

TITLE III EL DEFINITIONS

The term “English learner” ~~‘limited-English-proficient,’~~ when used with respect to an individual, means an individual-

- 1) who is aged 3 through 21*;
- 2) who is enrolled or preparing to enroll in an elementary school or secondary school;
- 3) who was not born in the United States or whose native language is a language other than English;
 - 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
- 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 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.

ESEA Section 8101 (20)

For the count of immigrant students utilized for funding purposes for the Title III immigrant children and youth program, the term “immigrant children and youth” as defined in section 3201 (5) ~~3301(6)~~ of Elementary and Secondary Education Act (ESEA), means individuals who-

- 1) are aged 3 through 21;
- 2) were not born in any State; and
- 3) have not been attending one or more schools in any one or more States for more than 3 full academic years.

The ESEA also contains a definition of **State**. Under section 3201 (13) ~~3101(14)~~ of the ESEA, the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. For this reason, children born overseas to U.S. military personnel, because they were not born in a State, can fall within the ESEA definition of “immigrant child and youth” if they meet all of the other criteria of that definition.

An immigrant student may or may not also be EL ~~LEP~~, and an EL ~~LEP~~ student may or may not also be immigrant.

***Funding for Title III specifies Grades K-12**