

Tool #23: Definition of English Learner and Immigrant Children and Youth

Section 8501 (20) ENGLISH LEARNER.—The term “English learner”, 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 challenging State academic standards;
 - (ii) the ability to successfully achieve in class- rooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.
-

Section 3201 (5) IMMIGRANT CHILDREN AND YOUTH.—The term “immigrant children and youth” means individuals who—

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