

Title III Definitions

The following terms are defined in Section 3201 and 8101 of the Every Student Succeeds Act (ESSA) as well as the [Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act \(ESEA\), as amended by the Every Student Succeeds Act \(ESSA\)](#).

English learner (EL) – The term “English learner,” when used with respect to an individual, is an individual who

1. is aged 3 through 21;
2. is enrolled or preparing to enroll in an elementary school or secondary school;
3. meets one of the following criteria –
 - a. was not born in the United States or whose native language is a language other than English;
 - b. is a Native American or Alaska Native, or a native resident of the outlying areas; and comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency (ELP); or
 - c. 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. has difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual
 - a. the ability to meet the challenging State academic standards;
 - b. the ability to successfully achieve in classrooms where the language of instruction is English; or
 - c. the opportunity to participate fully in society. [See ESSA 8101(20)]

English learners with disabilities (ELWD) – English learners who are also “children with disabilities” under the IDEA, as defined in Section 602(3) of that Act and [34 CFR 300.8](#). [See ESSA 3201(4)]

Immigrant children and youth – Individuals who are aged 3 through 21; were not born in any State; and have not been attending one or more schools in any one or more States for more than 3 full academic years. *Note that “State” is defined in Section 3201(13) of the ESEA to include the 50 States, the District of Columbia, and Puerto Rico. Therefore, students born in Puerto Rico cannot be included as “immigrant” students under Title III.* [See ESSA 3201(5)]

Language instruction educational program (LIEP) – An instruction course in which an English learner is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic standards; and that may make instructional use of both English and a child’s native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language. [See ESSA 3201(7)]

Native language – When used in reference to an individual of limited English proficiency, the language normally used by such individual; or in the case of a child or youth, the language normally used by the parents of the child or youth. [See ESSA 3201(10)]