



## English Language Development (ELD) Standards<sup>1</sup>

The WIDA ELD standards are designed as a curriculum and instruction planning tool. They help educators determine student's ELD levels and how to appropriately challenge them to reach higher levels.

The following are the WIDA ELD standards:

1. English learners **communicate** for **social and instructional** purposes within the school setting.
2. English learners **communicate** information, ideas, and concepts necessary for academic success in the content area of **language arts**.
3. English learners **communicate** information, ideas, and concepts necessary for academic success in the content area of **mathematics**.
4. English learners **communicate** information, ideas, and concepts necessary for academic success in the content area of **science**.
5. English learners **communicate** information, ideas, and concepts necessary for academic success in the content area of **social studies**.

Each grade-level band K-8 and then grade-level clusters 9-10 and 11-12 have their own versions of the five standards to appropriately support students at their academic level. The WIDA standards should be used to support students' connection to Tennessee Academic Standards.

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<sup>1</sup> Prior to 2012 the standards were the English Language Proficiency Standards.

WIDA ELD's are designed to represent and enhance Tennessee's Academic Standards within its current framework. The language demands of these content standards have been addressed in numerous ways to ensure that ELs at all levels of English proficiency have the opportunity to engage in the cognitive challenges represented in those content standards. In addition to the core knowledge and skills represented in content standards, students need to develop social, language, and cross-cultural competencies to be successful in school and beyond.

The Tennessee Academic Standards guide the department in setting curricular goals, exemplifying many of the language features of WIDA's standards framework, specifically:

- a focus on oral language development;
- literacy across the content areas;
- use of instructional supports; and
- attention to genre, text type, register, language forms, and conventions.

# Chapter 8: ACCESS and Annual Assessments

## ESSA Requirements

Under ESSA, all students must participate in mandated testing. Including ELs in Tennessee’s assessment results ensures that students who are ELs, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and student academic achievement standards all students are expected to meet.

### ESSA State Plan Assessment Requirements

ESSA<sup>51</sup> requires all state assessments to provide for the following:

- the reasonable adaptations and accommodations for students with disabilities<sup>52</sup> necessary to measure the students’ academic achievement relative to state academic content and state student academic achievement standards; and
- the **inclusion of ELs**, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what students know and can do in academic content areas, until they have achieved English language proficiency.

### Native Language Assessments

Tennessee is an English-only state, and mandated assessments are administered only in English. That does not preclude a district from using native language assessments for determining special needs or supports.

If a district determines—on a case-by-case basis—that assessments in the native language would likely yield more accurate and reliable information on what an EL knows and can do, the district may make a determination to assess such a student in the native language. This may be considered for beginners and low intermediate ELs to help determine if the student is experiencing the same difficulties in the native language and English. Some districts do this informally before beginning assessing for disabilities. Informal assessment can include using the native language to read or tell a story and either asking questions or asking the student to retell of the story, or listening for the same errors with similar sounds (e.g., the “r” or “h,” in both English and the native language, or following simple directions).

### Academic Assessments of English Language Proficiency

Each state shall demonstrate that districts in the state will provide for an annual assessment of English proficiency (meaning students’ oral language, reading, and writing skills in English) of all students with limited English proficiency in the public schools.<sup>53</sup>

## WIDA ACCESS for ELs 2.0

The WIDA ACCESS for ELs 2.0 assessment exceeds the requirements of the ESSA and is used to measure and report an EL's growth. It is a standards-based, curriculum-referenced English language proficiency assessment designed to measure an EL's social and academic English proficiency and progress. It assesses the social and academic language across the four language domains of speaking, listening, reading, and writing. More information on WIDA ACCESS for ELs 2.0 can be found [here](#).

The results of WIDA ACCESS for ELs 2.0 assessment:

- serve as one criterion to aid in determining when ELs have attained the language proficiency needed to meaningfully participate in content area classrooms without ESL program support and state assessments without accommodations;
- provide districts with information that will aid in evaluating the effectiveness of ESL programs; and
- identify English language proficiency.

All students identified as ELs—including those whose parents have waived ESL services—must be administered the WIDA ACCESS for ELs 2.0 during the annual English language proficiency testing window.

**[NOTE:** Students who have formally exited ESL services and are transitional are not administered the WIDA ACCESS for ELs 2.0.]

## Proficiency Levels and Instructional Supports

All WIDA assessments provide an English language proficiency performance level score based on a scale of 1.0 to 6.0. The expectations for students at each performance level are as follows:<sup>54</sup>

	LEVEL	DESCRIPTION
Full English Proficiency	<b>NELB</b>	<ul style="list-style-type: none"> <li>• The student was never classified as an English learner and does not fit the definition of a limited English proficient student outlined in either state or federal law.</li> </ul>
	<b>6 Reaching</b> (Former EL/Moving into the transition phase)	<ul style="list-style-type: none"> <li>• The student was formerly an EL and is now English proficient.</li> <li>• The student reads, writes, speaks, and comprehends English within academic classroom settings.</li> </ul>
English learner	<b>5 Bridging</b> (Advanced)	<ul style="list-style-type: none"> <li>• The student understands and speaks conversational and academic English well.</li> <li>• The student is near proficient in reading, writing, and content area skills needed to meet grade level expectations.</li> <li>• The student requires occasional support.</li> </ul>



	LEVEL	DESCRIPTION
	<p style="text-align: center;"><b>4</b> <b>Expanding</b> (Advanced Intermediate/ Early Advanced)</p>	<ul style="list-style-type: none"> <li>• The student understands and speaks conversational English without apparent difficulty but understands and speaks academic English with some hesitancy.</li> <li>• The student continues to acquire reading and writing skills in content areas needed to achieve grade level expectations with assistance.</li> </ul>
	<p style="text-align: center;"><b>3</b> <b>Developing</b> (Intermediate)</p>	<ul style="list-style-type: none"> <li>• The student understands and speaks conversational and academic English with decreasing hesitancy and difficulty.</li> <li>• The student is post-emergent, developing reading comprehension and writing skills in English.</li> <li>• The student's English literacy skills allow the student to demonstrate academic knowledge in content areas with assistance.</li> </ul>
	<p style="text-align: center;"><b>2</b> <b>Emerging</b> (Beginning/Production/ Early Intermediate)</p>	<ul style="list-style-type: none"> <li>• The student understands and speaks conversational and academic English with hesitancy and difficulty.</li> <li>• The student understands parts of lessons and simple directions.</li> <li>• The student is at a pre-emergent or emergent level of reading and writing in English, significantly below grade level.</li> </ul>
	<p style="text-align: center;"><b>1</b> <b>Entering</b> (Beginner/Preproduction)</p>	<ul style="list-style-type: none"> <li>• The student does not understand or speak English with the exception of a few isolated words or expressions.</li> </ul>

In an effort to explain this, the department worked to further define the student behaviors and the type of instruction and instructional support in the following table. This list is not exhaustive, but it includes information that should help both ESL and general education teachers plan for this subgroup of students.

LEVEL	DEFINITION/STUDENT BEHAVIOR	INSTRUCTION/INSTRUCTIONAL SUPPORT
<p style="text-align: center;"><b>6</b> <b>Reaching</b></p> <p>Former EL Moving into the transition phase</p>	<ul style="list-style-type: none"> <li>• Formerly limited English proficient and is now fully English proficient, moving toward fluency</li> <li>• Reads, writes, speaks, and comprehends English within academic classroom settings</li> </ul>	<ul style="list-style-type: none"> <li>• Explicit core instruction</li> <li>• Support for language and academics, when needed</li> <li>• Continue best teaching practices</li> </ul>

LEVEL	DEFINITION/STUDENT BEHAVIOR	INSTRUCTION/INSTRUCTIONAL SUPPORT
<p style="text-align: center;"><b>5</b></p> <p style="text-align: center;"><b>Bridging</b></p> <p style="text-align: center;">Advanced</p> <p style="text-align: center;"><i>5 to 7 years in the K-12 school system</i></p>	<ul style="list-style-type: none"> <li>• Understands and speaks conversational and academic English comfortably</li> <li>• Near proficient in reading, writing, and content area skills needed to meet grade-level expectations</li> <li>• Requires occasional support</li> <li>• Advanced skills in cognitive/academic language</li> <li>• Academic level with age/grade peers</li> <li>• Maintains advanced conversations around academic content</li> </ul>	<ul style="list-style-type: none"> <li>• Explicit core instruction</li> <li>• May need remediation</li> <li>• 60 minute ELD block can be structured for content enrichment with EL peers</li> <li>• Incorporate note-taking skills</li> <li>• Teach study skills</li> <li>• Teach test-taking skills</li> <li>• Demonstrate how to verify answers—both oral and written</li> <li>• Expand figurative language (idioms)</li> <li>• Continue ongoing language development through integrated language arts and content area activities</li> </ul>
<p style="text-align: center;"><b>4</b></p> <p style="text-align: center;"><b>Expanding</b></p> <p style="text-align: center;">Advanced Intermediate Early Advanced</p> <p style="text-align: center;"><i>3 to 5 years in the K-12 school system</i></p>	<ul style="list-style-type: none"> <li>• Understands and speaks conversational English without difficulty</li> <li>• Understands and speaks academic English with some hesitancy</li> <li>• Continues to acquire reading and writing skills in content areas needed to achieve grade-level expectations, with assistance</li> <li>• Can communicate thoughts more completely</li> <li>• Participates in everyday dialogue without heavy support</li> <li>• May demonstrate acceptable comprehension (e.g., higher order language, persuades, evaluates, etc.)</li> <li>• Conducts research</li> </ul>	<ul style="list-style-type: none"> <li>• Explicit core instruction</li> <li>• May need remediation and/or intervention</li> <li>• Tiered instruction</li> <li>• Expose student to more academic language/vocabulary—both oral and written</li> <li>• Ask questions soliciting opinions, judgements, explanations</li> <li>• Use thinking maps for brainstorming, listing, production of writing, etc.</li> <li>• Structure group discussions with discussion starter frames, if needed</li> <li>• Guide use of reference materials</li> <li>• Expose student to advanced literature studies</li> <li>• Encourage/model realistic writing experiences</li> <li>• Publish student work (e.g., writing wall, student success wall)to</li> <li>• Teach organizational skills</li> <li>• Teach study skills</li> </ul>

LEVEL	DEFINITION/STUDENT BEHAVIOR	INSTRUCTION/INSTRUCTIONAL SUPPORT
<p style="text-align: center;"><b>3</b></p> <p style="text-align: center;"><b>Developing</b></p> <p style="text-align: center;">Intermediate</p> <p style="text-align: center;"><i>1 to 3 years in the K-12 school system</i></p>	<ul style="list-style-type: none"> <li>• Understands and speaks conventional and academic English with less hesitancy and difficulty</li> <li>• Possesses some English literacy skills that demonstrate academic knowledge in content areas, with assistance</li> <li>• Still makes grammatical, word order, and usage errors</li> <li>• Limited vocabulary development, comprehension of texts and spoken English</li> <li>• Uses newly acquired receptive vocabulary to experiment with English</li> </ul>	<ul style="list-style-type: none"> <li>• Explicit core instruction with appropriate supports (e.g., sentence frames, sentence starters, etc.)</li> <li>• 60 minute ELD block outside of core</li> <li>• Tiered instruction</li> <li>• List instructions to procedures</li> <li>• Build on student’s prior knowledge</li> <li>• Incorporate more reading and writing</li> <li>• Explicitly teach writing skills</li> <li>• Ask students to describe personal experiences, being mindful that refugees and some immigrants may have had emotional experiences</li> <li>• Use meaningful context where students can express ideas in speech and print</li> <li>• Use thinking maps to develop vocabulary and ideas</li> <li>• Provide content-area texts rich with visuals</li> <li>• Encourage creative expression to represent meaning (e.g., illustrations, songs, etc.)</li> <li>• Provide optimal opportunity for language production</li> <li>• Cooperative learning groups</li> </ul>

LEVEL	DEFINITION/STUDENT BEHAVIOR	INSTRUCTION/INSTRUCTIONAL SUPPORT
<p style="text-align: center;"><b>2</b> <b>Emerging</b></p> <p>Beginning Production Early Intermediate</p> <p><i>6 months to 2 years in K-12 school system</i></p>	<ul style="list-style-type: none"> <li>• Understands and speaks conversational and some academic English with hesitancy and difficulty</li> <li>• Understands parts of lessons and directions</li> <li>• At a pre-emergent or emergent level of reading and writing in English</li> <li>• Significantly below grade level</li> <li>• Communicates with one- or two-word utterances</li> <li>• Very limited comprehension and vocabulary</li> <li>• Responds with one- or two-word answers or short phrases</li> </ul>	<ul style="list-style-type: none"> <li>• ESL is core of English language arts instruction. Explicit core instruction with appropriate supports from the most highly qualified general education teacher</li> <li>• Access to Tier instruction</li> <li>• Simplify language, not content</li> <li>• Design lessons to motivate discussion</li> <li>• Ask questions requiring simple responses (e.g., yes/no, “Wh” questions, how many, etc.)</li> <li>• Expose students to experiences with understandable texts (e.g., patterned/predictable books)</li> <li>• Introduce a dictionary</li> <li>• Use of word/learning walls</li> <li>• Expand student simple responses by encouraging responses in complete sentences (model for student)</li> <li>• Do not overly correct grammatical errors</li> <li>• Model appropriate language</li> <li>• Use shared and paired reading</li> <li>• Collaborative learning groups</li> </ul>
<p style="text-align: center;"><b>1</b> <b>Entering</b></p> <p>Beginner Preproduction</p> <p><i>0-6 months in K-12 school system, sometimes a whole academic year</i></p>	<ul style="list-style-type: none"> <li>• Student does not understand or speak English</li> <li>• Grade level understanding cannot be assessed due to English ability</li> <li>• Listens and absorbs language</li> <li>• Adjusting to U.S. culture</li> <li>• Indicates comprehension non-verbally (e.g., pointing, nodding, etc.)</li> <li>• May not produce speech for several months</li> <li>• Will try to make sense out of messages</li> <li>• Working to gain familiarity with the sounds, rhythms, and patterns of English</li> <li>• Responds to commands</li> <li>• Able to locate, observe, label, match, classify, and categorize</li> </ul>	<ul style="list-style-type: none"> <li>• ESL is core of English language arts instruction. Explicit core instruction in other academic areas with scaffolds and differentiation to make material accessible to the student from the most highly qualified general education teacher</li> <li>• Uses gestures, manipulative, visuals, props</li> <li>• Create climate of acceptance/respect that supports acculturation</li> <li>• Give one- and two-step directions in English, supported by modeling, visuals, demonstrations, etc.</li> <li>• Provide materials or support staff in student’s first language</li> <li>• Use buddies and cooperative grouping</li> <li>• Repeat after me, choral reading</li> <li>• Chants, songs, poems, learning walls</li> <li>• Use of cognates, if available, with the student’s home language</li> </ul>

## Proficiency Level Abilities

Exemplary ESL instruction should focus on communication. Areas of vocabulary development, sentence-level communication, and discourse should be taught concurrently, not in isolation. At the end of each level, the EL should be able to accomplish the following:<sup>55</sup>

LEVEL	DISCOURSE LEVEL	SENTENCE LEVEL	WORD/PHRASE LEVEL
<b>5 Bridging</b>	<ul style="list-style-type: none"> <li>Multiple complex sentences</li> <li>Cohesiveness and coherency</li> </ul>	<ul style="list-style-type: none"> <li>Grammatical structures matched to purpose</li> <li>Broad range of sentence patterns characteristic of particular content areas</li> </ul>	<ul style="list-style-type: none"> <li>Technical and abstract content area language, including content-specific collocations</li> <li>Connotations of meaning across content areas</li> </ul>
<b>4 Expanding</b>	<ul style="list-style-type: none"> <li>Some complex sentences</li> <li>Organized expression of ideas with emerging cohesion</li> </ul>	<ul style="list-style-type: none"> <li>A variety of grammatical structures</li> <li>Sentence patterns characteristic of content areas</li> </ul>	<ul style="list-style-type: none"> <li>Specific content area languages</li> <li>Words and expressions with expressive meaning through the use of idioms and collocations</li> </ul>
<b>3 Developing</b>	<ul style="list-style-type: none"> <li>Some expanded sentences with emerging complexity</li> <li>Expanded expression of one idea or multiple, related ideas</li> </ul>	<ul style="list-style-type: none"> <li>Sentence patterns across content areas</li> <li>Repetitive grammatical structures</li> </ul>	<ul style="list-style-type: none"> <li>Specific content language</li> <li>Words or expressions with multiple meanings</li> </ul>
<b>2 Emerging</b>	<ul style="list-style-type: none"> <li>Phrases or short sentences</li> <li>Expression of ideas</li> </ul>	<ul style="list-style-type: none"> <li>Formulaic grammatical structures</li> <li>Repetitive phrasal and sentence patterns across content areas</li> </ul>	<ul style="list-style-type: none"> <li>General content words and expressions</li> <li>Social and instructional words and expressions across content areas</li> </ul>
<b>1 Entering</b>	<ul style="list-style-type: none"> <li>Single words</li> <li>Phrases/chunks of language</li> </ul>	<ul style="list-style-type: none"> <li>Phrase-level grammatical structures</li> <li>Phrasal patterns associated with common social and instructional situations</li> </ul>	<ul style="list-style-type: none"> <li>Content-related words</li> <li>Social and instructional words and expressions</li> </ul>

## Alternate ACCESS for ELs

WIDA created the Alternate ACCESS for ELs to meet federal accountability requirements and provide educators with a measure that is sensitive to the English language proficiency growth of ELs with significant cognitive disabilities. The assessment is for grades 1–12 and is for students whose disabilities prevent their meaningful participation in the ACCESS for ELs assessment. More information can be found [here](#).

Alternate ACCESS for ELs aligns with the WIDA alternate English language proficiency levels. These levels were designed to expand upon level P1-Entering, by increasing the sensitivity of the measure. These alternate levels give students a chance to demonstrate progress within level P1. Currently, there are no exit criteria. Only students taking an alternative state assessments are eligible to take the Alternate ACCESS for ELs.

## MODEL

The Measure of Developing English Language (MODEL) is a series of English language proficiency assessments for kindergarten through grade 12. MODEL can be used by educators as an interim progress monitoring assessment. Not all domains must be administered each time the assessment is used. More information can be found [here](#).

MODEL may not be used as a screener in Tennessee public schools.

MODEL is a flexible, on-demand language proficiency assessment and can be administered at any time during the school year for the following purposes:

- to serve as an interim assessment during the school year, providing information that informs instructional planning and other decisions related to the student's education; and
- to guide instructional and curricular decisions while waiting for WIDA ACCESS for EL 2.0 score reports.

MODEL is not designed to meet the federal requirements for annual assessment and accountability and should not be used to exit students from ESL services.

## State Assessments for ELs<sup>56</sup>

During the 2015-16 school year, Tennessee transitioned to a new assessment, called TNReady, with multiple item types and more rigorous questions aligned to more rigorous standards for Tennessee students. TNReady was designed to measure higher expectations and critical thinking skills for Tennessee students.

Tennessee will continue to require a 95 percent participation rate for all students and for each subgroup of students as required under § 1111(c)(4)(E) of ESSA, and use participation rates as an indicator for accountability. TNReady will assess all students, include ELs and students with disabilities.

### Recently Arrived English Learners (RAELs)

Tennessee is utilizing the flexibility option in ESSA that allows states up to three years before fully including RAELs' achievement results on state assessments into the accountability framework. In year one, RAELs would participate in state assessments, and those results would be excluded from accountability. In year two, RAELs will participate in state assessments, and those results will be included only in the TVAAS growth metric for accountability. Results for all ELs in year three and beyond would be included in both achievement and growth metrics for accountability.

- Year 1 data are excluded from accountability

- Year 2 data are only included for growth
- Year 3 data are included in both achievement and growth

The department will continue to work with researchers and stakeholders to determine potential hybrid options for assessing RAELs.

## Transitional ELs

Transitional ELs are English Learners who were initially classified as ELs and have met the exit criteria (4.0 literacy performance level and 4.2 composite performance level) on the ACCESS for ELs 2.0 assessment.

Students are classified as Transitional 1 the first year after exiting, Transitional 2 in the second year, Transitional 3 in the third year, and Transitional 4 in the fourth year. These students are required to take all content areas of the state assessments but do not take the WIDA ACCESS. In addition to Ls and Ws, transition students (T1-T4) are included in the EL student group for accountability purposes. Transitional ELs remain eligible to receive EL testing accommodations.

## ELs with Disabilities

The IEP or 504 committee should collaborate with school ESL professionals to determine the English language development needs of an EL with an identified disability. For example, an EL with a disability that affects his/her language acquisition may need support from both EL and special education staff.

The ESL and the IEP or 504 committee should meet to:

- determine the appropriate accommodations that address the student's linguistic needs and disability;
- discuss the effective implementation of the accommodations; and
- determine the effectiveness of such accommodations.

Making these decisions in isolation can result in an inappropriate accommodations plan and/or inconsistent use of accommodations for the student. An EL who has either an IEP or 504 Plan must also receive specific accommodations listed in the plan based on accommodations allowed on the state assessment.

## Assessment Accommodations for ELs<sup>57</sup>

Accommodations are practices and procedures for ELs that provide equitable access during instruction and assessments. They provide a valid means for ELs to show what they know and can do.

Accommodations are intended to provide support to students with developing English language proficiency in the classroom and on state assessments in terms of their access to instructional or test content, interactions with content, and response to content. Once an EL becomes English proficient, the accommodation may no longer be necessary.

## Determining Appropriate Assessment Accommodations

ELs may need accommodations during assessment administration. Accommodations should be considered for ELs by a group of educators familiar with the student. ELs with disabilities are entitled to appropriate and approved accommodations to address his/her identified disabilities. In these instances, at least one ESL professional should be a participating member of the IEP or 504 team to see that the language needs of the student are met.

Decisions should be made by the school team responsible for planning the student's academic program and should be shared with the student's parents. Decisions about accommodations should not be made by an individual. The role of the team is to discuss the student's needs and the accommodations that may help the student for state testing, and decide what accommodations will be used. It is good practice to document the accommodations used to aid in future decision-making.

### Suggested Members of the Accommodations Decision-making Team

- ESL teacher
- General education teacher(s)
- School administrators
- School/district test coordinators
- The student (as appropriate)

### EL-responsive Criteria to Use When Matching Accommodations to Student Needs

- Level of oral language proficiency in English and the home language
- Literacy levels in English and the home language
- Language of instruction of the student's current/past schooling
- Years of formal schooling and/or interruptions in schooling
- Age/grade level

### Guiding Questions to Consider When Determining Accommodations

- What support does this individual student need to be able to show what he/she really knows about the content?
- Will the testing accommodation be implemented appropriately so that the construct of the test is not compromised?
- Has the student had prior experience using this accommodation?



## Background Characteristics to Consider for Accommodations

Selecting the appropriate accommodation for an EL requires the examination of several background characteristics, if available:

### Level of Oral Language Proficiency in English and the Home Language

- Refer to the student's English proficiency level scores in listening and speaking on the ACCESS for ELs.

### Literacy Levels in English and the Home Language

- Consider the student's current academic achievement and test performance in the content areas.
  - Attaining academic English and content vocabulary is a major factor in the assessment of content knowledge.
- Determine the student's level of English literacy for listening, speaking, reading, and writing.
  - Refer to the student's English language literacy scores in reading and writing on the ACCESS for ELs.
- Determine the student's level of literacy in his/her home language.
  - If possible, determine how well the student reads and writes in his/her home language.
- Consider whether the student's oral proficiency in English or in the home language is stronger than the student's written proficiency in either language.
  - This is an important consideration when selecting the accommodation that will yield the most accurate assessment of the student's knowledge of content.

### Language of Instruction in the Student's Current/Past Schooling

- Determine the language(s) in which the student has received academic instruction; one language may be stronger than the other.
- Consider that a beginning student who is literate in a non-alphabetic script (e.g., Japanese, Arabic, Chinese) may benefit from oral response accommodations or use a scribe for writing English responses.

### Years of Formal Schooling

- Determine whether the student's schooling has been interrupted.
  - Highly mobile students may have gaps in their education.

- Students with interrupted formal education may have low literacy skills in both their home language and in English; oral accommodations may be more useful than written in these instances.

### Age/Grade Level

- If the student is younger (early elementary), oral accommodations may be more appropriate. Students at this age are less likely to have developed strong literacy skills in either English or their home language.
- If the student is older and requires accommodations that would set him/her apart from peers, consider selecting an appropriate test administration practice (e.g., testing in a separate, supervised location).

## State-Approved EL Accommodations- TNReady/EOC

Students who are not proficient in English, as determined by ACCESS for ELs 2.0, may use, as appropriate, any of the accessibility features and any of the following accommodations. Students who are also in the T1 - T4 years are eligible to continue to receive EL accommodations. Students whose parents have waived services are eligible to receive accommodations for ELs.

As ELs gain English proficiency, their need for support may decrease. The language proficiency of the student should be taken into consideration when determining appropriate EL accommodations. Additional information [here](#).

Accommodation	Description
Extended Time (R)	Not to exceed double time; may not extend beyond one day.
Word-to-Word Dictionary (S)	Provides a bilingual, published, paper dictionary. This should be the same dictionary used by the student for daily instruction.
Rest/Breaks (T)	Provides a scheduled rest or break due to fatigue, behavior plan, sensory needs, and/or other health related needs.
Human Reader/Human Signer (V)	Provides an oral presentation of directions, test items and/or answer options on the TNReady assessments for students served under an IEP, 504 plan, or identified as active or transitional ELs.

## State-Approved EL Accommodations- ACCESS for ELs 2.0

On the WIDA ACCESS for ELs 2.0 the two approved accommodations are extended time and rest/ breaks where the assessment may be paused and resumed, as needed.

## Administrative Notes

### Responsibilities

The ESL coordinator should provide a list of ELs and NELB students identified as fluent English proficient (FEP) to the building testing coordinator and indicate which accommodations can be applied for each test.

The testing coordinator should make sure that each EL and NELB student is appropriately coded on the student's answer sheet.

### ELs and Value-Added

Test scores from ELs cannot be excluded from the accountability formula or the calculation of value-added (TVAAS) scores. Research indicates that ELs, on average, tend to score below the national norm on standardized tests.<sup>58</sup> However, they also often make stronger gains in achievement during their first years in an English-speaking school than their English-speaking peers.

## Data and Monitoring

### Monitoring the Academic Progress of ELs

Monitoring of classroom performance includes measures of English language proficiency and curricular achievement. Schools should compare an EL's achievement to that of academically successful English-speaking students and to that of NELB students in the transitional period or formally identified as EL. Educators should use classroom performance and/or available achievement test scores to revise a student's academic program or to change the types of ESL services he/she is receiving.

NELB students must be compared to native English-speaking peers in knowledge of subject matter. It is important to assess a student's foundation for the acquisition of new information, as well as the ability to participate effectively in general education classes.

### Collection of Data for Monitoring Student Success

Monitoring of student progress is necessary while students are in the ESL program and is required after they exit the program. Comprehensive and comparable data on all students are needed to evaluate the success of students in obtaining an effective and appropriate education. Ideally, maintaining the data electronically in a database will facilitate monitoring. Data on current and former ELs should be maintained as part of a system that includes all students. This allows comparisons to be made between EL, language minority, and native English speakers.

# Chapter 9: Exiting ELs and Grade Retention

## Exit Criteria

As an EL reaches high levels of English proficiency, determining when they are ready to exit from ESL services becomes an important discussion and decision. It is imperative to ensure that ELs have attained a degree of English proficiency that will allow them to achieve academic success—without direct ESL support—at levels comparable to their native English-speaking peers. Classroom accommodations may still be needed during the four transitional years.

Exiting from ESL service is based on a student’s proficiency in all areas of language—listening, speaking, reading, and writing. This proficiency should be measured using a variety of criteria and documented to support the decision to exit the student from ESL services. WIDA scores must also support the decision to exit a student. English proficiency is based on attaining fluent English proficient on the summative, spring WIDA ACCESS for ELs 2.0 assessment. **ELs must obtain both a composite score of 4.2 and a literacy score of 4.0 on the ACCESS to exit ESL services.**

## Kindergarten Students

The teacher report for the kindergarten ACCESS for ELs 2.0 provides two sets of scores: instructional and accountability. In Tennessee, the accountability score is utilized to determine if a kindergarten student has met the requirements to exit ESL services. Exit is 4.2 on composite and 4.0 on literacy.

## Transitional Years

ESSA requires districts to monitor the progress of ELs for four calendar years after meeting exit criteria.<sup>59</sup> All transition students (T1-T4) are included as ELs in district and school accountability. As with any student, all ELs and former ELs should receive services to be successful in academic classes.

Federally, these students are considered to be Monitored Former Limited English Proficiency (MFLEP). In Tennessee, the EL is classified in EIS as:

- **Transitional 1** during their first monitoring year,
- **Transitional 2** during their second monitoring year,
- **Transitional 3** during their third monitoring year, and
- **Transitional 4** during their fourth monitoring year.

## Exited in a Different State

If the records of a newly enrolled student indicate that he/she previously received ESL services in another state or in a private school and was formally exited, the department also considers that student as exited. The exit criteria of the other state or the private school do not have to match that of Tennessee’s criteria; the exited decision is honored.

If an exited student transfers from another state or a private school and has not completed the first two years of the transitional period prior to enrollment, the district is required to monitor the student for the

remainder of the transitional period. The district must maintain documented evidence that the student was monitored throughout the four-year transitional period.

**[NOTE:** If the exit criteria from the other entity are lower than exit criteria from Tennessee, diligent monitoring of the student's progress is recommended.]

## Considerations when Exiting ELs

It is important for general education teachers to understand that exited ELs will need ongoing support. Making connections between new information and students' background knowledge, guiding the organization of information, and assessing their own learning may continue to be a struggle for an EL even after attaining English proficiency.

ELs strive to function as proficient learners in the classroom. However, if they are given tasks beyond their current functional level of language proficiency, they may not be able to complete them successfully. Recognizing the ability level of an EL and appropriately challenging and supporting them are integral to ensure that they do not lose their academic motivation.

Teachers may need to make adaptations to content material and present it to all ELs in a less demanding language format, by leveraging the WIDA standards to support ELs in accessing the Tennessee Academic Standards. It is also important for a teacher to note the progression of an exited student's academic skills in order to increase the complexity with which information is provided as the student becomes more cognitively proficient. Teachers should provide students with increasing opportunities to demonstrate what they know by using a variety of formative and summative assessments.

## Students Struggling during the Transitional Period

Some ELs may struggle in their content classes even though they have been deemed proficient in English and met the criteria to be exited from ESL services. The transitional period<sup>60</sup> under Title III is in place for this very reason-- to determine if transitional ELs require instructional accommodations in some of their content classes. If, during the transitional period, there is evidence that a student is struggling in one or more content areas, the first step is to ensure that the student is provided with any instructional supports available in the school and to notify the RTI<sup>2</sup> team of the student's lack of academic progress and success.

The RTI<sup>2</sup> team should review the student's data and determine next steps, appropriate interventions, and any potential increased tier transitional for RTI<sup>2</sup> purposes. After these interventions have been put in place and progress has been measured over time, the RTI<sup>2</sup> team, working with an ESL professional, should determine whether the student is struggling due to a lack of content knowledge or a lack of English proficiency.

When considering a student's second language acquisition time frame, the following may be useful:

- Was the student formally educated in their home country? Did he/she have consistent schooling, or were there prolonged periods of interrupted or no schooling?
- What were the student's ACCESS scores and sub scores in each domain?

- Were the student's achievement scores borderline for meeting standards, or were they significantly above the minimum requirement?
- What are the student's areas of difficulty in the content courses they are struggling with? Is the teacher using accommodations in the classroom?
- Is the student having difficulty specifically in the domain of writing or reading, or are there factors outside of language involved?
- If the student is struggling in a particular course, is it a course in which he/she has always had difficulty?
- Are teachers differentiating instruction specifically to reach and support ELs?
- Is the student receiving academic support to compensate for any lack of background information?

Educators reviewing the data must determine if a student's academic difficulties are due to a lack of English proficiency, rather than a lack of content knowledge, cognitive issues, or a disability.

### Reclassifying a Transitional EL

A transitional EL experiencing academic difficulties should not be immediately reclassified as an EL. As noted above, appropriate instructional supports, including RTI<sup>2</sup>, should be implemented. If those additional instructional supports do not resolve the issue, the RTI<sup>2</sup> committee should review the documentation and, if appropriate, implement more intensive Tier II and III interventions. An ESL professional should be included in these discussions and decisions. All Tier II and III interventions must be linguistically accessible to the student.

Following a documented period of Tier III RTI<sup>2</sup> support, if academic difficulties persist and data support the belief that language proficiency is the root of the problem, the RTI<sup>2</sup> committee may determine that the student should re-enter the ESL program. No rescreening is necessary to reclassify a student as an EL during the transitional period.

A transitional student should only be reclassified if it is determined that they are struggling academically due to a lack of English proficiency and that accommodations are not adequate for the student to experience academic success. This may happen when the cognitive load with grade-level work is increasing faster than gains in English language proficiency. Each district should have a written procedure that is applied equitably each time reclassification is needed. The procedure should address

- Instructional supports within the classroom
- RTI<sup>2</sup> procedures
- Analysis of English language proficiency
- Progress monitoring data

### Recommended Procedures for Transitional ELs

The following suggestions are provided to support districts and schools after exiting EL students from ESL services. These practices are neither exhaustive nor mandatory and, if used, should be adapted to the context of the specific needs of the school and its students.

## Initial Follow-Up

An initial follow-up should be made within two weeks of exiting ESL services:

- to verify that the student is achieving academically, and
- to check on the student's social and psychological adjustment.

## Student Achievement Monitoring Activities

Post-exit monitoring activities include periodic:

- review of grades;
- review of standardized test scores;
- review of portfolio assessments;
- student and/or parental interviews; and
- discussions between an ESL professional and the student's general education teachers held at the end of each progress reporting period to determine if the exited student is adjusting and succeeding academically and to identify any academic or adjustment needs.

## Transitional EL Achievement Data

Comprehensive and comparable data on all students are needed to evaluate the success of students in obtaining an effective and appropriate education. Ideally, maintaining the data electronically in a database will facilitate monitoring. Data on current and former EL students should be maintained as part of a system that includes all students. This allows comparisons to be made between EL, fluent non-English language background (NELB), and native-English speaking students. See information on data that should be maintained in [Chapter 1: Welcoming New Students](#).

## SIS Coding

As ACCESS for ELs 2.0 scores are generally received and evaluated before the end of the school year, districts may determine that an EL has successfully met criteria to exit an ESL program. However, coding in the district's SIS must not be changed for students before July 1 in order to ensure that district data is recorded correctly for accountability and funding purposes.

## Former ELs

Once the four-year transitional period has ended, the student's coding in the state's Education Information System (EIS) for English language background will change to "F" (former English learner) and remain as such for the remainder of the student's enrollment. Additional information on EIS coding can be found in [Appendix C](#).

# Special Considerations for EL Retention

## Evaluating Retention Eligibility

Retention of ELs will not facilitate English language acquisition. The process of language acquisition should occur at all grade levels.

Prior to considering retention of an EL, the following should be addressed in consultation with the student's ESL teacher:

1. Has the student been enrolled in the district for more than one full academic year?
  - If not, the child may have spent more than one-half of the year in a "silent period." Two to nine months may be inadequate for meeting educational goals.
2. Are classroom accommodations being made in the following areas?
  - Classroom
  - Assignments
  - Homework
  - Assessments
3. Are all accommodations documented? Has there been a discussion with the ESL coordinator?
4. Has the student been considered as an individual and received differentiated instruction? Have accommodations and differentiation been documented?
5. Is a beginning to intermediate student receiving an hour of ESL daily? Is a more advanced student receiving enough ESL for instruction to be meaningful?
6. Do all teachers modify grading through a rubric or contract?

If the above points have not occurred in a sufficient manner, retention is not appropriate.

**[NOTE:** Retention policies, especially for ELs, should not be based on one specific piece of data, or any sole criterion. In most cases, retention does not help the child with academic achievement. Every effort should be made to move the child to the next level of academic work and allow the child to continue in the grade that is age appropriate.]

## Research on the Impacts of Grade Retention

### Research Findings<sup>61</sup>

Grade retention does not help students to "catch up." Retained students may appear to do better in the short term, but they are at a much greater risk for future failure than their equally achieving, non-retained peers.

Some groups of students are more likely to be retained than others. Those at highest risk for retention are minority children, low-income children, highly mobile children, children with attention problems, children with behavior problems, and/or children with reading problems—including ELs.



Grade retention is associated with negative outcomes in all areas of student achievement (e.g., reading, math, and oral and written language) and social and emotional adjustment (e.g., peer relationships, self-esteem, problem behaviors, and attendance). Students who are retained are more likely to drop out of high school and less likely to graduate by age 20.

## Alternatives to Retention

The following are alternatives to retention that research has found to be effective. These measures are not exhaustive nor mandatory and, if used, should be adapted to the context of the specific needs of the school and its students.<sup>62</sup>

- Parental involvement in their children’s school and education (e.g., frequent contact with teachers, supervision of homework, etc.)
- Age-appropriate and culturally sensitive instructional strategies to accelerate progress in the classroom
- Early developmental programs and preschool programs to enhance language and social skills
- Systematic assessment strategies (e.g., continuous progress monitoring, formative evaluation) to enable ongoing accommodation of instructional efforts
- Early reading programs
- School-based mental health programs to promote the social and emotional adjustment of children
- Behavior management and cognitive behavior accommodation strategies to reduce classroom behavior problems
- Student support teams with appropriate professionals to assess and identify specific learning or behavior problems, design interventions to address those problems, and evaluate the efficacy of those interventions
- Tutoring and mentoring programs focusing on promoting specific academic or social skills
- Comprehensive school-wide programs to promote the psychological and academic skills of all students

## Legal Considerations

ELs must not be retained in grade level because of their language skills.<sup>63</sup> These students should be even more carefully evaluated than their non-EL peers before retention is recommended to ensure that low English proficiency skills are not being mistaken for poor achievement or behavior.

The district must have a procedure to ensure age-appropriate grade-level placement<sup>64</sup> and prohibit grade retention based solely on low English proficiency.

# Chapter 10: Administrative Requirements

## Requirements for State Funding

At the state level, there is Basic Education Program (BEP) funding designated for districts with ELs. The funds generated by the BEP are what Tennessee has defined as sufficient to provide a basic level of education for students. This basic level of funding includes both a state and a local share of the BEP.<sup>65</sup> For example:

TENNESSEE BEP FUNDING	
Component	State Funding Level (70%) <sup>66</sup>
EL Instructors	1 per 20 EL students
EL Translators	1 per 200 EL students

**Note:** Students classified as L, W, T1, and T2 are included in the BEP calculation. Additional information can be found in the [BEP Bluebook](#).

## Title III Funding<sup>67</sup>

### Supplement not Supplant

Title III of the ESSA requires that funds available under a subgrant be used to “supplement the level of federal, state, and local public funds that, in the absence of such availability, would have been expended for programs for [EL] students and immigrant students and youth and in no case to supplant such other federal, state, and local public funds.”<sup>68</sup>

### Administrative Costs

It is allowable to use Title III funds to pay for administrative costs to implement the Title III program. However, the amount of Title III funds which may be used to pay for administrative costs to implement the program must not exceed two percent of the program’s entitlement amount (carryover is not included when calculating the two percent maximum).<sup>69</sup>

In calculating total administrative costs subject to the two percent limit, all appropriate direct costs (e.g., administrative salaries) must be included. If the district contracts with an outside vendor to provide Title III services, the district must require that the contractor break out administrative costs, which are also included within the two percent limit.

### Title III Funds for a Language Translator or Interpreter

Whether this expenditure is allowable would depend on the exact responsibilities of the translator or interpreter because Title III funds must only be used to supplement<sup>70</sup> the level of federal, state, and local public funds that, in the absence of such availability, would have been expended for programs for EL children.

For example, translation of instructional materials or instruction in a language other than English would not be an allowable use of Title III funds. This would fall under the district's responsibility<sup>71</sup> to provide ESL services to ELs to help them overcome their language barriers and ensure that ELs have equal access to education and educational excellence.

Translation of general information for the district (e.g., information for the Spanish language version of the district's website, newsletter, or other communications; information related to the district data system; information related to the state's achievement assessments; etc.) would also not be an allowable expenditure of Title III. These translations could possibly be funded through Title I.

If, however, the translation/interpretation is for a purpose above and beyond the level of other federal (including OCR and Title I, Part A), state, and local requirements, then this may be an allowable use of Title III funds. Possible examples would be providing interpretation during a Title III parent involvement meeting or providing translations of materials to be used for supplemental parent classes. Such examples may be allowable uses of Title III funds, provided that all supporting conditions are met. Allowable Title III translations are student or parent-centered communications that are outside the requirements for other title programs or OCR.

## Responsibilities of District Personnel

### Principal

The principal:

- ensures student enrollment forms, including the HLS,—are completed for each student enrolling in the school and maintained in the student's cumulative folder;
- informs the ESL teacher(s) serving the school of new students;
- provides appropriate space, comparable to that provided for general education instruction, for ESL services; and
- ensures that ELs are provided appropriate ESL services.

### ESL Coordinator

The ESL coordinator:

- recommends, implements, and maintains program policies, procedures, schedules, and budgets;
- ascertains that the goals and requirements of the program are met;
- coordinates with general education teachers on how to incorporate the WIDA proficiency standards;
- supervises annual system-wide HLS administration to initially enrolling students;
- works with district testing coordinator to supervise annual English proficiency testing, including ordering of testing materials, dissemination, development, and maintenance of records;
- monitors the progress of transitional EL students;
- coordinates ESL services with all other departments of the school system;

- plans staff development activities; and
- oversees the preparation and dissemination of program communications (e.g., brochures, videotapes, newsletters, and website).

## ESL Teacher

The ESL teacher:

- creates and maintains an instructional climate that is conducive to learning;
- assists with the identification of ELs using the W-APT;
- plans and implements ESL instruction based on diagnosed needs of each individual student;
- develops a student's ILP;
- evaluates student performance in the ESL class and provides classroom teachers with input regarding progress;
- maintains records on each student attending the ESL class;
- attends professional development to increase knowledge and understanding of ESL strategies and methodologies;
- assists ELs in understanding American culture and encourages all students to understand other cultures; and
- conducts in-service training for staff on ESL intervention and instructional strategies.

## General Education Teacher

The general education teacher:

- closely communicates with the ESL teacher regarding the EL's progress and class assignments,
- implements the EL's ILP in partnership with the ESL teacher,
- accommodates assignments and assessments, as needed, and
- understands and implements WIDA standards with all ELs in core or elective classes.

## ESL Teacher Licensure Standards<sup>72</sup>

In Tennessee, an ESL teacher must be certified or have an endorsement. Additionally, he/she must be fluent in all four domains of English (i.e., reading, writing, speaking, and listening). Each district should have a plan in place for this recruitment requirement before hiring an ESL teacher.<sup>73</sup>

## Teacher Preparation

Prospective ESL teachers will complete their studies in teaching ESL. The educational and professional development of the teacher is initiated with coursework, refined in field experiences, and enhanced during professional practice. ESL preparation programs will provide the prospective candidate with the knowledge and skills to develop competencies in the following domains: language, culture, instruction, assessment, and professionalism. Candidate context standards can be found in [Appendix E](#).

## Program Implementation Standards

1. Candidates for licensure with endorsement as a teacher of ESL will complete an approved program of studies in ESL roughly equivalent to a minor at either the undergraduate or graduate level.
2. Candidates for the ESL endorsement through an initial teacher preparation program will have had the experience of learning a world language equivalent to at least six semester hours of college-level study. This experience may include, but is not limited to: completion of intensive language training by the Peace Corps, passing the Praxis II subject assessment in a second language, or a world language teaching credential from Tennessee or another state.

**[NOTE:** Candidates for additional endorsement who have already achieved initial licensure in another teaching area(s) will not be required to meet this requirement.]

3. A candidate may seek licensure as a teacher of ESL as an area of initial (first) endorsement or additional endorsement.
4. Candidates for initial endorsement will have acquired a baccalaureate degree and will acquire the knowledge and skills specified for the professional education core and ESL. They will complete an enhanced student teaching semester or full-year internship, which will include experiences in ESL settings at both the pre-K–6 and 7–12 grade levels.
5. Field experiences and clinical practice (enhanced student teaching or internship) are integral components of the preparation program. They are designed and sequenced to provide opportunities for candidates to apply their knowledge, skills, and dispositions in a variety of settings appropriate to the content and level of the program. Field experiences are ongoing, school-based opportunities in which candidates may observe, assist, tutor, instruct, or conduct applied research. Candidates study and practice in a variety of settings that include students of diverse backgrounds and learning needs. Clinical practice provides candidates with experiences that allow for full immersion in the school-based community, allowing candidates to demonstrate competence in the professional role for which they are preparing.
6. Candidates for additional endorsement will acquire the knowledge and skills specified for ESL. They will complete a practicum—including both pre-K–6 and 7–12 experience—of at least 30 clock hours in ESL settings. Appropriately supervised teaching experience at the pre-K–12 level in ESL of at least one semester may be substituted for the practicum.
7. ESL teachers will be prepared to serve schools with grades pre-K–12. Preparation programs will have identifiable aspects at both the pre-K–6 and 7–12 grade levels.
8. Supervision of the practicum, student teaching, and internship may be addressed by collaborative arrangements among institutions with ESL programs, other institutions with teacher preparation programs, and school systems.
9. Because candidates in this field come from diverse educational and cultural backgrounds, institutions of higher education will use multiple methods of assessment in determining the candidate's prior knowledge and needed coursework and/or field experience.
10. The new licensure standards became effective on Sept. 1, 2015, and can be found [here](#).

**[NOTE:** ESL teachers who were endorsed under prior licensure standards are considered appropriately endorsed, and may continue to serve as teachers of ESL.]

## Staffing Ratios<sup>74</sup>

Appropriate staffing of ESL programs is based on two criteria:

1. Districts will provide adequate ESL faculty to implement the chosen service delivery model effectively, as documented by the progress in English language proficiency and academic content of their ELs.
2. Districts will adequately staff their ESL programs to meet federal compliance requirements, including but not limited to communication to parents, identification of ELs, and monitoring of transitional ELs.

To meet these criteria of effective and compliant ESL programs, districts shall implement ESL programs based on the following staffing ratio standards:

- ESL class sizes shall not exceed state mandated grade-level class size requirements.
- The district-wide ESL program staffing ratio shall be based on an average of no more than 35 identified ELs per full-time ESL endorsed teacher, unless an alternate staffing ratio is approved by the department.

### Alternate Staffing Ratio Waivers

Districts seeking approval for an alternate, district-wide staffing ratio shall provide the following information to the department on an annual basis:

- number of enrolled ELs,
- proficiency levels of ELs,
- most recent growth of the EL subgroup in reading/English language arts and mathematics,
- proposed staffing ratio to be used in place of the recommended 35 to 1 ratio, and
- justification for the alternate staffing ratio.

Waiver requests should be sent to [Jan.Lanier@tn.gov](mailto:Jan.Lanier@tn.gov). The alternate staffing ratio may be approved for one year. Consecutive year waivers will not be approved. To apply for a waiver, the district must have met expected growth and proficiency for ELs, have tested a minimum of 98 percent of ELs for English language proficiency, and have no school identified as a focus school for English language proficiency issues.

## EL Teacher Endorsements

### Elementary and Middle School

At the elementary level, an effective, endorsed, highly effective ESL teacher must provide direct services to ELs. Pre-functional, beginning, and intermediate ELs (WIDA levels 1-3) receive direct service for one to two hours per day.<sup>75</sup> Advanced EL students (WIDA levels 4-5) may have programs more tailored to their needs, including, but not limited to, push-in service in which the ESL teacher works inside the regular

classroom with ELs for subjects for which they are most proficient. They should receive up to one hour of direct service each day until these transitions begin to take place.

## High School

Two ESL credits may be counted toward the four English credits required for graduation. Additional ESL courses are to be counted as elective credits.<sup>76</sup> It is recommended that ELs achieve the intermediate level (WIDA level 3) before taking a non-ESL English course.

Due to course requirements for graduation, there can be more flexibility related to classes. However, a pre-functional and beginning student should never have less than one hour of daily ESL service.

## Transitional EL Students

Transitional ELs are considered proficient and move to the general education classroom with careful academic monitoring for two calendar years. Transitional students will continue to receive appropriate accommodations on state assessments for all four years of transition. Should a transitional student begin to have difficulty in classes, he/she should receive intervention immediately. If these interventions are not successful, the student may be re-designated as an EL and begin receiving ESL courses again. This should be a rare occurrence and carried out through the district's reclassification procedure.

# Chapter 11: Private Schools

## Title III Services<sup>77</sup>

### Supplement, Not Supplant

Educational services provided under Title III for both public and private schools must be supplemental<sup>78</sup> to the services provided by other federal, state, and local funds, which includes the *Lau* requirements (Additional information in Appendix A.)

*“Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.”<sup>79</sup>*

### Title III Eligibility of EL Private School Students

ELs in private schools may participate in programs and receive services and products funded by Title III, equal to public school students calculated on a per pupil basis. This requires that the ELs are identified in an appropriate manner and that the private school has developed an agreement with the public school district in which the private school is located (written documentation and the format of agreements should follow the local policy standard.)

Private schools that opt to participate in Title III may never receive funds directly. Instead, public school districts must reach agreements with the private school officials through consultation for eligible students to receive programs, services, and products from the public school district. All educational service decisions are made during the ongoing consultation process.

### Control of Title III Materials & Equipment Provided to Non-Profit Providers

The public school district, consortium, or independent contracted entity maintains control of the federal funds used to provide services to private schools. It also maintains title to materials, equipment, and property purchased with those funds.<sup>80</sup> Public school districts, consortiums, and independent contracted entities may allow the private school to keep the items from year to year, in accordance with approved activities specified in the agreement, so long as title to materials, equipment, and property remain with the public school district, consortium, or independent contracted entity. If the private school does not continue to participate in equitable services, the public school district should ensure that all materials, equipment, and property are returned. Any materials, equipment, and property returned that was purchased with private school equitable services funds should be offered to other participating private schools.

### Title III Program Design for Public & Private Schools

If the needs of the private school students and personnel are different from those of the public school, the public school district, in consultation with private school officials, must develop a separate program design that is appropriate for their needs. Consultation and coordination between the public school



district and private school officials are essential to ensure a high-quality program that meets the needs of the students served and assists them in attaining English proficiency.

## Statutory & Regulatory Requirements

After timely and meaningful consultation with appropriate private school officials, public school districts receiving Title III funds must provide educational services to ELs attending private schools that are geographically located in the attendance area served by the public school district.

To ensure timely and meaningful consultation, the public school district must consult with appropriate private school officials during the design and development of the Title III program on issues, such as:

- how the ELs' needs will be identified;
- what services will be offered;
- how, where, and by whom the services will be provided;
- how the services will be assessed and how the results of the assessment will be used to improve those services;
- the size and scope of the services to be provided to the private school children and educational personnel;
- the amount of funds available for those services;
- how the amount of funds available for equitable services is determined;
- whether to provide equitable services to eligible private school participants (1) by creating a pool or pools of funds with all of the funds allocated under programs covered under section 8501(b) or (2) on a school-by-school basis based on each the proportionate share of funds available to provide services in each school; and
- how and when the public school district will make decisions about the delivery of services, including a thorough consideration of the views of the private school officials on the provision of contract services through potential third-party providers.

Title III services provided to ELs and educational personnel in private schools must:

- be equitable and timely and address their educational needs;
- be equal, taking into account the number and educational needs of those children, to the funds provided for participating public school children;
- be secular, neutral, and non-ideological;
- be provided by employees of the public school district or through a contract made by the district with a third party; and
- not be commingled with nonfederal funds.

Each public school district shall maintain as part of the district's records, and provide to the department, a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the public school

district shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the department. (ESEA § 8501(c))

Public school districts shall send equitable services agreements with private schools to the ombudsman by uploading the agreements to their LEA Document Library. The ombudsman serves as the department's primary point of contact for addressing questions and concerns from private school officials and public school districts regarding the provision of equitable services under Title III. Each public school district should ensure that private school officials know how to contact the ombudsman. Districts shall also ensure that private school officials know of their right to file a written complaint with the ombudsman asserting that a school district did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school, or did not make a decision that treats private school students equitably.

Public school districts may serve private school ELs either directly or through contracts with public and private agencies, organizations, and institutions. The control of funds used to provide services and the title to materials and equipment purchased with those funds must be retained by the public school district.

Providers of services to private school children and educational personnel must be independent of the private school and of any religious organization, and the provider's employment or contract must be under the control and supervision of the public school district.

# Appendix A: Resources

## Federal

Every Student Succeeds Act

<https://www.ed.gov/essa?src=rn>

Federal Interagency Limited English Proficiency Website

<http://www.lep.gov/>

U.S. Department of Education English Learners Data Story

<https://www2.ed.gov/datastory/el-characteristics/index.html>

National Center for Education Statistics – English Language Learners

<https://nces.ed.gov/fastfacts/display.asp?id=96>

National Clearinghouse for English Language Acquisition – Title III State Formula Grant

<https://ncela.ed.gov/titleIII>

U.S. Department of Education – English Language Acquisition State Grants

<http://www2.ed.gov/programs/sfgp/index.html>

Office for Civil Rights – Programs for English Language Learners

<http://www.ed.gov/news/press-releases/us-departments-education-and-justice-release-joint-guidance-ensure-english-learn>

Office of English Language Acquisition – English Learner Tool Kit

<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>

U.S. Department of Education – Recursos en español

<http://www2.ed.gov/espanol/bienvenidos/es/index.html>

U.S. Department of Justice – Educational Opportunities Section

<http://www.justice.gov/crt/about/edu/>

What Works Clearinghouse – English Language Learners

<http://ies.ed.gov/ncee/wwc/Topic.aspx?sid=6>

## WIDA

Educator Resources

<https://www.wida.us/professionaldev/educatorresources/>

Research Agenda

<https://www.wida.us/Research/Agenda/>

Tennessee Member Page

<https://www.wida.us/membership/states/Tennessee.aspx>

## Tennessee

TN's ESSA Plan

[https://www.tn.gov/content/dam/tn/education/documents/TN\\_ESSA\\_State\\_Plan\\_Approved.pdf](https://www.tn.gov/content/dam/tn/education/documents/TN_ESSA_State_Plan_Approved.pdf)

ESEA Title III

<https://www.tn.gov/education/finance-and-monitoring/elementary-and-secondary-education-act-esea/essa-title-iii.html>

TDOE – English learners

<https://www.tn.gov/education/student-support/english-learners.html>

TDOE – English Language Arts Standards

<https://www.tn.gov/education/instruction/academic-standards/english-language-arts-standards.html>

Read Tennessee

<http://www.readtennessee.org/>

TNTESOL

<http://www.tntesol.org/>

## For Educators

Conexion Americas

<http://www.conexionamericas.org/>

Bridging Refugee Youth & Children's Services

<http://brycs.org/WhatsNew/index.cfm#RESOURCES>

Center for Applied Linguistics

<http://www.cal.org/>

Choices Program

<http://www.choices.edu/>

Elementary & Middle Schools Technical Assistance Center

<http://www.emstac.org/resources/index.htm>

Global Dimension

<http://globaldimension.org.uk/>

iEarn International  
<http://www.us.earn.org/>

Modern Language Association – Language Map  
[https://apps.mla.org/map\\_main](https://apps.mla.org/map_main)

National Association for Multicultural Education  
<http://www.nameorg.org/>

National Center for Culturally Responsive Educational Systems  
<http://www.nccrest.org/>

National League of Cities: Institute for Youth, Education, and Families – Preventing Gang Violence and Building Communities where Young People Thrive  
<http://www.nlc.org/Documents/Find%20City%20Solutions/IYEF/Violence%20Prevention/preventing-gang-violence-kit-jan10.pdf>

One World Education  
<http://www.oneworldeducation.org/>

Teach UNICEF  
<http://teachunicef.org/>

U.S. Department of Education – Federal Resources for Educational Excellence (FREE)  
<http://www2.ed.gov/free/index.html>

## Appendix B: Glossary

**ACCESS:** The required English language proficiency assessment currently used in Tennessee, *see WIDA for more detail*

**ASL:** American Sign Language

**BEP:** Basic Education Program

**CPL:** Composite Proficiency Levels

**EEOA:** Equal Educational Opportunities Act (1974); 20 U.S.C. Ch. 39

**EIS:** Education Information System

**EL:** English learner

**ELs:** English learners

**ELD:** English Language Development

**ELP:** English Language Proficiency

**ESEA:** Elementary and Secondary Education Act (reauthorized in December 2016 as the Every Student Succeeds Act (ESSA))

**ESL:** English as a Second Language

*NOTE:* ESL refers to the language acquisition program provided to English learners. It does NOT refer to the student receiving the services.

**ESSA:** Every Student Succeeds Act (ESSA)

**FEP:** Fluent English proficient

**FERPA:** Family Education Rights and Privacy Act (1974); 20 U.S.C. § 1232(g)

**F/SD:** Faculty/Student Data Form

**FTE:** Full-time equivalent

**HHS:** U.S. Department of Health and Human Services

**HLS:** Home Language Survey

**IEP:** Individualized Education Program

**ILP:** Individual Learning Plan

**LEP:** Before ESSA, ELs were often referred to as limited English proficient; *see EL for more detail*

**MFLEP:** Monitored former limited English proficient. TN uses transition to describe MFLEPs.

**MODEL:** a formative assessment that relates to the WIDA ACCESS *see WIDA*

**MPI:** Model Performance Indicator

**NCLB:** No Child Left Behind Act (2001); Pub. L. 107-110; *see ESEA*

**NELB:** Non-English Language Background

**NOM:** National Origin Language Minority

**OCR:** U.S. Office for Civil Rights

**OELA:** U.S. Office of English Language Acquisition

**OME:** U.S. Office of Migrant Education

**RTI<sup>2</sup>:** Response to Instruction and Intervention

**SEA:** State Educational Agency

**SIS:** Student Information System (at the district level)

**SSN:** Social Security number

**TCAP:** Tennessee Comprehensive Assessment Program

**TDOE:** Tennessee Department of Education

**TRANSITIONAL (T1/T2/T3/T4):** This refers to EL students who are no longer receiving ESL services but are being monitored per the four-year federal mandate (1 refers to students in their first year of this monitoring period; 2 refers to students in their second year of monitoring; etc.).

*NOTE:* The federal government refers to these students (both T1-T4) as Monitored Former Limited English Proficient (MFLEP).

**USEd:** U.S. Department of Education

**USID:** Unique Student Identification number

**W-APT:** *see WIDA*

**WIDA:** WIDA is a consortium or working group that has produced standards, a framework, and assessments The assessments are as follows:

**W-APT:** WIDA-ACCESS Placement Test

**MODEL:** Measure of Developing English Language

**ACCESS:** Assessing Comprehension and Communication in English State-to-State for English Language Learners

**ALT ACCESS:** Alternate ACCESS for students with disabilities

## Appendix C: EIS Coding

CLASSIFICATION IN EIS	CODE
Non-English Language Background	N
English learner	L
Transitional 1	1 or T1
Transitional 2	2 or T2
Transitional 3	3 or T3
Transitional 4	4 or T4
Former EL	F
Waived Direct ESL Services	W

Additional information on EIS Coding can be found in the [CPM Data Manual](#).



# Appendix D: Federal Legislation and Supreme Court Rulings Protecting ELs

## Federal Legislation

### May 25 Memorandum (1970)

*"Where the inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."<sup>81</sup>*

Shortly after the passage of the Civil Rights Act, the Office for Civil Rights (OCR) became aware that many districts were effectively discriminating against English learners (ELs) by providing little to no support to their education. A memorandum, commonly referred to as the "May 25 Memorandum," was issued by the then-Department of Health, Education and Welfare, clarifying the Title VI responsibilities of districts to provide equal educational opportunities to their language minority students.

### January 7 Memorandum (2015)

*"... the Supreme Court of the United States determined that in order for public schools to comply with their legal obligations under Title VI of the Civil Rights Act of 1964 (Title VI), they must take affirmative steps to ensure that students with limited English proficiency (LEP) can meaningfully participate in their educational programs and services."<sup>82</sup>*

The Office for Civil Rights (OCR) at the U.S. Department of Education (ED) and the Civil Rights Division at the U.S. Department of Justice (DOJ) share authority for enforcing Title VI in the education context. DOJ is also responsible for enforcing the Equal Educational Opportunities Act (EEOA). In the guidance provided with the January 7 memorandum, Title VI and the EEOA are referred to as "the civil rights laws."<sup>83</sup>

### Equal Educational Opportunities Act (EEOA) (1974)

*"No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by [...] the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs."<sup>84</sup>*

Districts must provide ESL services to these students until they are sufficiently proficient in English to meaningfully participate in the general education or special education program.

**[NOTE:** The EEOA does not mandate a particular type of ESL service.]

DISTRICT/SCHOOL COMPLIANCE & CONDITION FACTORS TO PROGRAM ASSESS THAT MAY VIOLATE THE EEOA INCLUDE:

- failure to provide an ESL program or adequate ESL services to EL students;
- failure to provide resources to implement its ESL program effectively (e.g., the program lacks ESL teachers or ESL materials);
- failure to take steps to identify students who are not proficient in English;

- not exiting ELs from the ESL program when the student has acquired English proficiency, or exits ELs without written parental permission before the student has acquired English proficiency;
- failure to meaningfully communicate with parents of EL students, who themselves are non- or limited-English speakers, by not providing those parents with written translations or oral interpretations of important notices or documents;
- failure to provide ESL services to EL students because they receive special education services, or fails to provide special education services to EL student when they qualify for such services; and
- excluding EL students from gifted programs based on their limited English proficiency.

## Family Education Rights and Privacy Act (FERPA) (1974)

*"[A parent or student must provide written consent] before an educational agency or institution discloses personally identifiable information from the student's records."<sup>85</sup>*

Schools are prohibited from providing any outside agency—including the Immigration and Naturalization Service—with any information from a student's school file that would expose their undocumented status without first obtaining permission from the student's parents. The only exception is if a court order (subpoena) is served; however, parents may challenge such an order.<sup>86</sup>

Districts may not delay enrollment, known as "chilling" enrollment and should work with the family to make certain that only necessary information is requested. Schools should note that requesting permission that may expose an undocumented status might "chill or discourage the participation, or lead to the exclusion, of students based on their or their parents' or guardians' actual or perceived citizenship or immigration status."<sup>87</sup> These practices violate the student's *Plyler* rights.<sup>88</sup>

**[NOTE:** School personnel—especially building principals and those involved with student intake activities—should be aware that they have no legal obligation to enforce U.S. immigration laws.<sup>89</sup>]

## Elementary and Secondary Education Act (ESEA) (1965)

*"The purpose [...] is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments."<sup>90</sup>*

Originally signed into law in 1965, and amended as No Child Left Behind (NCLB) in 2002, the ESEA provided grants and support to improve the quality of elementary and secondary education. In Dec. 2015, ESEA was reauthorized as the Every Student Succeeds Act (ESSA). The ESSA<sup>91</sup> has been credited with exposing achievement gaps disproportionately impacting traditionally underserved and vulnerable students. Title III,<sup>92</sup> also known as the "English Language Acquisition, Language Enhancement, and Academic Achievement Act," sets the expectation that ELs are to meet the same challenging academic standards as their non-EL peers.

## Every Student Succeeds Act (ESSA) (2015)

*"The purpose [...] is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps."<sup>93</sup>*

ESSA maintained Title III, but removed accountability measures from Title III. All accountability now resides in Title I. There is now a stronger focus on parental and community involvement in Title III.

## Title III

THE PURPOSES OF TITLE III ARE TO: <sup>94</sup>

1. Ensure ELs develop high levels of academic attainment in English.
2. Assist ELs to achieve at high levels in the core academic subjects.
3. Ensure high-quality language instruction educational programs are developed to assist State Educational Agencies (SEAs), districts, and schools in teaching ELs.
4. Assist SEAs and districts to develop and enhance their capacity to provide high-quality instructional programs designed to prepare ELs to enter general education classrooms.
5. Assist SEAs, districts, and schools to build their capacity to establish, implement, and sustain language instruction educational programs and programs of English language development.
6. Promote parental and community participation in language instruction educational programs.
7. Streamline language instruction educational programs into a program carried out through formula grants to SEAs and districts to help ELs develop English proficiency and meet state academic content and standards.
8. Hold SEAs, districts, and schools accountable for increases in English proficiency and core academic content knowledge of ELs.
9. Provide SEAs and districts with the flexibility to implement language instruction educational programs, based on scientifically-based research on teaching ELs.

## Court Rulings

### U.S. Supreme Court

#### Lau v. Nichols (1974)

*"There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education."*<sup>95</sup>

In a unanimous decision, the Court ruled that failure to provide students who do not speak English with English language instruction, or other adequate instruction, is a violation of the civil rights laws.

#### Plyler v. Doe (1982)

*"No national policy is perceived that might justify the state in denying these children an elementary education."*<sup>96</sup>

The Court found that districts are not agents for enforcing immigration law and dismissed the claim that undocumented students place a "burden" on the educational system. The Court declared that the Equal Protection Clause of the 14<sup>th</sup> Amendment prohibits states from denying undocumented immigrant children their right to a free public education. Furthermore, districts and their personnel may not

behave in a way that may “chill or discourage the participation, or lead to the exclusion, of students based on their or their parents’ or guardians’ actual or perceived citizenship or immigration status.”<sup>97</sup>

### Horne v. Flores (2008)

*“The EEOA’s ‘appropriate action’ requirement does not necessarily require a particular level of funding and to the extent that funding is relevant, the EEOA does not require that the money come from a particular source.”<sup>98</sup>*

The Court declared that federal equal-education laws are concerned with student outcomes, not financial inputs. Though the EEOA requires states to take “appropriate action”<sup>99</sup> to help ELs from falling behind their non-EL peers, the Court found that individual states must determine how that obligation will be met, both financially and programmatically.

## Federal Courts

### Castañeda v. Pickard (1981)

*“[The segregation of EL students to provide them with English instruction is permissible because] the benefits which would accrue to [non-English] speaking students by remedying the language barriers which impede their ability to realize their academic potential in an English language educational institution may outweigh the adverse effects of such segregation.”<sup>100</sup>*

The Fifth Circuit Federal Court of Appeals found that it is permissible to segregate EL students in order to provide them with English instruction. Therefore, when the OCR examines a district’s program for EL students, it considers whether the degree of segregation is necessary to achieve the program’s educational goals.<sup>101</sup> The Court’s decision established a three-part evaluation, commonly known as the Castañeda Test, to evaluate the adequacy of a district’s program for EL students.

#### CASTAÑEDA TEST

##### **1. Theory**

The program must be based on a sound educational theory or, at least, deemed a “legitimate experimental strategy.”

##### **2. Practice**

The district must have the personnel and resources necessary to effectively implement their chosen ESL program.

##### **3. Results**

A program is considered a failure if, after a sufficient period of time, it has not proven successful in ensuring students’ language barriers are being overcome.

## Y.S. v. School District of Philadelphia (1986)

*"Plaintiff students are without adequate services in such areas as school counseling, English language and/or bilingual instruction, and special education; and plaintiff parents are denied meaningful notice and an opportunity to be heard with respect to decisions about their children's education."*<sup>102</sup>

A civil rights class action suit claiming that Asian students are not being afforded equal opportunity to educational programs and support services was filed against the district on behalf of these students who are English learners. An interim remedial agreement was reached and the district accepted that it needed to provide students and parents increased language services. A long-term plan was approved that mandated numerous solutions including:

- a welcome center for testing and placement of new students;
- new classroom instructional models; and
- availability of interpreters for all parent communications, meetings, and other school activities.

## Gomez v. Illinois State Board of Education (1987)

*"As a direct result of the [district's] acts or omissions, the [EL students] have been deprived of an equal education and have suffered economic hardship, undue delays in their educational progress, and in many cases exclusion from any educational opportunities."*<sup>103</sup>

The U.S. Court of Appeals for the Seventh Circuit declared that both SEAs and districts have a responsibility to establish and enforce minimum requirements for the identification of EL students and the implementation of ESL programs. Both entities are required, under the EEOA, to meet the educational needs of their EL students.

## **Federal Enforcement Policy**

### **U.S. Department of Education, Office for Civil Rights**

The OCR has the authority to set regulations and monitor districts' compliance with the Civil Rights Act of 1964. This includes reviewing procedures for the identification of ELs and the ESL services that districts provide for them. The OCR also investigates complaints brought against districts and SEAs for alleged non-compliance. More information on the OCR can be found [here](#).

### **U.S. Department of Justice, Civil Rights Division**

The educational opportunities section of the civil rights division is charged with enforcing the EEOA. It investigates allegations that SEAs and/or districts are not providing adequate services to ELs. More information on the educational opportunities section can be found [here](#).

## Tennessee ESSA Monitoring

The Office of Consolidated Planning and Monitoring (CPM) for the department offers support and guidance in meeting federal and state guidelines for educating ELs. More information and additional resources for parents and educators can be found [here](#).

## State Board of Education ESL Program Policy (3.207)

The ESL Program Policy<sup>104</sup> has two purposes. First, it establishes the minimum standards for Tennessee districts in providing ESL services to students identified as ELs. Second, it provides a framework for implementing effective educational programs for ELs.

The policy includes the following components for ESL programs in Tennessee:

- anti-discriminatory policies and practices,
- identification of ELs,
- parental notification and rights,
- service delivery models,
- service delivery,
- staffing ratios, and
- exit criteria.

In October 2017, the policy was updated to include: (1) all teachers working with ELs must be trained on the WIDA standards, (2) tailored ESL services can now be considered at a score of 3.5 (previously 3.6), (3) starting in 2018-19 all ELs are required to have an ILP, and (4) definitions for long-term ELs, recently-arrived ELs, and students with interrupted formal education.

Further elaboration of these components can be found throughout this manual.

## Title VI Compliance and Grievance Procedures

### T.C.A. § 4-21-901

In 1993, the Tennessee General Assembly enacted T.C.A. § 4-21-901. This legislation requires all state agencies, including their sub-recipients of federal funds, to be in compliance<sup>105</sup> with Title VI of the Civil Rights Act of 1964.

The department has developed an implementation plan in response to its obligation under T.C.A. § 4-21-901. This plan includes:

- grievance procedures at the state and local levels,
- monitoring of school systems for Title VI compliance,
- training of both state and local educational personnel on Title VI, and
- collecting and analyzing state and local data for Title VI compliance.

## Compliance Issues for Public Schools

Title VI compliance issues include:

- an immigrant student's right to a free public school education, regardless of their immigration status;
- the identification of national origin minority students as non-English language background (NELB) and assessment of their English language proficiency to determine whether they are an EL;
- implementation of an effective ESL program as an alternative to English language arts, providing ELs with meaningful access to Tennessee's education standards;
- inappropriate placement or exclusion of ELs from special opportunity programs or any activities based on English language proficiency; and
- effective communication with the parents of non-English language background (NELB) students in a language and by a method they understand, to the extent practicable.

## State and Local Grievance Procedures

The department encourages individuals with concerns about Title VI compliance issues in a district to first address those concerns at the local level with the district's Title VI coordinator. If the concerns are not adequately resolved, they should then proceed to seek remedy at the state and federal levels. However, anyone may file a complaint at any level without filing at a lower level first.

At the state level, individuals may file a complaint with the department's Office for Civil Rights attorney.

Tennessee Department of Education  
Attn: Director, Office for Civil Rights, Office of General Counsel  
710 James Robertson Parkway, 9<sup>th</sup> Floor  
Nashville, Tennessee 37243

At the federal level, individuals may file a complaint with the U.S. Department of Education, OCR, Atlanta Office.

U.S. Department of Education  
61 Forsyth Street S.W., Suite 19T10  
Atlanta, Georgia 30303

Telephone: (404) 974-9406  
Fax: (404) 974-9471  
[OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)

**[NOTE:** An educational agency must not prohibit any individual from reporting concerns about Title VI compliance issues or retaliate against that person.]

# Appendix E: Candidate Content Standards<sup>106</sup>

## Standard 1: Language

Candidates know, understand, and use the major theories and research related to the structure and acquisition of language to support EL students' language and literacy development and content area achievement. Issues of language structure and language acquisition development are interrelated.

### *Standard Elements*

- 1.1 Knowledge of linguistics, enabling the teacher to apply understanding of the differences in the sound systems, forms, structures, and lexicon of English and other languages.
- 1.2 Knowledge of the cultural, psycholinguistic, and sociolinguistic variables that affect second language learning and the ability to apply that knowledge in the classroom.
- 1.3 Knowledge of the similarities and differences between first and second language acquisition and the ability to apply that knowledge in the classroom.

## Standard 2: Culture

Candidates need knowledge of the cultural richness students bring to the ESL classroom. At the same time, students with limited formal schooling may not understand and assimilate easily into the American school culture. This needs to be shared with the content teachers for ELs. The candidate must also work with intra- and inter-group differences and aid the students in the cross-cultural conflicts. Classrooms should be designed to showcase diversity.

### *Standard Elements*

- 2.1 Knowledge of the impact of culture on non-English language background (NELB) students' perceptions, learning and communication styles, needs, expectations, and rate of second language acquisition.
- 2.2 Knowledge of the particular aspects of American culture and traditions that must be understood and used correctly by NELB students for successful acculturation.
- 2.3 Appreciation of cultural diversity and the ability to communicate in varied cultural situations to enable students to reach their educational objectives.

## Standard 3: Instruction

Candidates know, understand, and use evidence-based practices and strategies related to planning, implementing, and managing standards-based ESL and content instruction. Candidates are skilled in using a variety of classroom organization techniques, program models, and teaching strategies for developing and integrating language skills. They can integrate technology and choose and adapt classroom resources.



### Standard Elements

- 3.1 Knowledge of various ESL methods, approaches, strategies, and best practices to facilitate NELB students' learning of reading, writing, speaking, and listening in English and for accessing the core curriculum.
- 3.2 Ability to apply multiple approaches with learners of varied ages, stages of development, learning styles, and cultures.
- 3.3 Ability to analyze, select, and modify curriculum and materials to facilitate students' successful transition into the general education classroom.
- 3.4 Knowledge of a wide range of standards-based materials, resources, and technologies, and choose, adapt, and use them in effective ESL and content teaching.

### Standard 4: Assessment

Candidates understand issues and concepts of formative and summative assessment and use standards-based procedures with ESL students. Candidates are expected to understand accommodation and the resources available to determine accommodations that are best for the student.

### Standard Elements

- 4.1 Ability to assess, select, administer, interpret, and communicate the results of formal and informal language and academic assessments.
- 4.2 Awareness of the importance of using varied sources to distinguish developmental stages of language acquisition from other special needs.
- 4.3 Understand various issues of assessment (e.g., cultural and linguistic bias; political, social, and psychological factors; home language assessments; IQ and special education testing); the importance of standards; and the difference between language proficiency and other types of assessment as they affect ELs.
- 4.4 Knowledge of the required methods of identifying, placing and monitoring, and exiting of NELB students.
- 4.5 Knowledge and application of a variety of performance-based assessment tools and techniques to inform instruction.

### Standard 5: Professionalism

Candidates keep current with new instructional techniques, research results, advances in the ESL field, and public policy issues. Candidates demonstrate knowledge of the history of ESL teaching. Candidates use such information to reflect upon and improve their instruction and assessment practices.

### Standard Elements

- 5.1 Knowledge of history, research, and current practice in the field of ESL teaching and apply this knowledge to improve teaching and learning.

- 5.2 Ability to communicate, collaborate, and consult with students, teachers, parents, staff, administrators, and other service providers regarding the social and academic integration of NELB students.
- 5.3 Knowledge of current state and federal requirements affecting the provision of services to NELB students.
- 5.4 Participate in professional growth opportunities and professional organizations and demonstrate the ability to serve as professional resources, advocate for ELs, and build partnerships with colleagues and students' families.

# Citations

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<sup>1</sup> Title IX (20 U.S.C. 7801).

<sup>2</sup> Tennessee State Board of Education. Rules, Regulations, and Minimum Standards for the Operation of the Public School System § 0520-1-3-.05 § (6)(a)(1)(ii). [Web](#).

<sup>3</sup> Plyer v. Doe (1982)

<sup>4</sup> U.S. Department of Education (2015). Tools and Resources for Ensuring Meaningful Communication with Limited English Proficient Parents. In U.S. Department of Education (Ed.), *English Learner Toolkit* (Chapter 10). [Web](#).

<sup>5</sup> Plyer v. Doe (1982)

<sup>6</sup> Plyer v. Doe (1982)

<sup>7</sup> T.C.A. § 49-6-5101.

<sup>8</sup> Plyer v. Doe (1982)

<sup>9</sup> T.C.A. § 49-6-5001.

<sup>10</sup> ESEA, Title III § 3302(a); Reauthorized under ESSA, Title I § 1112(e)(3)(A).

<sup>11</sup> U.S. Department of Education (2015). Tools and Resources for Identifying All English Learner Students. In U.S. Department of Education (Ed.), *English Learner Toolkit* (Chapter 1). [Web](#).

<sup>12</sup> Tennessee State Board of Education. ESL Program Policy (3.207). [Web](#).

<sup>13</sup> Tennessee State Board of Education. ESL Program Policy (3.207). [Web](#).

<sup>14</sup> U.S. Department of Education (2015). Tools and Resources for Identifying All English Learner Students. In U.S. Department of Education (Ed.), *English Learner Toolkit* (Chapter 1). [Web](#).

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<sup>16</sup> U.S. Department of Education (2015). Tools and Resources for Providing English Learners with a Language Assistance Program. In U.S. Department of Education (Ed.), *English Learner Toolkit* (Chapter 2). [Web](#).

<sup>17</sup> Tennessee State Board of Education. ESL Program Policy (3.207). [Web](#).

<sup>18</sup> T.C.A. § 49-12-301.

<sup>19</sup> Lau v. Nichols (1974) in *Appendix D: Federal Legislation and Supreme Court Rulings Protecting ELs*.

<sup>19</sup> U.S. Department of Justice, Civil Rights Division, & U.S. Department of Education, Office for Civil Rights (2015, January 7). *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents*. [Web](#).

<sup>20</sup> Equal Educational Opportunities Act (EEOA) (1974); U.S. Department of Justice, Civil Rights Division, & U.S. Department of Education, Office for Civil Rights (2015, January 7). *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents*. [Web](#).

<sup>21</sup> ESEA, Title III § 3302(a); Reauthorized under ESSA, Title I § 1112(e)(3)(A).

<sup>22</sup> Title III § 3302(a)(8); Reauthorized under ESSA, Title I § 1112(e)(3)(A)(viii).

<sup>23</sup> U.S. Department of Education (2015). Tools and Resources for Addressing English Learners with Disabilities. In U.S. Department of Education (Ed.), *English Learner Toolkit* (Chapter 6). [Web](#).

<sup>24</sup> Tennessee Department of Education (2008). Assessment Considerations for Culturally and Linguistically Diverse Students. [Web](#).

<sup>25</sup> Tennessee Department of Education (2008). Assessment Considerations for Culturally and Linguistically Diverse Students. [Web](#).

<sup>26</sup> Schiff-Myers, N.B. (1992). Considering Arrested Language Development and Language Loss in the Assessment of Second Language Learners. *Language, Speech, and Hearing Services in Schools*. 23(1), 28-33.

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- <sup>27</sup> Collier, V.P. & Thomas, W.P. (1997). Two Languages are Better than One. *Educational Leadership*. 55(4), 23-26.
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- <sup>29</sup> Adapted from Tennessee Department of Education (2015). *Response to Instruction and Intervention Framework*. [Web](#).
- <sup>30</sup> Equal Educational Opportunities Act (EEOA) (1974); ESSA, Titles I and III. For information, see Equal Educational Opportunities Act (EEOA) (1974)
- <sup>31</sup> Tennessee State Board of Education Rules. Chapter 0520-01-09.-02 § (11), defines intellectually gifted as a child whose intellectual abilities and potential for achievement are so outstanding that the child's educational performance is adversely affected and the general curriculum alone is inadequate to appropriately meet the student's educational needs. [Web](#).
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- <sup>33</sup> McKinney-Vento Act. Education for Homeless Children and Youths. [Web](#).
- <sup>34</sup> McKinney-Vento Law Brief on Unaccompanied Youth [Web](#).
- <sup>35</sup> Office of the Inspector General. Division of Unaccompanied Children's Services: Efforts to Serve Children (2008). [Web](#).
- <sup>36</sup> Tennessee Department of Children's Services. *Education FAQ for Parents and Foster Parents*. [Web](#).
- <sup>37</sup> U.S. Department of Education (2015). Tools and Resources for Monitoring and Exiting English Learners from EL Programs and Services. In U.S. Department of Education (Ed.), *English Learner Toolkit* (Chapter 8). [Web](#).
- <sup>38</sup> U.S. Department of Education (2015). Tools and Resources for Providing English Learners Meaningful Access to Core Curricular and Extracurricular Programs. In U.S. Department of Education (Ed.), *English Learner Toolkit* (Chapter 4). [Web](#).
- <sup>39</sup> Equal Educational Opportunities Act (EEOA) (1974) § 1703(f)
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- <sup>41</sup> Tennessee State Board of Education Rules. Chapter 0520-01-03.-05 § (6)(a)(3)(iii). [Web](#).
- <sup>42</sup> Tennessee State Board of Education Rules. Chapter 0520-01-03.-03 § (11)(b). [Web](#).
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- <sup>49</sup> Office of Civil Rights, Programs for English Language Learners. [Web](#).
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- <sup>56</sup> Tennessee Department of Education. *Procedures for Participation of Students in the Tennessee's Assessment System*.
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- <sup>68</sup> ESEA, Title III § 3115(g); Reauthorized under ESSA, Title III § 3115(g).
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- <sup>81</sup> The former U.S. Department of Health, Education, and Welfare (25 May 1970). *Identification of Discrimination and Denial of Services on the Basis of National Origin* [Memorandum]. [Web](#).
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- <sup>84</sup> 20 U.S.C. § 1703(f). [Web](#).
- <sup>85</sup> 20 U.S.C. § 1232(g); 34 CFR § 99. [Web](#).
- <sup>86</sup> 34 CFR § 99.31(a)(9)(i). [Web](#).
- <sup>87</sup> U.S. Department of Justice, Civil Rights Division, & Department of Education, Office for Civil Rights (2011, May 6). Joint "Dear Colleague" Letter. [Web](#).
- <sup>88</sup> *Plyler v. Doe*, 457 U.S. 202 (1982). [Web](#).
- <sup>89</sup> Intercultural Development Research Association (2011). *Immigrant Students' Rights to Attend Public Schools: School Opening Alert*. [Web](#).
- <sup>90</sup> 20 U.S.C. § 6301. [Web](#).
- <sup>91</sup> ESSA, [Web](#).
- <sup>92</sup> ESEA, Title III § 3102; Reauthorized under ESSA, Title III § 3102.
- <sup>93</sup> ESSA, Title I § 1001.
- <sup>94</sup> ESEA, Title III § 3102; Reauthorized under ESSA, Title III § 3102.
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- <sup>100</sup> *Castañeda v. Pickard*, 648 F.2d 989 (1981). [Web](#).
- <sup>101</sup> U.S. Department of Justice, Civil Rights Division, & U.S. Department of Education, Office for Civil Rights (2015, January 7). *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents*. [Web](#).
- <sup>102</sup> *Y.S. v. School District of Philadelphia*, C.A. 85-6924 (E.D.P.A. 1986). [Web](#).
- <sup>103</sup> *Gomez v. Illinois State Board of Education*, 811 F.2d 1030 (1987). [Web](#).
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