

English Language Learners in Tennessee Public Schools

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Key Points

- English language learners (ELL) in preK–12 schools comprise a single student subgroup that is, in fact, quite diverse. ELL students come from many different cultures and speak many different languages (for example, ELL students in Tennessee represent more than 150 languages); are at many different levels of English proficiency; may be immigrants or may have been born in the United States; may have had age-appropriate, formal education in their first language or may have experienced interrupted or even no formal schooling experience; may have parents with levels of education ranging from university to pre-literate; may have one or more disabilities; and may be gifted learners.
- Nationally, the number of ELL students has increased at a much faster pace than overall student enrollment. Between 1997–98 and 2007–08, the number of all preK–12 students in the U.S. increased by 8.5 percent, while the number of ELL students increased by 53.2 percent. Some states, including Tennessee, saw much more sizeable increases during the same period: Tennessee’s preK–12 ELL population grew from 8,465 to 26,449, an increase of 200.6 percent. Despite the rapid statewide growth, Tennessee’s ELL population as a share of total student enrollment remained well below the national average—2.6 percent compared to 10.7 percent.
- By far, most of the state’s ELL students attend schools in urban areas, particularly Nashville and Memphis, but nearly all Tennessee school districts have some ELL student enrollment.
- On average, ELL students’ academic achievement levels tend to be low, according to state and national test results. One likely reason is that the ELL subgroup, by definition, is made up of students with low levels of English proficiency, an obstacle to academic success in U.S. schools. Unlike other subgroups, ELL students who reach English proficiency move out of the ELL subgroup while those with lower proficiency levels continually move into the subgroup.
- Tennessee has a shortage of teachers for ELL students, particularly in rural, outlying areas with smaller ELL populations.
- ELL students typically require from three to five years to attain oral proficiency in English and from four to seven years to attain academic English proficiency.
- ELL students take the same assessments that other students must take under the provisions of No Child Left Behind, but are also required to take an additional annual assessment to determine their progress in learning English until they reach proficiency. Federal regulations allow a one-time exception from testing: recently arrived ELL students who have attended school in the U.S. for less than 12 months are exempt from the state’s reading and language arts assessment in the first year only but must take all other required content tests.
- The 2010–11 graduation rate for ELL students in Tennessee was 70.8 percent compared to 85.53 percent for all students. Federal regulatory changes have reduced the amount of time that ELL students in Tennessee are allowed to graduate “on time,” from up to five years and one summer to four years and one summer.

Introduction

One goal of the No Child Left Behind (NCLB) Act of 2001 is to ensure that disadvantaged students, including racial and ethnic minorities, English language learners (ELLs),¹ and special education students, achieve adequate academic proficiency. NCLB requires states to ensure that ELL students

attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.²

ELL students must learn English and, simultaneously, learn the same academic content as other students. This goal is especially challenging given the diversity of the ELL subgroup and the rapid growth in the ELL population in U.S. public schools. Although “English language learners” comprise a single subgroup, ELL students are quite diverse. ELL students:³

- come from many different languages and cultures—ELL students represent about 400 languages nationwide and more than 150 in Tennessee.
- are at many different levels of English proficiency.
- may be immigrants or may have been born in the U.S.
- may have had age-appropriate, formal education in their first language or may have experienced interrupted or even no formal schooling experience.
- may have parents with levels of education ranging from university to pre-literate.
- may also have one or more disabilities.
- may be gifted learners.

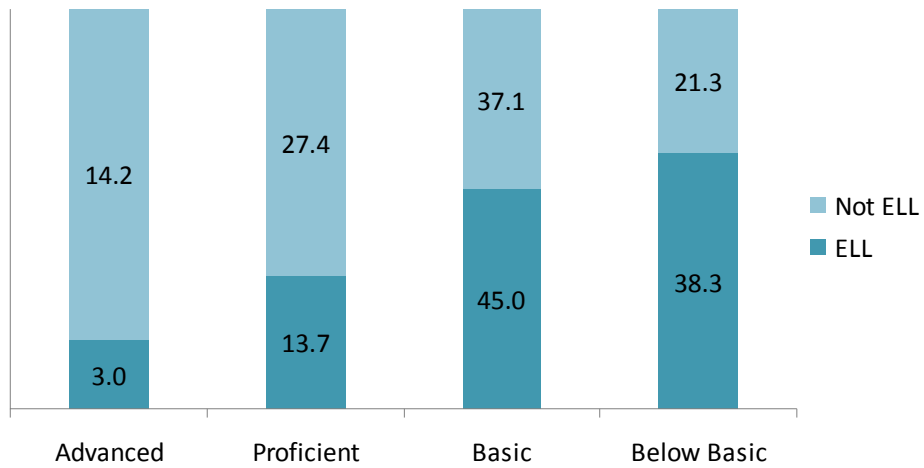
In recent years, the number of preK–12 students requiring English language instruction has increased at a much faster pace than overall student enrollment, largely because of both legal and unauthorized immigration.⁴ According to national data, between 1997–98 and 2007–08, the number of all preK–12 students increased by 8.5 percent, while the number of ELL students increased by 53.2 percent.⁵ During the same period, some states, including Tennessee and several other southeastern states, saw much more sizeable increases: Tennessee’s preK–12 ELL population grew from 8,465 to 25,449, an increase of 200.6 percent.⁶ Despite the rapid, statewide growth, Tennessee’s ELL population as a share of total student enrollment remained well below the national average during that period—2.6 percent compared to 10.7 percent.⁷

By school year 2010, the state’s ELL population rose to 38,267, according to Tennessee Department of Education (TDOE) statistics,⁸ roughly less than four percent of total student population.⁹ Although most of the state’s ELLs attend school in Nashville and Memphis, as of 2010, ELLs have enrolled in all but eight of Tennessee’s 136 school districts. Districts with identified ELL students are required to provide an alternate language program.¹⁰

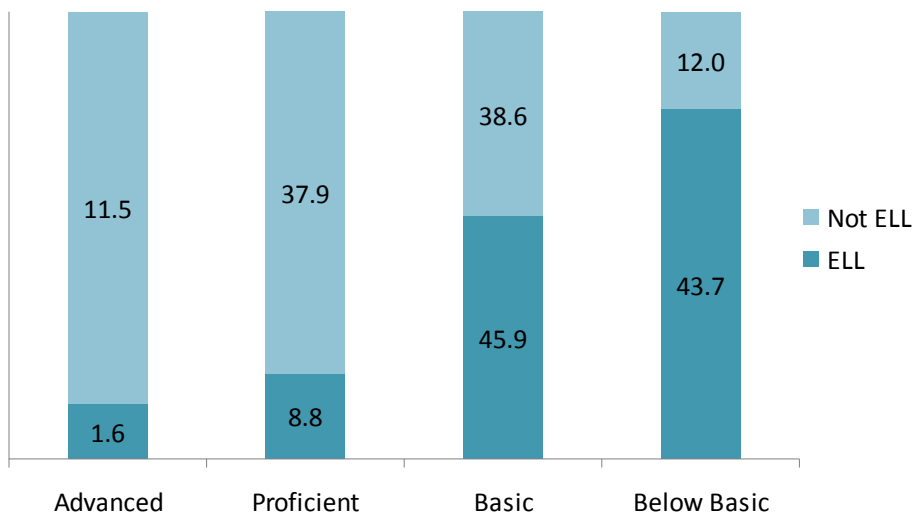
The state’s 2011 test results (Exhibit 1) show that, compared to all other students, a significantly larger percentage of ELL students scored at the basic and below basic levels in math and reading/language arts for grades 3–8, and for Algebra I and English II in high school.

Exhibit 1: 2011 Tennessee Comprehensive Assessment Program (TCAP) Results

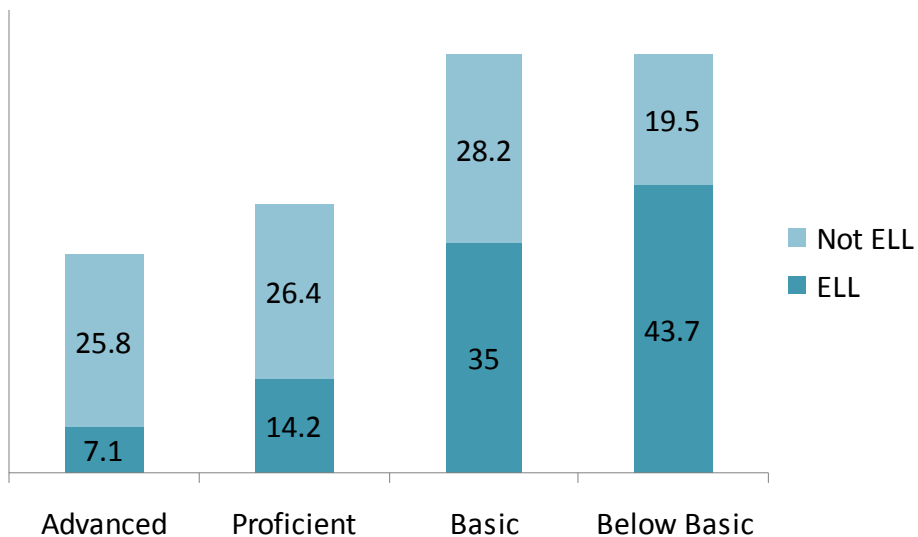
Math, Grades 3-8, comparing ELL and not ELL students, percent by level



Reading/Language Arts, Grades 3-8, comparing ELL and not ELL students, percent by level



Algebra I, comparing ELL and not ELL students, percent by level



English II, comparing ELL and not ELL students, percent by level

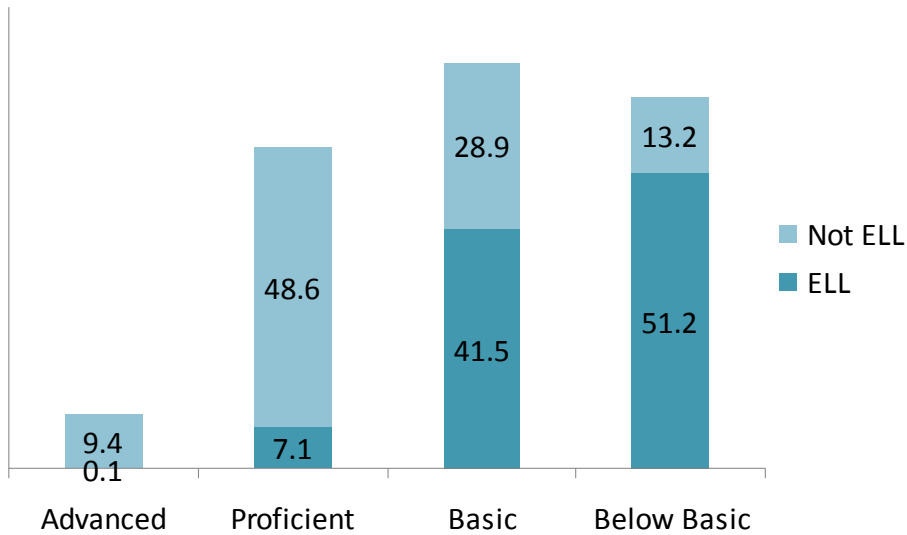
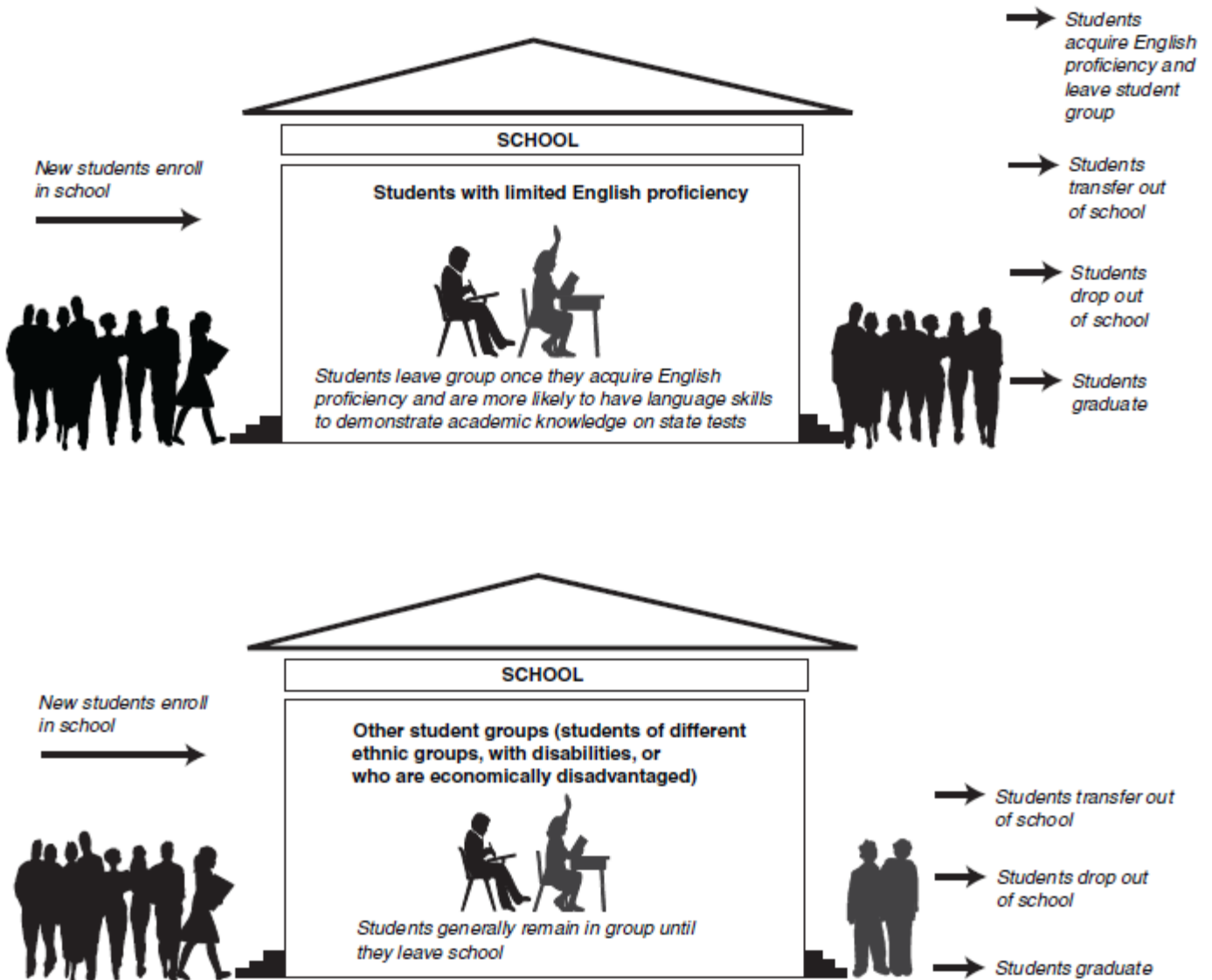


Exhibit 2: Movement of students in and out of English language learner group and other student groups



Source: United States Government Accountability Office, *Assistance from Education Could Help States Better Measure Progress of Students with Limited English Proficiency*, GAO 06-815, July 2006, p. 47, <http://www.gao.gov> (accessed May 16, 2011).

On average, ELL students' academic achievement levels tend to be low, according to state and national test results.¹¹ One possible reason for this is that the ELL subgroup, by definition, is made up of students with low levels of English proficiency, an obstacle to academic success in U.S. schools. Unlike other subgroups, students who reach proficiency move out of the ELL subgroup while those with lower levels continually move into the subgroup, as depicted in Exhibit 2.¹²

Further, researchers suggest ELL test results should be considered with caution: "Students with limited proficiency in English often underperform on assessments of academic content, reflecting not a lack of knowledge but a lack of fluency, which may unfairly

depress their scores."¹³ This can be true even of students who seem to have made progress in developing English proficiency—students, for example, may have acquired a high level of oral fluency, but may lack the advanced academic language needed to do well in school.¹⁴

The purposes of this brief are to describe:

- federal and state requirements for educating ELLs, including relevant laws and legal decisions.
- how services for ELLs are provided and funded.
- some statistics about Tennessee's ELL population and the state's school districts.

Definition of "Limited English Proficient" student from Title III of NCLB (Section 9101)

The term *limited English proficient*, when used with respect to an individual, means an individual—

(A) who is aged 3 through 21;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C)(i) who was not born in the United States or whose native language is a language other than English;

(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas;

and (II) 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; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

(i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.

NOTE: This report uses the more current term "English language learner" (or ELL) in place of "limited English proficient" (or LEP) except in quoted material. Teachers of ELL students are referred to as ESL (English as a Second Language) teachers. ESL refers to Tennessee's alternative language program.

Methodology

In developing this brief, OREA staff:

- reviewed
 - o federal and state laws and regulations
 - o relevant Supreme Court cases and Tennessee State Attorney General opinions
 - o materials from the U.S. Department of Education
 - o materials from the Tennessee Department of Education and the State Board of Education
 - o reports published by various education-related and public policy organizations
 - o news articles from local and national news sources
- interviewed and collected information from Tennessee Department of Education personnel

Federal requirements for educating English language learners

Both federal law and federal court rulings protect the rights of national origin minority students whose home language is other than English or whose proficiency in English is limited. Three federal laws establish the rights of ELL students, as well as the responsibilities of the school districts where they live. The Fourteenth Amendment to the U.S. Constitution guarantees that no state shall deny any person in its jurisdiction the equal protection of the laws; the Supreme Court established in a 1982 case (*Plyler v. Doe*, discussed below) that undocumented immigrants are covered by the equal protection clause of the Fourteenth Amendment. Title VI of the Civil Rights Acts of 1964 prohibits discrimination on the basis of race, color, or national origin under any federally funded program or activity.¹⁵ And the Equal Education Opportunities Act of 1974 makes educational institutions responsible for taking steps to overcome linguistic and/or cultural barriers that keep students from equal participation in instructional programs:

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 of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.¹⁶

In addition, two sections of the No Child Left Behind Act of 2001 affect the education of ELL students: Title I, Improving the Academic Achievement of the Disadvantaged, and Title III, the English Language Acquisition, Language Enhancement, and Academic Achievement Act.¹⁷ (See Exhibit 4 for a comparison of the two laws' provisions affecting ELLs.) Under Title I, states that receive federal funds must demonstrate that all preK–12 public school students are adequately progressing based on the same high standards of academic achievement. States must report student progress in terms of the percentage of students scoring at the proficient level or higher, and the “adequate yearly progress,” or AYP, must be reported for all students as well as by subgroup categories of students, including socioeconomically disadvantaged students, students from major racial and ethnic groups,

Exhibit 3: Federal laws affecting the education of English Language Learners

Federal Law	How it applies to English Language Learner students
14 th amendment to the U.S. Constitution	Guarantees that no state shall deny any person in its jurisdiction the equal protection of the laws. (See <i>Plyler v. Doe</i> also.)
Title VI of the Civil Rights Act of 1964	Prohibits discrimination on the basis of race, color, or national origin under any federally funded program or activity.
Equal Education Opportunities Act of 1974	Makes educational institutions responsible for taking steps to overcome linguistic and/or cultural barriers that keep students from equal participation in instructional programs.
No Child Left Behind, Title I	Requires that states test ELLs in academic subjects of reading, math, and science; that districts and schools be held accountable for meeting adequate yearly progress targets for this group, and that states assess the English language proficiency of all ELL students.
No Child Left Behind, Title III	Specifies requirements regarding the English language proficiency standards, assessments, and accountability measures for districts receiving Title III funds.

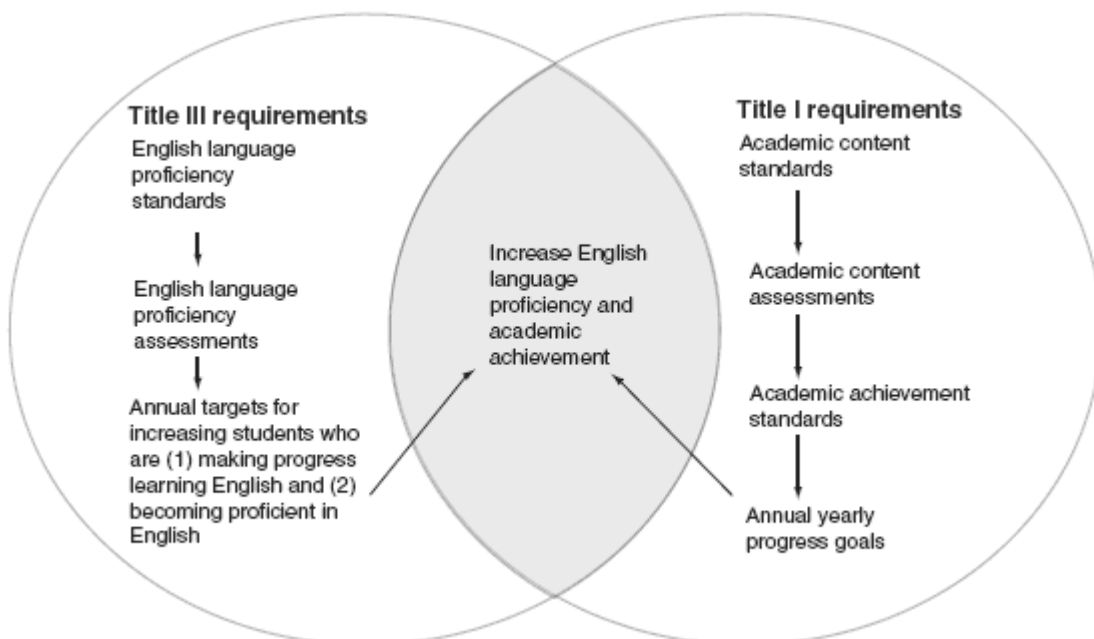
students with disabilities, and students with limited English proficiency. “Title I of ESEA requires that states test [ELLs] in academic subjects of reading, mathematics, and science; that districts and schools be held accountable for meeting adequate yearly progress (AYP) targets for this subgroup; and that states assess the English language proficiency of all [ELL] students.”¹⁸

Under Title III, the U.S. Department of Education distributes funding by formula to states, which then make subgrants to local education agencies (LEAs) based on the number of ELL students enrolled and on significant increases in the number of immigrant students. “Title III . . . specifies requirements regarding the English language proficiency standards, assessments, and accountability measures for districts receiving Title III funds.”¹⁹ Under Title III, states must have English-language proficiency standards that specify what students who are new to English should know and be able to do on their way to becoming fluent in English, as well as assessments aligned to those standards, which assess ELL students annually in reading, writing, speaking, and listening. The purposes of Title III are primarily:

- to help ensure that children who are limited English proficient, 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 as all children are expected to meet; and
- to assist all limited English proficient children, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.²⁰

Several important Supreme Court and federal court rulings have further defined both the rights of students who belong to language minority groups and the responsibilities of schools in educating ELL students. In *Lau v. Nichols* the Supreme Court declared that equality of educational opportunity for students with limited English proficiency requires access to the same facilities, textbooks, teachers, and curriculum, as well as access to learning the English language. The Court found that equality of educational opportunity is not

Exhibit 4: No Child Left Behind Act’s requirements for English language learners under Title I and Title III



Source: United States Government Accountability Office, *Assistance from Education Could Help States Better Measure Progress of Students with Limited English Proficiency*, GAO 06-815, July 2006, p. 11.

achieved by simply providing all students with “the same facilities, textbooks, teachers, and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education.”²¹

In *Castaneda v. Pickard*, a 1981 Fifth Circuit Court of Appeals case, the court established a three-part test to determine school district compliance with the Equal Education Opportunities Act. Compliance requires the satisfaction of three criteria:

1. Whether the school system is pursuing a program informed by an educational theory recognized as sound by some experts in the field, or, at least, deemed a legitimate experimental strategy.
2. Whether the programs and practices actually used by the school system are

reasonably calculated to implement effectively the educational theory adopted by the school.

3. Whether the school’s program succeeds, after a legitimate trial, to produce results indicating that the language barriers confronting students are actually being overcome.²²

In 1982, the Supreme Court ruled in *Plyler v. Doe* that the Fourteenth Amendment prohibits states from denying a free public education to undocumented immigrant children, regardless of their immigration status. On the basis of the *Plyler* ruling, schools are prohibited from:

- denying admission to a student during initial enrollment or at any other time on the basis of undocumented status;

Exhibit 5: Federal rulings affecting the education of English Language Learners

Legal ruling	How it applies to English Language Learner students
Lau v. Nichols, 1974 / Supreme Court	Equality of educational opportunity for ELL students requires that they not only have access to the same facilities, textbooks, teachers, and curriculum, but also access to learning the English language.
Castaneda v. Pickard, 1981 / Fifth Circuit Court of Appeals	<p>School district compliance with the Equal Education Opportunities Act requires the satisfaction of three criteria:</p> <ol style="list-style-type: none"> 1. Whether the school system is pursuing a program informed by an educational theory recognized as sound by some experts in the field, or, at least, deemed a legitimate experimental strategy. 2. Whether the programs and practices actually used by the school system are reasonably calculated to implement effectively the educational theory adopted by the school. 3. Whether the school’s program succeeds, after a legitimate trial, to produce results indicating that the language barriers confronting students are actually being overcome.
Plyler v. Doe, 1982 / Supreme Court	<p>Prohibits states from denying a free public education to undocumented immigrant children, no matter their immigration status. Prohibits public schools from:</p> <ul style="list-style-type: none"> ▪ denying admission to a student during initial enrollment or at any other time on the basis of undocumented status; ▪ treating a student differently to determine residency; ▪ engaging in any practices to “chill” the right of access to school; ▪ requiring students or parents to disclose or document their immigration status; ▪ making inquiries of students or parents that may expose their undocumented status; <p>or</p> <ul style="list-style-type: none"> ▪ requiring social security numbers from all students, as this may expose undocumented status.
Y.S. v. School District of Philadelphia, 1988 / negotiated settlement	Required the school district to communicate with parents in a language they could understand, review the educational program of each ELL student individually (because some ELL students had been wrongly placed in special education classes), establish a district coordinator for the education of ELL students, and develop a remedial plan to meet the needs of ELL students and revise the district’s ELL program.

- treating a student differently to determine residency;
- engaging in any practices to “chill” the right of access to school;
- requiring students or parents to disclose or document their immigration status;
- making inquiries of students or parents that may expose their undocumented status; or
- requiring social security numbers from all students, as this may expose undocumented status.²³

Negotiated settlement of a class action suit in the 1988 case *Y. S. v. School District of Philadelphia* required the school district to communicate with parents in a language they could understand, review the educational program of each ELL student individually (because some ELL students had been wrongly placed in special education classes), establish a district coordinator for the education of ELL students, and develop a remedial plan to meet the needs of ELL students and revise the district’s ELL program.²⁴

English language learners in Tennessee schools

According to the Tennessee Department of Education Report Card, 36,480 students with limited English proficiency attended Tennessee schools during the 2009–10 school year, comprising about 3.8 percent of total student enrollment. Nearly all school districts in Tennessee have some ELL student enrollment (128 of 136 districts), though many districts have relatively few ELL students: in 2010, an overwhelming majority (90 of 128) had ELL enrollment numbers in the single or double digits. Most ELL students are concentrated in the urban areas of the state: 10,489 of these students

attended school in Nashville; the next largest number—6,800—attended school in Memphis. (See Exhibit 6.)

Metro Nashville Public Schools experienced a 43 percent increase in its ELL population between 2006 and 2010; Hamilton County’s ELL population, though much smaller (1,429 in 2010) than Nashville’s, increased by 75 percent during the same period. Although 34 school districts experienced at least a 50 percent increase in their ELL student populations between 2006 and 2010, most of these (24) have relatively small ELL populations (in the single or double digits). Eight school districts in 2010 have no ELL students.²⁵

By a large margin, most Tennessee ELLs speak Spanish: 22,046 according to the state’s 2009–10 Consolidated State Performance Report (CSPR), an annual report that each state is required to submit to the U.S. Department of Education under the Elementary and Secondary Education Act. The next most predominant language is Arabic (spoken by 1,665 students in 2009-10), followed by Vietnamese (553 students), Somali (526 students), and Chinese (489 students).²⁶ More than 150 languages are represented in Tennessee schools.²⁷

How districts and schools provide educational services to English language learners

This section provides a basic “question and answer” overview of how schools identify, educate, and assess English language learners.

Exhibit 6: LEAs with the largest populations of ELL students by number of ELLs and percent of enrollment, 2009-10

LEA	# of ELLs	ELLs as a % of total ELL enrollment in Tennessee	ELLs as a % of total student enrollment in LEA
Metro Nashville Public Schools	10,489	28.8	14.6
Memphis City Schools	6,800	18.6	6.6
Rutherford County Schools	1,729	4.7	4.7
Hamilton County Schools	1,429	3.9	3.6
Knox County Schools	1,408	3.9	2.6
Shelby County Schools	1,330	3.6	2.8

How do Tennessee schools identify students who need English language instruction?

Students requiring English instruction are identified through a two-step process. First, school districts administer a home language survey to all parents enrolling their children in school:²⁸

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?

Second, if the answer to any of the three questions indicates a language other than English, the district assesses the student for English proficiency using an approved screening assessment. The test used—the Tennessee English Language Placement Assessment (TELPA)—is “designed to allow schools to place students based on their acquisition of English language proficiency skills, into classrooms and services best suited for their current level of acquisition.”²⁹ This assessment must occur within 30 days of enrollment if the student is enrolled before the beginning of the school year and within 14 days if the student is enrolled after the school year begins. (Students with documentation from a previous district indicating that they are Fluent English Proficient (FEP) are exempt from the screening.)

Students who are found to require English instruction are classified as English Language Learners (ELLs) and must be provided services aimed at developing their proficiency in English and their participation in regular academic classrooms.³⁰

Parents of ELL students may choose to opt out of services. Nationwide, the parents of an estimated two percent of students eligible for Title III services choose to opt out.³¹ According to TDOE staff, preliminary data for the 2010–11 school year indicate that 707 students in Tennessee waived the services of an ESL teacher.³² The Department's ESL Coordinator notes that some parents opt out because they attach a social stigma to the services and believe their children don't require this kind of academic assistance.³³

Who teaches ELL students?

Teachers of ELL students in Tennessee must hold a current teaching license and the ESL endorsement to teach English as a Second Language (ESL). ESL teachers are required to meet the “highly-qualified” provisions under No Child Left Behind, which requires that they

- pass the appropriate Praxis test and complete the coursework equivalent of an academic major for ESL (24 semester hours, which can include up to six hours of a foreign language), or
- have a master's degree in English, Education, Curriculum and Instruction, or Linguistics, with an area of emphasis in teaching ESL or bilingual education, or
- have National Board Certification in ESL, or
- have demonstrated competence for ESL and/or in all core academic subject areas via a highly objective uniform state standard of evaluation (HOUSSE).³⁴

ESL teachers who teach core academic subjects at the middle school or secondary level as the teacher of record must meet the highly qualified requirements for each core academic subject they are assigned to teach.³⁵

According to TDOE, 1,047 ESL teachers were employed in public schools across the state during the 2010–11 school year.³⁶ On the 2009–10 Consolidated State Performance Report (CSPR), an annual report that each state is required to submit to the U.S. Department of Education under the Elementary and Secondary Education Act, the Department estimated that the state would need an additional 235 teachers for Title III language instruction over the next five years.³⁷

What is the role of parents of ELL students? How do Tennessee educators communicate with the parents of ELL students, particularly those whose English skills are limited?

Both Title I³⁸ and Title III³⁹ require schools to:

- Notify parents if their child demonstrates limited English proficiency and needs English language instruction.

- Inform parents about the method of instruction to be used for their child, how such instruction will help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation, and the expected rate of transition from the program into regular classrooms.
- Give parents the right to remove their child from an ELL program or choose another program if offered.
- Offer parents detailed, easy-to-read report cards on school and individual student performance in (to the extent practicable) a language they can understand, and inform them if their Title III-funded LEA has not met any of the performance benchmarks required under NCLB. (See also “How are states, districts, and schools accountable under No Child Left Behind for the education of ELL students?”)

ESL teacher shortage

Every year since 2004–05, Tennessee has reported a shortage of ESL teachers to the U.S. Department of Education, which annually publishes a nationwide list of designated teacher shortage areas by state. Many other states report a similar shortage of ESL teachers. In 2009, the Center for Business and Economic Research at the University of Tennessee released a report estimating teacher supply and demand for the state and for every Local Education Agency (LEA) for each school year from 2009–10 to 2013–14. Overall, the report found it likely that the state’s supply of teachers will not keep up with demand over the next few years, and that the state may lack more than 31,000 teachers by 2013–14. The report estimated the largest percentage gap between demand and supply in the state was for ESL teachers (58.1 percent) and also indicated that this estimate may be low. Specifically, it estimated that by school year 2013–14, the state would have a need for 854 ESL teachers, but would be able to hire only 354, leaving a gap of 500. The report also found that only nine newly educated teachers had recently been endorsed to teach English as a Second Language, a requirement for doing so in Tennessee.

The TDOE indicates that the need for ESL teachers is particularly great in rural, outlying areas with smaller ESL populations, some of which require only a part-time teacher. Some of these LEAs have only 10 to 15 ELL students, but they may be located at different schools, requiring ESL teachers to spend much of their time driving rather than teaching. TDOE suggests that districts with a shortage should encourage existing teachers to obtain an endorsement in ESL. In school year 2011–12, 88 teacher waivers have been issued (as of September 12) to districts for ESL teachers. This is slightly above the 78 issued in 2010–11 and about the same as 2009–10 (89). The number of waivers for ESL teachers has dropped significantly since 2008–09, when 167 were issued.

According to officials at Metro Nashville Public Schools, which educates the largest number of ELL students in the state, the district is employing 394 ESL teachers during the 2011–12 school year, up from 216 in 2005. This supports the CBER report’s statement that its estimates for needed ESL teachers may be low—the report estimated that MNPS would need to employ 313 ESL teachers in 2014, but the district has already exceeded that number.

Sources: U.S. Department of Education, Office of Postsecondary Education, Teacher Shortage Areas Nationwide Listing 1990–91 through 2011–12, March 2011, p. 86, www2.ed.gov/about/offices/list/ope/pol/tsa.doc (Microsoft Word document), (accessed Aug. 22, 2011). Donald J. Bruce, William F. Fox, Brian M. Douglas, Melissa O. Reynolds, and Zhou Yang, *Supply and Demand for Teachers in Tennessee*, A Joint Project of the University of Tennessee Center for Business and Economic Research, the Tennessee Department of Education, and the Tennessee Higher Education Commission, Dec. 2009, pp. 10–11, <http://cber.utk.edu> (accessed Aug. 25, 2011). Jan Lanier, ESL Coordinator, Tennessee Department of Education, e-mail, Sept. 2, 2011. Constance Ward, Division of School Approval, Tennessee Department of Education, e-mail, Sept. 12, 2011. Heidi Closed, “Teaching immigrants is growing challenge for Nashville schools,” *The Tennessean* (blog), Feb. 6, 2011.

The Tennessee State Board of Education Policy 3.207 supports these requirements.

To promote good communication with ELL students' parents, who may speak limited English also, some LEAs provide information (including commonly used documents) on their websites in other languages, particularly Spanish.⁴⁰ Some school districts may hire translators: the BEP funds one translator per 300 ELL students. Metro Nashville Public Schools, the district with the largest number of ELL students in the state, employs 48.5 translators who work to communicate report card results, letters, notes, and messages from teachers between schools and parents who have limited English proficiency.⁴¹

The Tennessee Foreign Language Institute will for a fee provide translations and interpretations as needed for districts. Smaller districts may choose to use online translation services, such as AT&T's Language Line and TransACT Communications.⁴²

How do Tennessee schools help students develop proficiency in English?

According to the Rules of the State Board of Education, "[s]tudents whose first language is not English and who are identified as limited English proficient shall be

provided with English instruction especially designed for speakers of other languages."⁴³ According to TDOE's website,

In Tennessee, this specially designed language program is English as a Second Language (ESL). ESL programs must be delivered by an endorsed ESL teacher using the ESL curriculum. The ESL curriculum is a general set of English language acquisition standards that should be used in conjunction with content standards. These standards address the language support necessary to enable the ELL to access the grade level content curriculum by providing a bridge for ELL students to the academic content curriculum.⁴⁴

According to the Tennessee ESL Program Guide, "ESL services must be based on the student's needs." ESL services must:⁴⁵

- be delivered by a certified teacher with an ESL endorsement, or a certified teacher working on an alternative license or with an approved waiver pursuing the additional endorsement. Any services provided by an educational assistant must be under the supervision of an ESL teacher.

State Board of Education proposed change to required ESL staffing ratio

Although the BEP funds ESL teachers at a ratio of one ESL teacher per 30 ELL students, State Board policy requires a staffing ratio of one full-time ESL endorsed teacher for no more than 45 identified ELL students unless an alternate staff ratio is approved by TDOE. The State Board proposed in its August 2011 meeting that this be revised to a ratio of one full-time ESL endorsed teacher for no more than 40 identified ELLs; the measure passed the first of three readings needed for its final approval and implementation. According to the Department's ESL Coordinator, many districts are already working at a lower ratio because it is very difficult to meet the needs of students at the 1:45 level.

A previous revision in 2008 resulted in a decrease of the ratio from 50 ELL students per ESL teacher to the current 45 students. The decrease in 2011 is being proposed, according to State Board of Education materials, "as a first step to improve the education of the State's ELLs." Districts would continue to have the option of proposing alternate staffing models. According to the Department's ESL Coordinator, ideally the funding and staffing ratios would match, but given the shortage of ESL teachers, this would be difficult for some LEAs to achieve.

Sources: Tennessee State Board of Education, Tennessee Basic Education Program 2.0, 2010- 11. Tennessee State Board of Education, ESL Program Policy, 3.207. Tennessee State Board of Education, ESL Policy 3.207 Revision, August 5, 2011, First Reading. Jan Lanier, ESL Coordinator, Tennessee Department of Education, e-mail, Sept. 2, 2011.

- be delivered during the regular school day; supplemental support, however, may include tutorials after school or summer school programs.
- be provided daily for beginner or intermediate level ELL students; any alternate means of providing instruction must be approved by TDOE.

In addition to ensuring that ELL students develop proficiency in English, schools must include them in academic study—ELLs are required to take the same annual assessments under NCLB as are all other students. Schools are also required to include ELLs in other courses, such as music, art, and physical education. Modifications are to be made in all classes for both active ELLs as well as for those students whose parents have waived services. ELL students are entitled to the same services that other students may receive, if appropriate, including special education, gifted education, career technical programs, and Title I—ELL students may not be excluded from such services based on language proficiency.

No Child Left Behind requires that all instructional programs for ELLs be grounded in research-based educational practices; this requirement is reflected in the Tennessee State Board of Education “ESL Program Policy 3.207.” The policy lists various service models that schools may use to deliver instruction to ELL students. LEAs must receive approval from the Department of Education to use other models. “All models must address how academic deficits that are the result of students’ limited English proficiency will be remediated.”⁴⁶ Service delivery models include:

- ESL pull-out programs: ELL students leave the mainstream classroom part of the day to receive ESL instruction, often focused on grammar, vocabulary, and communication skills, and not on academic content.
- Push-in or inclusion models: students are served in a mainstream classroom, receiving instruction in English with some native language support if needed.
- Structured immersion grades or classes: usually includes only English language learners in the classroom; all instruction is in English,

adjusted to the proficiency level of students so subject matter is comprehensible.

- Scheduled ESL class periods.

Instruction may be delivered in newcomer centers or classes, in a traditional setting, or in resource centers. In addition, sheltered classes in academic subjects (an approach to teaching ELL students that integrates language and content instruction), most appropriate at the middle and high school levels, allow instruction through content-based materials, which the SBE policy describes as ideal for ESL instruction.

The SBE policy requires that elementary students who are pre-functional, beginning, and intermediate ELLs must receive one to two hours per day of direct services from endorsed ESL teachers. Students at a more advanced level may have programs more tailored to their needs, but should receive up to one hour of direct service each day until they are ready to transition to regular classrooms.⁴⁷

At the high school level, SBE policy recommends that all ELL students achieve the intermediate level on the English language proficiency test before taking a regular English course. Like students at the elementary level, ELLs at the high school level who are pre-functional and beginning students should not have less than one hour of ESL service per day.⁴⁸

Once ELL students score at a certain level (Composite Level 4 or 5) on the English Language Development Assessment (ELDA), indicating that they are sufficiently proficient in English, they are reclassified as *transitional* students. Students remain at the transitional level for two years, during which time they no longer take the ELDA or the English Linguistically Simplified Assessment (ELSA), and continue to be assessed under the regular TCAP testing regimen. State Board policy indicates that students should be carefully monitored during this transitional period and may be returned to ELL status if needed.⁴⁹

How long does it take ELL students to attain English proficiency?

ELL students acquire proficiency in English at varying rates, but researchers estimate that “oral proficiency can take 3 to 5 years to develop, and academic English

proficiency may take 4 to 7 years.⁵⁰ In general, the more years of formal schooling students have had in their primary language, the more easily they will acquire English.⁵¹ For example,

. . . if an ELL learned to perform basic arithmetic functions in Chinese, that student will not need to relearn how to add and subtract but will need to learn only the new English vocabulary associated with the concept that already has been mastered.⁵²

Older ELL students with little or no formal education prior to enrolling in school in the U.S. will likely take much longer to become proficient in English.

Researchers distinguish between Basic Interpersonal Communicative Skills (BICS), referred to less formally as *playground language*, and Cognitive Academic Language Proficiency (CALP), referred to as *academic language*.⁵³ BICS usually involves social conversation, while CALP allows students to develop a mastery of academic language, which involves more abstract concepts necessary for success in school. The distinction is important because although students who have mastered playground language may appear to be proficient in English, they may not have mastered academic language to the extent needed to move to the mainstream classroom.⁵⁴

A TDOE analysis of 2010 test results depicted in Exhibit 7 indicates that 63.8 percent of Tennessee’s ELL students attaining proficiency in English did so in three or fewer years. Roughly 80 percent attained

proficiency in five or fewer years, and about 11 percent required five or more years. The number of years in ESL was unknown for eight percent of students attaining proficiency in English in 2009–10.

According to education researchers, students learning to acquire a second language generally progress through five stages:

- Stage 1: Preproduction (may last approximately six months)
 - student understands little, does not verbalize, may draw and point to communicate
- Stage 2: Early production (may last up to a year)
 - student may produce one- or two-word responses, has limited comprehension, may use familiar phrases
- Stage 3: Speech emergence (may last from one to three years)
 - student has good comprehension, is able to produce simple sentences with some grammar and punctuation errors
- Stage 4: Intermediate fluency (may last from three to five years)
 - student has excellent comprehension and makes few grammatical errors
- Stage 5: Advanced fluency (may last from five to seven years)
 - student has close to native language proficiency, although may still benefit from some supports⁵⁵

Exhibit 7: ELL Students Attaining Proficiency in English, Spring 2010 ELDA Results

Years in ESL	Number attaining proficiency by year of ESL (Composite Level 4 and 5 on ELDA)	Number attaining proficiency by year – cumulative total	Number attaining proficiency by year – cumulative %
1 year	931	931	15.0
2 years	1,614	2,545	41.0
3 years	1,409	3,954	63.8
4 years	512	4,466	72.0
5 years	519	4,985	80.4
>5years	709	5,694	91.8
Unknown	507	6,201	100.0

Teachers of ELL students must navigate a complex learning environment that involves content-area instruction, language instruction, and constant adjustment to the needs of ELL and non-ELL students, often in the same classroom. According to the *Tennessee English as a Second Language Program Guide* for teachers,

Language teaching to students who are acquiring English should take place all day in all content areas. These students have no time to waste. They cannot wait until they are proficient in English to learn content area concepts and vocabulary. Although their thinking skills have developed in another language up to this point, students who are acquiring English are capable of thought processes as sophisticated as those of their peers. They have valuable knowledge that is waiting to be tapped, and they need to continue developing their high-level thinking skills. What's more, the adaptations that you make in your content-area teaching to accommodate second language learners will benefit proficient English-speaking peers as well.⁵⁶

How are ELLs tested?

ELL students are required to take the same assessments that other students must take under the provisions of No Child Left Behind. Thus, in Tennessee all ELL students must take all required tests under the Tennessee Comprehensive Assessment Program (TCAP). Federal regulations allow a one-time exception from testing: recently arrived ELL students who have attended school in the U.S. for less than 12 months are exempt from the state's reading and language arts assessment in the first year only, but must take all other required content tests.⁵⁷

In addition, ELL students are tested annually to determine their progress in learning English until they reach proficiency and are classified as Fluent English Proficient (FEP). In Tennessee, ELL students take the English Language Development Assessment (ELDA) for this purpose.⁵⁸ As required by Title III, the ELDA assesses students' progress toward developing proficiency in English in four categories: reading, writing, listening, and speaking.

Beginning in the 2011–2012 school year, ELL students in transition status will be eligible for the English Linguistically Simplified Assessment (ELSA). Prior to this change, only ELL students who had not yet reached *transitional* status could be assessed using the ELSA.⁵⁹ (Transitional students are those who score a Composite Level 4 or 5 on the ELDA, indicating that they are sufficiently proficient in English to attempt mainstream classes.) Test questions on the ELSA tests are the same as those on the TCAP tests, but ELSA contains simplified language designed to reduce linguistic barriers. TDOE maintains online links to ELSA item samplers and practice tests for grades 3–8.⁶⁰

According to TDOE staff, 107 of the 136 LEAs tested some ELL students using the ELSA in the 2009–10 (8,349 students) and/or 2010–11 (7,057 students) school years.⁶¹ The decision about whether to test ELL students using the ELSA is left up to LEAs, some of which allow individual schools to make the determination.⁶²

ELL students also may qualify for certain testing accommodations.⁶³

- ELL students are eligible, based on individual student need, for the same testing accommodations for which all students with specific needs are eligible, including, for example, the use of Braille or large print; flexible settings for testing, such as a study carrel or other classroom; visual aids, such as magnification equipment, masks, or pointers; and auditory aids, such as amplification or noise buffer; or marking in the test booklet.
- ELL students who are also classified as special education may qualify for other special accommodations based on their needs as documented in students' Individual Education Plans (IEPs).
- Active ELLs also may qualify for these specific accommodations:⁶⁴
 - time and a half for timed tasks
 - use of bilingual dictionary
 - prompting when needed
 - reading all internal directions aloud in English

- o reading all questions and answer choices aloud for math, social studies

Under current State Board policy, ELL students may qualify for accommodations as long as they are classified as ELLs.⁶⁵ The State Board of Education proposed at its August 5, 2011, meeting that the policy be revised to allow transitional ELL students to continue to use accommodations.⁶⁶ The change passed the first of three required readings.

How are ELL services funded?

Services for English language learners in Tennessee public schools are provided through a mixture of federal, state, and local funds. Prior to the 2001 enactment of No Child Left Behind, states received federal funding for educating students with limited English proficiency through competitive, discretionary grants. Under No Child Left Behind, states receive formula grants under Title III (the English Language Acquisition, Language Enhancement, and Academic Achievement Act), which replaced the discretionary grants under the former Title VII (the Bilingual Education Act). The formula grants are based on the numbers of limited English proficient (LEP) students reported in the U.S. Census Bureau's American Community Survey and the state-reported numbers of immigrant children and youth enrolled in U.S. schools.⁶⁷ The change "means that many local districts that had never before received federal funding for LEP [limited English proficient] programs are now receiving such funding."⁶⁸

Tennessee distributes most of the federal funding it receives under Title III to school districts, which are required to provide language instruction programs for

ELL students and relevant professional development to teachers or other personnel.⁶⁹ School districts with a sufficient number of ELL students to generate funding of at least \$10,000 are considered "stand-alone" districts; others with fewer students may join a consortium of school districts. In 2011, Tennessee has 49 school districts that are consortia members and 41 that are stand-alone districts. Another 37 released funds (i.e., chose not to receive Title III funds) and nine have no ELL students.⁷⁰

According to Tennessee data, school districts expended Title III funds for these types of professional development activities:⁷¹

- Instructional strategies for LEP students;
- Understanding and implementation of assessment of LEP students;
- Understanding and implementation of English language proficiency standards and academic content standards for LEP students;
- Alignment of the curriculum in language instruction educational programs to English language proficiency standards;
- Subject matter knowledge for teachers;
- Connecting ESL strategies to content;
- Sheltered instruction observation protocol (SIOP) training;
- Mentoring for principals and teachers of ELL students;
- Ongoing professional development for data collection and ESL teaching strategies; and
- ESL online training for regular education teachers.

The performance of LEP [Limited English Proficient] students on content assessments, such as mathematics, science, and history, can be confounded by language that may be irrelevant to the content. As a result, these tests often measure students' English language abilities rather than their knowledge of the content. When this occurs, schools and districts are unable to accurately determine students' knowledge and skills. Accommodations can improve the validity of LEP students' test scores by measuring the academic content, reducing the confounding effects of language, and allowing LEP students to meaningfully participate in an assessment.

Source: Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students. *Biennial Report to Congress on the Implementation of the Title III State Formula Grant Program, School Years 2004–06*. Washington, DC, 2008.

Effects of the Common Core Standards and Assessments on English language learner students

The Common Core Standards for English Language Arts and Mathematics were released on June 2, 2010; a few months later, two federally funded multi-state consortia began developing assessments based on the standards, an effort still in the making. Much about how the Common Core Standards will affect English Language learners is still in development. The standards are meant to “clearly communicate what is expected of students at every grade level,” including English language learners. Although the standards developers elicited the assistance of ELL experts, they did not link the standards to specific levels of English proficiency, leaving it to states to “spell out how students at different levels of English proficiency can meet them.” According to the TDOE ESL Coordinator, the English Language Arts Common Core Standards—which specify the literacy skills and content knowledge that students must possess in multiple disciplines, including history/social studies, science, and technical subjects—may particularly affect ELLs by placing an even greater emphasis on language.

The standards developers provide an online two-page document titled “Application of Common Core State Standards for English Language Learners,” which describes what they believe schools and teachers need, in conjunction with the Common Core Standards, to help ELLs succeed. The developers acknowledge that many ELL students will not achieve “native-like proficiency” in English “especially if they start school in the U.S. in the later grades.” However, they suggest that this does not mean that ELLs cannot meet the Common Core standards:

Teachers should recognize that it is possible to achieve the standards for reading and literature, writing and research, language development and speaking and listening without manifesting native-like control of conventions and vocabulary.

Separate from the consortia to create assessments based on the Common Core, an effort is underway to create English-language proficiency tests linked to the Common Core Standards. The test development is funded by a federal \$10.7 million grant competition, announced in April 2011 and not yet awarded (though two multi-state consortia, led respectively by California and Wisconsin, have developed proposals—Tennessee has joined both groups). However, the grant does not include the development of English language proficiency standards, which would ordinarily precede the development of assessments. To fill this gap, the Carnegie Corporation of New York, joined by the Bill and Melinda Gates Foundation, have pledged \$2 million to Stanford University, which

will work with both the Common Core consortia and eventually the ELL assessment grantees to establish a framework and supporting materials to link the ELP [English language proficiency] and content standards.

Sources: See <http://www.corestandards.org/the-standards>. Erik W. Robolen, “Two State Groups Win Federal Grants for Common Tests,” *Education Week*, Sept. 2, 2010, <http://www.edweek.org> (accessed Aug. 23, 2011—subscription required). Mary Ann Zehr, “Common-Standards Draft Excludes ELL Proficiency,” *Education Week*, May 20, 2010, <http://www.edweek.org> (accessed Aug. 23, 2011—subscription required). Jan Lanier, ESL Coordinator, Tennessee Department of Education, interview, July 7, 2011. Common Core State Standards Initiative, “Application of Common Core State Standards for English Language Learners,” <http://www.corestandards.org> (accessed Aug. 24, 2011). Mary Ann Zehr, “Two State Consortia Vie for Grants to Create ELL Tests,” *Education Week*, June 14, 2011, <http://www.edweek.org> (accessed Aug. 23, 2011—subscription required). *Federal Register*, Vol. 76, No. 75, Tues., April 19, 2011, Notices, <http://www.gpo.gov> (accessed Aug. 23, 2011). Mary Ann Zehr and Sarah D. Sparks, “Gates Joins Stanford ELL Project as Details Emerge,” *Education Week*, Aug. 15, 2011, <http://blogs.edweek.org> (accessed Aug. 23, 2011—subscription required).

Federal statute allows states to set aside up to five percent of Title III funds for state-level activities, such as administration. Each state is also required to use up to 15 percent of its formula grant to award subgrants to school districts with significant increases in school enrollment of immigrant children and youth. In Tennessee, seven districts received immigrant grants for the 2011–12 school year: Davidson County, Hamblen County, Hamilton County, Knox County, Putnam County, Shelby County, and Williamson County. Grant amounts range from \$2,693 (Hamblen) to \$125,184 (Davidson).⁷²

States also receive federal funding under Title I, which contains accountability measures that apply to specific subgroups of students, including those with limited English proficiency. (See Exhibit 4 for a visual depiction of the separate and common goals of Title I and Title III.)

Tennessee provides funding for the education of ELL students through the state’s education funding formula, the Basic Education Program (BEP), which generates funding for one ESL teacher per 30 ELL students and one ELL translator per 300 ELL students. On average, the state funds about 70 percent of the costs for these instruction-related items and local governments fund the remaining 30 percent.

How are states, districts, and schools accountable under No Child Left Behind for the education of ELL students?

Both Title I and Title III of No Child Left Behind contain provisions concerning the education of English language learner students. Under Title I of No Child Left Behind, states are required to demonstrate that all students, as well as specific subgroups of students, which includes ELLs, are proficient in state content and achievement standards in mathematics, reading and language arts, and science.⁷³ States are required under Title III of No Child Left Behind to show that ELL students are progressing in their proficiency of the English language by meeting three annual measurable achievement objectives, referred to as AMAO 1, AMAO 2, and AMAO 3.⁷⁴

AMAO 1 requires states to demonstrate that ELL students are making progress in learning English (growth); AMAO 2 requires states to demonstrate that ELL students are attaining English language proficiency. Each state sets its own AMAO target for the percentage and number of students making progress and attaining English language proficiency. In addition, each state establishes its own standards, assessments, and criteria for exiting students from the ELL subgroup.⁷⁵ (Because of this, states’ data are not comparable.) Tennessee’s AMAO 1 and 2 targets for school districts are shown in Exhibit 8.

While AMAOs 1 and 2 measure the English language proficiency of Title III-served K–12 ELL students, AMAO 3 measures adequate yearly progress (AYP) in state content and achievement standards for the ELL subgroup, as defined in Title I. For AMAO 3, data are reported for the grade 3–12 ELL subgroup identified for Title I services. Districts must make AYP in the same subject in all grade spans in order to successfully make AMAO 3.

Under Title I, schools and districts are held accountable for ensuring that ELL subgroups meet AYP targets. However, under Title III, AMAOs apply only at the district level, not at the school level.⁷⁶ States are required to establish consequences or actions for districts that have not met AMAOs for two or more consecutive years. School districts that fail to meet any AMAO goal for two consecutive years must develop and submit to TDOE an improvement plan that specifically addresses the factors that prevented success. TDOE staff may provide technical assistance in creating the plans, including professional development strategies and activities.⁷⁷

Exhibit 8: Tennessee Annual Measurable Achievement Objectives (AMAOs) for English language learners

Year	AMAO 1	AMAO 2
2009-10	62%	16%
2010-11	64%	17%
2011-12	66%	18%
2012-13	68%	19%
2013-14	69%	20%

Source: Tennessee Department of Education, website.

If a school district fails to meet any goal for four consecutive years, the state must require the district to modify its curriculum, program, and/or method of instruction, or decide whether the district will continue to receive Title III funds and require educational personnel replacement.⁷⁸ According to TDOE's ESL

Coordinator, all attempts are made to provide technical assistance to districts to prevent continuing failure—often, she suggests, information and good communication are all that is needed to correct a problem. To date, no districts have failed to meet an AMAO goal for four consecutive years.⁷⁹

New USDOE-regulated graduation requirements and ELL students in Tennessee

Until the 2010–11 school year, ELL students were allowed up to five years and one summer to graduate from high school in Tennessee, allowing schools and districts to count the students as “on-time” graduates. Tennessee allowed the extra time to both ELL students and students with disabilities, an acknowledgment that some students in these subgroups require extra time to attain a high school diploma. However, beginning in 2010–11, federal regulations adopted in October 2008 require all states and districts to report a four-year adjusted cohort graduation rate, which allows for four years and one summer to graduate from high school and applies to all student subgroups. Officials expected the 2010 graduation rate for the ELL subgroup to decrease as a result.

According to the Tennessee Department of Education, the 2010–11 graduation rate for English Language Learners was 70.8 percent, significantly lower than the 2008–09 ELL graduation rate of 84 percent. (The Tennessee Department of Education was unable to supply the Comptroller's Office with the 2009–10 graduation rate for English language learners. The Tennessee Department of Education has not provided the graduation rates of English language learner students on the State Report Cards it publishes online annually, although it is required to do so by both federal and state laws.) According to the 2011 State Report Card, the graduation rate for all students for 2009–10 was 86.1 percent. (For federal accountability purposes, graduation rates provided on any given State Report Card reflect results from the previous school year.)

In its 18th Annual Education Report Card, the Nashville Area Chamber of Commerce expressed concern about the shortened time allowed to obtain a high school diploma and the potential effect on ELL students in Davidson County, which has the largest number of ELL students in the state:

We consider special-needs students who walk across the stage with a regular diploma in five years to be success stories, not dropouts. . . . We recommend that the State of Tennessee work with our federal elected officials to persuade the U.S. Department of Education to allow the continued use of the NGA graduation rate, or, alternatively, continue to report the NGA rate on the state report card to allow for meaningful comparisons across years.

According to TDOE data, Metropolitan Nashville Public Schools' ELL graduation rate for 2010-11 was 64.68 percent. Its overall graduation rate was 76 percent, a significant decrease from 83 percent in 2008–09.

Sources: Tennessee Department of Education, NCLB Accountability Workbook, Revised Nov. 2010, pp. 53–54 and p. 71. Code of Federal Regulations, Part 200, Title I, Improving the Academic Achievement of the Disadvantaged, 200.19(b)(4)(ii)(A). Consolidated State Performance Report, Parts I and II, for State Formula Grant Programs under the Elementary and Secondary Education Act, As amended by the No Child Left Behind Act of 2001, For reporting on School Year 2009–10, Tennessee, U.S. Department of Education, Table 1.8.1. Tennessee Public Chapter 358 (2007) and Tennessee Code Annotated 49-2-211(a)(9)(B). Nashville Area Chamber of Commerce, *18th Annual Education Report Card*, submitted by the Chamber Education Report Card Committee, Co-chairs Keith Belton and Cabot Pyle, 2011, p. 14, <http://www.nashvillechamber.com/> (accessed Aug. 29, 2011). Nashville City Paper, “Metro's graduation rate drops with new diploma requirements,” Dec. 2, 2011. John Beam, Tennessee Department of Education, e-mail and attachment, Dec. 6, 2011.

Endnotes

- ¹ Students whose proficiency in English is limited are sometimes referred to as Limited English Proficient (LEP), English as a Second Language (ESL), or English Language Learner (ELL) students. This report uses the ELL acronym, unless material is quoted from another source.
- ² *No Child Left Behind Act of 2001*, Public Law 107–110, Jan. 8, 2002, Title III-Language Instruction for Limited English Proficient and Immigrant Students, Section 3102, <http://www2.ed.gov> (accessed Sept. 5, 2011).
- ³ List adapted from Dr. Maria de Lourdes B. Serpa, *An Imperative for Change: Bridging Special and Language Learning Education to Ensure a Free and Appropriate Education in the Least Restrictive Environment for ELLs with Disabilities in Massachusetts*, The Mauricio Gastón Institute for Latino Community Development and Public Policy, pp. 7-8, 2011, <http://site.www.umb.edu> (accessed Aug. 24, 2011). Trish Kelly, Director, Data and Research and EDFacts Coordinator, Office of Federal Programs, Tennessee Department of Education, e-mail, Aug. 12, 1011
- ⁴ Jeffrey S. Passel, “Demography of Immigrant Youth: Past, Present, and Future,” *The Future of Children*, Vol. 21, No. 1, Spring 2011, p. 20, <http://futureofchildren.org> (accessed Sept. 26, 2011) .
- ⁵ Jeanne Batalova and Margie McHugh, *Number and Growth of Students in U.S. Schools in Need of English Instruction*, ELL Information Center Fact Sheet Series, Migration Policy Institute, National Center on Immigrant Integration Policy, No. 1, 2010, p. 2, <http://migrationinformation.org> (accessed Aug. 31, 2011).
- ⁶ *Ibid.*, p. 4. Other states with the fastest-growing ELL enrollment from 1997–98 to 2007–08 are South Carolina, Indiana, Nevada, Arkansas, North Carolina, Virginia, Delaware, Georgia, Alabama, Kentucky, and Ohio, in order of highest numerical increase to lowest. By this measure, Tennessee falls between Kentucky and Ohio in 11th place.
- ⁷ *Ibid.* .
- ⁸ Jan Lanier, Tennessee Department of Education, ESL Coordinator, e-mail, spreadsheet attachment (“ELL October 1, 2010 Count”), Aug. 31, 2011.
- ⁹ OREA calculation based on the total student population from the Tennessee Department of Education State Report Card 2010.
- ¹⁰ Tennessee Department of Education, *Tennessee English as a Second Language Program Guide*, 2003, p. 1.14, <http://www.tntesol.org> (accessed Sept. 16, 2011).
- ¹¹ Claude Goldenberg, “Teaching English Language Learners: What the Research Does—and Does Not—Say,” *American Educator*, Summer 2008, p. 11, <http://www.aft.org> (accessed Sept. 16, 2011). Naomi Chudowsky and Victor Chudowsky, *Has Progress Been Made in Raising Achievement for English Language Learners?*, Center on Education Policy, April 2010, <http://www.cep-dc.org> (accessed Sept. 16, 2011) .
- ¹² Andrea Ramsey and Jennifer O’Day, Title III Policy: State of the States, *ESEA Evaluation Brief: The English Language Acquisition, Language Enhancement, and Academic Achievement Act*, May 2010, p. 6, <http://www2.ed.gov> (accessed Sept. 16, 2011).
- ¹³ Robert Linquanti, WestEd, “Strengthening Assessment for English Learner Success: How Can the Promise of the Common Core standards and Innovative Assessment Systems Be Realized?” from *The Road Ahead for State Assessments*, Policy Analysis for California Education and Rennie Center for Education Research and Policy, May 2011, p. 13, <http://www.stanford.edu> (accessed Aug. 17, 2011).
- ¹⁴ K.G. Ballantyne, A.R. Sanderman, and J. Levy, *Educating English language learners: Building teacher capacity*, National Clearinghouse for English Language Acquisition, 2008, p. 30, <http://www.ncela.gwu.edu> (accessed Aug. 16, 2011).
- ¹⁵ Tennessee enacted state legislation in 1993 requiring all state agencies and their subrecipients of federal funds to comply with Title VI of the Civil Rights Act of 1964 barring discrimination on the basis of race, color, or national origin. See T.C.A. 4-21-901.
- ¹⁶ James J. Lyons, *Legal Responsibilities of Education Agencies Serving National Origin Language Minority Students*, The Mid-Atlantic Equity Center, 1988 (Revised 1992), p. 11, <http://www.maec.org> (accessed Aug. 29, 2011);
- ¹⁷ Title III combines two previous federal laws under Title VII of the Elementary and Secondary Education Act: the Bilingual Education Act and the Emergency Immigrant Education Program.
- ¹⁸ Andrea Ramsey and Jennifer O’Day, Title III Policy: State of the States, *ESEA Evaluation Brief: The English Language Acquisition, Language Enhancement, and Academic Achievement Act*, May 2010, p. 1, <http://www2.ed.gov> (accessed Sept. 16, 2011).
- ¹⁹ *Ibid.*, pp. 1–2.
- ²⁰ *No Child Left Behind Act of 2001*, Public Law 107–110, Jan. 8, 2002, Title III- “Language

- Instruction for Limited English Proficient and Immigrant Students,” Section 3102, <http://www2.ed.gov> (accessed Sept. 5, 2011).
- ²¹ *Lau v. Nichols*, 414 U.S. 563 (1974), <http://www.law.cornell.edu> (accessed Sept. 16, 2011).
- ²² James. J. Lyons, *Legal Responsibilities of Education Agencies Serving National Origin Language Minority Students*, Chevy Chase, MD: The Mid-Atlantic Equity Center, 1988 (Revised 1992), p. 4.
- ²³ Tennessee Department of Education, *Tennessee English as a Second Language Program Guide*, 2003, p. 1.4, <http://www.tntesol.org> (accessed Sept. 16, 2011).
- ²⁴ James J. Lyons, *Legal Responsibilities of Education Agencies Serving National Origin Language Minority Students*, The Mid-Atlantic Equity Center, 1988 (Revised 1992), p. 41, <http://www.maec.org> (accessed Aug. 29, 2011); Tennessee Department of Education, *Tennessee English as a Second Language Program Guide*, 2003, pp. 1.6–1.7, <http://www.tntesol.org> (accessed Sept. 16, 2011).
- ²⁵ OREA analysis using data from Tennessee Department of Education, State Report Cards for 2006, 2007, 2008, 2009, and 2010.
- ²⁶ *Consolidated State Performance Report*, Parts I and II, for State Formula Grant Programs under the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, For reporting on School Year 2009–10, Tennessee, U.S. Department of Education, Question 1.6.2.3, <http://www2.ed.gov> (accessed Aug. 22, 2011).
- ²⁷ Trish Kelly, Director, Data and Research and EDFacts Coordinator, Office of Federal Programs, Tennessee Department of Education, e-mail, Aug. 12, 2011.
- ²⁸ Some school districts ask additional questions. For example, see Metropolitan Nashville Public Schools, “Home Language Survey K–12,” <http://www.mnps.org> (accessed Sept. 16, 2011).
- ²⁹ Tennessee Department of Education, “Tennessee English Language Placement Assessment (TELEPA): Testing Information, Overview, and Q and A,” PowerPoint presentation, not dated, <http://www.tn.gov/education> (accessed May 24, 2011).
- ³⁰ Tennessee State Board of Education, *ESL Program Policy, 3.207*, <http://www.state.tn.us/education> (accessed Sept. 4, 2011).
- ³¹ Jan Lanier, ESL Coordinator, Tennessee Department of Education, interview, July 7, 2011.
- ³² Trish Kelly, Director, Data and Research and EDFacts Coordinator, Office of Federal Programs, Tennessee Department of Education, e-mail, Aug. 12, 2011.
- ³³ Jan Lanier, ESL Coordinator, Tennessee Department of Education, interview, July 7, 2011.
- ³⁴ The NCLB Act allows existing teachers (elementary and secondary) the option to demonstrate competency in all core academic subject areas via a highly objective uniform state standard of evaluation (HOUSSE). HOUSSE allows current teachers to demonstrate subject matter competency and Highly Qualified Teacher (HQT) requirements through a combination of proven teaching experience, professional development, and knowledge in the subject acquired over time through working in the field. States have developed various HOUSSE systems. Tennessee’s is documented here on pages 20–23: <http://www.tn.gov/education>.
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