

## 50-State Comparison: English Learner Policies

### How does the state identify English learners?

May 2020

The following information was gathered from state statute and regulation only. The information included here captures processes and metrics in statute and/or regulation for the identification of English learners entering the school system. At least 21 states explicitly require the administration of a home language survey in the identification process, while 27 states require the use of an English language proficiency screening assessment for students whose primary or home language is not English. Some states also incorporate additional criteria, including a home interview, a review of a student’s academic achievement, and teacher observations and recommendations. For additional information, visit the [state EL guidance documents](#).

View the full 50-State Comparison: English Learner Policies [here](#).

STATE	HOW DOES THE STATE IDENTIFY ENGLISH LEARNERS?	SOURCE
Federal Law	<p>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.</p> <p>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.</p>	U.S. Department of Education Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (2015)
Alabama	Governed by the department of education’s EL guidebook or federal law rather than state policy.	
Alaska	<p>English language proficiency screening assessment for students whose primary/home language is not English.</p> <p>Each district serving at least 8 students classified as English learners must develop a plan of service that includes the methodology used to identify students.</p>	<p>Alaska Admin. Code tit. 4, § 34.055</p> <p>Alaska Admin. Code tit. 4, § 04.155</p>

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Arizona	<p>English language proficiency screening assessment for students whose primary/home language is not English.</p> <p>The superintendent of public instruction is directed to prescribe the manner in which the primary or home language of students is to be determined.</p>	Ariz. Rev. Stat. Ann. § 15-756
Arkansas	English language proficiency screening assessment for students whose primary/home language is not English.	Code Ark. R. 005.15.18-3.00
California	<p>(1) Home language survey.</p> <p>(2) English language proficiency screening assessment for students whose primary/home language is not English.</p>	<p>Cal. Code Regs. tit. 5, § 11511</p> <p>Cal. Educ. Code § 60810</p> <p>Cal. Educ. Code § 313</p>
Colorado	<p>English language proficiency screening assessment for students whose primary/home language is not English.</p> <p>The Colorado department of education must also produce guidance documents and provide technical assistance to assist districts in identifying and assessing English language learners.</p>	<p>Colo. Rev. Stat. Ann. § 22-24-105</p> <p>Colo. Rev. Stat. Ann. § 22-24-106</p>
Connecticut	Governed by the department of education's EL guidebook or federal law rather than state policy. However, local school boards are required to identify eligible students for participation in a bilingual education program. If 20 or more eligible students are identified, the district must administer a bilingual education program. The state board of education is charged with developing English mastery standards on which students in the bilingual education program are assessed annually.	Conn. Gen. Stat. Ann. § 10-17f
Delaware	<p>(1) Home language survey.</p> <p>(2) English language proficiency screening assessment for students whose primary/home language is not English.</p>	Code Del. Regs. 14 900
District of Columbia	The superintendent is charged with developing procedures for the identification of English learners.	D.C. Mun. Regs. Subt. 5-E, § 3101

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Florida	<p>(1) Home language survey.  (2) English language proficiency screening assessment for students whose primary/home language is not English.  (3) Statewide reading or writing assessment.</p> <p>Upon request of a parent or teacher, a student who is determined not to be an ELL or any student determined to be an ELL based solely on one reading or writing assessment may be referred to an ELL Committee. The parents' preference as to whether a student is determined to be an ELL or not to be an ELL must be considered in the final decision. The ELL Committee must base its decision on at least two of the following criteria in addition to the assessment results:  (1) Extent and nature of prior educational or academic experience, social experience, and a student interview,  (2) Written recommendation and observation by current and previous instructional and supportive services staff,  (3) Level of mastery of basic competencies or skills in English and heritage language according to local, state or national criterion-referenced standards,  (4) Grades from the current or previous years, or  (5) Test results other than the above-mentioned assessments.</p>	Fla. Admin. Code Ann. r. 6A-6.0902
Georgia	English language proficiency screening assessment for students whose primary/home language is not English.	Ga Comp. R. & Regs. 160-4-5-.02
Hawaii	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Idaho	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Illinois	<p>(1) Home language survey.  (2) English language proficiency screening assessment for students whose primary/home language is not English.</p>	Ill. Admin. Code tit. 23, § 228.15
Indiana	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Iowa	<p>(1) Home language survey.  (2) Home interviews.  (3) English language proficiency screening assessment for students whose primary/home language is not English.  (4) Academic achievement.</p>	Iowa Admin. Code r. 281-60.3(280)
Kansas	The state Board is charged with developing criteria and procedures for the assessment and identification of English learners.	Kan. Stat. Ann. § 72-3612
Kentucky	Governed by the department of education's EL guidebook or federal law rather than state policy.	

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Louisiana	(1) Home language survey. (2) English language proficiency screening assessment for students whose primary/home language is not English.	28 La. Admin. Code Pt XI, 7307
Maine	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Maryland	(1) Home language survey. (2) English language proficiency screening assessment for students whose primary/home language is not English.	Md. Code Regs. 13A.05.07.02  Md. Code Regs. 13A.05.07.03
Massachusetts	Each school district shall establish procedures, in accordance with the Department guidelines, to identify those students who may be English learners and assess their level of English proficiency upon their enrollment in the school district. A parent or guardian of any student enrolled in the school district may request that the school district assess the child's level of English proficiency.	603 Mass. Code Regs. 14.02
Michigan	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Minnesota	English language proficiency screening assessment for students whose primary/home language is not English.  Optional criteria: (1) Teacher observations and recommendations. (2) Parent recommendations. (3) Academic achievement.	Minn. Stat. Ann. § 124D.59
Mississippi	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Missouri	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Montana	The superintendent of public instruction must issue guidance on the identification of English learners.	MT ADC 10.56.104
Nebraska	(1) Home language survey. (2) English language proficiency screening assessment for students whose primary/home language is not English.	92 Neb. Admin. Code Ch. 15,003
Nevada	The board of trustees for each school district is required to develop an English learner policy that includes provisions for the identification of pupils who are English learners through the use of an appropriate assessment. The initial identification of students as English learners must follow the standardized statewide entrance and exit procedures for identifying such pupils that are adopted by the Department and approved by the State Board.	Nev. Rev. Stat. Ann. § 388.405  Nev. Admin. Code 388.xxx(5)

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New Hampshire	Governed by the department of education's EL guidebook or federal law rather than state policy.	
New Jersey	(1) Home language survey. (2) English language proficiency screening assessment for students whose primary/home language is not English.  Optional criteria (1) Teacher observations. (2) Academic achievement.	N.J. Stat. Ann. § 18A:35-17  N.J. Admin. Code § 6A:15-1.3
New Mexico	(1) Home language survey. (2) English language proficiency screening assessment for students whose primary/home language is not English.	N.M. Admin. Code 6.29.5
New York	(1) Home language survey. (2) Student interview. (3) Academic Achievement. (4) English language proficiency screening assessment for students whose primary/home language is not English.  A school district must initiate a review of the identification determination if it receives a written request from the student's parent or guardian or the student's teacher. The school principal or other qualified school personnel must review all identification documentation, the student's work in English and their home language, consult with the parent or guardian, and review school-based assessments. If the principal determines that the determination should be changed following the review and the parent or guardian of the student consents, then the superintendent shall review the determination and accept or reject it.	N.Y. Comp. Codes R. & Regs. tit. 8, § 154-2.3  N.Y. Comp. Codes R. & Regs. tit. 8, § 117.3
North Carolina	(1) Home language survey. (2) English language proficiency screening assessment for students whose primary/home language is not English.	16 N.C. Admin. Code 6D.0312  16 N.C. Admin. Code 6D.0106
North Dakota	English language proficiency screening assessment.  Optional criteria (1) Teacher observations. (2) Student writing samples.  School districts are required to develop a plan to identify and assess the language proficiency of students who have a primary language other than English or come from an environment in which a language other than English significantly impacts the student's level of English language proficiency.	N.D. Admin. Code 67-28-01-01  N.D. Admin. Code 67-28-01-03  N.D. Admin. Code 67-28-01-04  N.D. Cent. Code Ann. § 15.1-38-01.1  N.D. Cent. Code Ann. § 15.1-38-03
Ohio	Governed by the department of education's EL guidebook or federal law rather than state policy.	

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Oklahoma	(1) Home language survey. (2) English language proficiency screening assessment for students whose primary/home language is not English.	Okla. Admin. Code 210:15-35-2
Oregon	Districts are required to develop a plan to identify students whose primary language is not English and further identify students in need of English as a Second Language services.	Or. Admin. R. 581-021-0046  Or. Admin. R. 581-023-0100
Pennsylvania	Home language survey.	22 Pa. Code § 11.11
Rhode Island	(1) Home language survey. (2) Home interview (3) English language proficiency screening assessment for students whose primary/home language is not English.	R.I. Gen. Laws Ann. § 16-54-3  R.I. Code R. 20-30-3.3  R.I. Code R. 20-30-3.4
South Carolina	Governed by the department of education's EL guidebook or federal law rather than state policy.	
South Dakota	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Tennessee	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Texas	(1) Home language survey. (2) English language proficiency screening assessment for students whose primary/home language is not English.  The Texas Education agency is responsible for establishing standardized criteria for the identification, assessment, and classification of students of limited English proficiency.	Tex. Educ. Code Ann. § 29.056  19 Tex. Admin. Code § 89.1226
Utah	(1) Home language survey. (2) English language proficiency screening assessment for students whose primary/home language is not English.	Utah Admin. Code r. R277-716-4
Vermont	(1) Home language survey. (2) English language proficiency screening assessment for students whose primary/home language is not English.	7-1 Vt. Code R. § 24
Virginia	Local school district boards are directed to implement policies for the identification students with limited English proficiency.	VA Code Ann. § 22.1-253.13:1
Washington	(1) Home language survey. (2) English language proficiency screening assessment for students whose primary/home language is not English.	Wash. Admin. Code 392-160-015

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West Virginia	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Wisconsin	(1) Home language survey. (2) English language proficiency screening assessment for students whose primary/home language is not English.  Optional criteria (1) Academic achievement. (2) Teacher observations.	Wis. Admin. Code PI § 13.06  Wis. Admin. Code PI § 13.07
Wyoming	State policy directs the department of education to develop rules and regulations for the identification of students with limited English proficiency.	Wyo. Stat. Ann. § 21-13-309  Wyo. Admin. Code 206.0002.8 § 2