

English Learners Defined

The first step in providing English Learner (EL) services is to identify the students who may qualify for the EL program. The federal and state definitions for ELs are very similar.

Federal EL Definition:

The term "English learner" is defined in section 9101 of Title IX (ESEA) when used with respect to an individual, means an individual:

- A. Who is aged 3 through 21;
AND
 - B. Who is enrolled or preparing to enroll in an elementary school or secondary school;
AND
 - C. Who
 - i. was not born in the United States or whose native language is a language other than English;
OR
 - ii. (1) is a Native American or Alaska Native, or a native resident of the outlying areas; **and**
(2) 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. 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);
OR
 - ii. the ability to successfully achieve in classrooms where the language of instruction is English:
OR
 - iii. the opportunity to participate fully in society.
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State EL Definition:

Eligibility for EL services

To be eligible for English language learner services, a student must:

- A. Be at least five years of age, but must not have reached the age of twenty-two;
AND
- B. Be enrolled in a school district in North Dakota;
AND
- C. Have a primary language other than English or come from an environment in which a language other than English significantly impacts the individual's level of English language proficiency;
AND
- D. Have difficulty speaking, reading, writing, and understanding English as shown by assessment results.

ND Administrative Code Section 67-28-01-04

In the most basic terms, students must be of school age, enrolled in school and come from an environment in which a language other than English has had a significant impact, such that the student cannot access the academic language of the classroom environment without specialized instruction and accommodation.