

## English Learner Policies

### Federal Law

May 2020

To view individual state profiles click [here](#). View the full 50-State Comparison: English Learner Policies [here](#).

BASICS	
<b>Type of funding</b>	Grant
<b>Source</b>	20 U.S.C.A. § 6821
<b>Funding per student</b>	States receive allotments through Title III funds. The minimum allotment per state is \$500,000.
<b>Source</b>	20 U.S.C.A. § 6821
IDENTIFICATION	
<b>How is “English learner” defined in state policy?</b>	<p>"English Learner": An individual</p> <ul style="list-style-type: none"> <li>(1) who is aged 3 through 21</li> <li>(2) who is enrolled or preparing to enroll in an elementary school or secondary school</li> <li>(3)(i) who was not born in the United States or whose native language is a language other than English (ii) who is a Native American or Alaska Native, or a native resident of the outlying areas and 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</li> <li>(4) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual (i) the ability to meet the challenging State academic standards (ii) the ability to successfully achieve in classrooms where the language of instruction is English or (iii) the opportunity to participate fully in society.</li> </ul>
<b>Source</b>	20 U.S.C.A. § 7801
<b>How does the state identify English learners?</b>	School districts must have procedures in place to accurately and timely identify students with a primary or home language other than English and determine if they are EL

students through a valid and reliable English language proficiency assessment. ELP assessments must assess the proficiency of students in all four domains of English--speaking, listening, reading, and writing.

School districts must provide notices within thirty days from the beginning of the school year to all parents of EL students regarding the EL student's identification and placement in a language instruction educational program.

**Source**

U.S. Department of Education Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (2015)

SERVING ENGLISH LEARNERS

**Which program approaches does state policy authorize?**

School districts must provide English learners with appropriate language assistance services. Language assistance services or programs for EL students must be educationally sound in theory and effective in practice; however, federal law does not require any particular program or method of instruction for EL students. EL programs must be designed and reasonably calculated to enable EL students to attain both English proficiency and participate at a comparable level to non-EL peers in the academic program within a reasonable length of time.

Students in EL programs must receive appropriate language assistance services until they are proficient in English and can participate meaningfully in the district's educational programs without language assistance services.

**Source**

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (2015)

**Is parent membership required on EL advisory councils or committees?**

Each local education agency that receives funds under Title I must implement an effective means of outreach to parents of ELs. The outreach must include holding regular meetings in order to gather and respond to recommendations from parents. A local education agency receiving a Title III funds must conduct parent, family, and community engagement.

There is no federal requirement that states or districts establish parent advisory councils, or include parents on other advisory councils or committees.

**Source**

ESEA Section 1112(e)(3)(C)

ESEA Section 3115(c)(3)

**What EL training or ongoing professional development is required**

Federal guidance encourages states to provide necessary personnel to effectively provide EL programs, including

<b>of general classroom teachers?</b>	highly-qualified core-content teachers who have received training to support EL students in their classroom.
<b>Source</b>	English Learner Toolkit, Chapter 3: Tools and Resources for Staffing and Supporting an English Learner Program (2015)
<b>Are EL-only instructors in K-12 required to hold a specialist certification or endorsement?</b>	<p>Federal law does not dictate specific qualifications for teachers of ELs.</p> <p>Federal law provides for professional development grants to state educational agencies, local educational agencies, institutions of higher education or consortia of agencies to provide pre-service and in-service professional development for teachers serving English learners.</p>
<b>Source</b>	ESEA, Section 3231

RECLASSIFICATION
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<b>What is the process for EL reclassification?</b>	State and local education agencies must ensure the annual ELP assessment of all EL students and monitor their progress from year to year. The English language proficiency assessment must be valid, reliable, and aligned to state English language proficiency standards. To demonstrate proficiency on the ELP assessment and exit the English learner program, EL students must have either separate proficient scores in each language domain or a composite score of "proficient" derived from scores in all four language domains.
<b>Source</b>	U.S. Department of Education Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (2015)
<b>What measures do schools use to reclassify students as "English proficient"?</b>	State and local education agencies must ensure the annual English language proficiency (ELP) assessment of all English learner (EL) students and monitor their progress from year to year. The English language proficiency assessment must be valid, reliable, and aligned to state English language proficiency standards. To demonstrate proficiency on the ELP assessment and exit the English learner program, EL students must have either separate proficient scores in each language domain or a composite score of "proficient" derived from scores in all four language domains.
<b>Source</b>	U.S. Department of Education Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (2015)
<b>How do states monitor former English learners?</b>	After students have exited an EL program, school districts must monitor the academic progress of former EL students for at least two years to ensure that: the students have not been prematurely exited; any academic deficits they incurred as a result of participation in the EL program have been remedied; and they are meaningfully participating in the standard instructional program comparable to their

never-EL peers.

When a school district's monitoring of an exited EL student indicates that a persistent language barrier may be the cause of academic difficulty, school districts should re-test the student to determine if there is a persistent language barrier.

If the results of the retesting qualify the student as EL, the school district must reenter the student into EL status and offer EL services.

**Source**

U.S. Department of Education Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (2015)